



Rep. Ann M. Williams

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1 AMENDMENT TO SENATE BILL 1751

2 AMENDMENT NO. _____. Amend Senate Bill 1751 by replacing
3 everything after the enacting clause with the following:

4 "Article 5. Energy Transition

5 Section 5-1. Short title. This Article may be cited as the
6 Energy Transition Act. As used in this Article, "this Act"
7 refers to this Article.

8 Section 5-5. Definitions. As used in this Act:

9 "Apprentice" means a participant in an apprenticeship
10 program approved by and registered with the United States
11 Department of Labor's Bureau of Apprenticeship and Training.

12 "Apprenticeship program" means an apprenticeship and
13 training program approved by and registered with the United
14 States Department of Labor's Bureau of Apprenticeship and
15 Training.

1 "Black, indigenous, and people of color" or "BIPOC" means
2 people who are members of the groups described in
3 subparagraphs (a) through (e) of paragraph (A) of subsection
4 (1) of Section 2 of the Business Enterprise for Minorities,
5 Women, and Persons with Disabilities Act.

6 "Community-based organizations" means an organization
7 that: (1) provides employment, skill development, or related
8 services to members of the community; (2) includes community
9 colleges, nonprofits, and local governments; (3) has at least
10 one main operating office in the community or region it
11 serves; and (4) demonstrates relationships with local
12 residents and other organizations serving the community.

13 "Department" means the Department of Commerce and Economic
14 Opportunity, unless the text solely specifies a particular
15 Department.

16 "Director" means the Director of Commerce and Economic
17 Opportunity.

18 "Equity eligible contractor" or "eligible contractor"
19 means:

20 (1) a business that is majority-owned by equity
21 investment eligible individuals or persons who are or have
22 been participants in the Clean Jobs Workforce Network
23 Program, Clean Energy Contractor Incubator Program,
24 Returning Residents Clean Jobs Training Program, Illinois
25 Climate Works Preapprenticeship Program, or Clean Energy
26 Primes Contractor Accelerator Program;

1 (2) a nonprofit or cooperative that is
2 majority-governed by equity investment eligible
3 individuals or persons who are or have been participants
4 in the Clean Jobs Workforce Network Program, Clean Energy
5 Contractor Incubator Program, Returning Residents Clean
6 Jobs Training Program, Illinois Climate Works
7 Preapprenticeship Program, or Clean Energy Primes
8 Contractor Accelerator Program; or

9 (3) an equity investment eligible person or an
10 individual who is or has been a participant in the Clean
11 Jobs Workforce Network Program, Clean Energy Contractor
12 Incubator Program, Returning Residents Clean Jobs Training
13 Program, Illinois Climate Works Preapprenticeship Program,
14 or Clean Energy Primes Contractor Accelerator Program and
15 who is offering personal services as an independent
16 contractor.

17 "Equity focused populations" means (i) low-income persons;
18 (ii) persons residing in equity investment eligible
19 communities; (iii) persons who identify as black, indigenous,
20 and people of color; (iv) formerly convicted persons; (v)
21 persons who are or were in the child welfare system; (vi)
22 energy workers; (vii) dependents of displaced energy workers;
23 (viii) women; (ix) LGBTQ+, transgender, or gender
24 nonconforming persons; (x) persons with disabilities; and (xi)
25 members of any of these groups who are also youth.

26 "Equity investment eligible community" and "eligible

1 community" are synonymous and mean the geographic areas
2 throughout Illinois which would most benefit from equitable
3 investments by the State designed to combat discrimination and
4 foster sustainable economic growth. Specifically, the eligible
5 community means the following areas:

6 (1) R3 Areas as established pursuant to Section 10-40
7 of the Cannabis Regulation and Tax Act, where residents
8 have historically been excluded from economic
9 opportunities, including opportunities in the energy
10 sector; and

11 (2) Environmental justice communities, as defined by
12 the Illinois Power Agency pursuant to the Illinois Power
13 Agency Act, but excluding racial and ethnic indicators,
14 where residents have historically been subject to
15 disproportionate burdens of pollution, including pollution
16 from the energy sector.

17 "Equity investment eligible person" and "eligible person"
18 are synonymous and mean the persons who would most benefit
19 from equitable investments by the State designed to combat
20 discrimination and foster sustainable economic growth.
21 Specifically, eligible persons means the following people:

22 (1) persons whose primary residence is in an equity
23 investment eligible community;

24 (2) persons who are graduates of or currently enrolled
25 in the foster care system; or

26 (3) persons who were formerly incarcerated.

1 "Climate Works Hub" means a nonprofit organization
2 selected by the Department to act as a workforce intermediary
3 and to participate in the Illinois Climate Works
4 Preapprenticeship Program. To qualify as a Climate Works Hub,
5 the organization must demonstrate the following:

6 (1) the ability to effectively serve diverse and
7 underrepresented populations, including by providing
8 employment services to such populations;

9 (2) experience with the construction and building
10 trades;

11 (3) the ability to recruit, prescreen, and provide
12 preapprenticeship training to prepare workers for
13 employment in the construction and building trades; and

14 (4) a plan to provide the following:

15 (A) preparatory classes;

16 (B) workplace readiness skills, such as resume
17 preparation and interviewing techniques;

18 (C) strategies for overcoming barriers to entry
19 and completion of an apprenticeship program; and

20 (D) any prerequisites for acceptance into an
21 apprenticeship program.

22 Section 5-10. Findings. The General Assembly finds that
23 the clean energy sector is a growing area of the economy in the
24 State of Illinois. The General Assembly further finds that
25 State investment in the clean energy economy in Illinois can

1 be a vehicle for expanding equitable access to public health,
2 safety, a cleaner environment, quality jobs, and economic
3 opportunity.

4 It is in the public policy interest of the State to ensure
5 that Illinois residents from communities disproportionately
6 impacted by climate change, communities facing coal plant or
7 coal mine closures, and economically disadvantaged communities
8 and individuals experiencing barriers to employment have
9 access to State programs and good jobs and career
10 opportunities in growing sectors of the State economy. To
11 promote those interests in the growing clean energy sector,
12 the General Assembly hereby creates this Act to increase
13 access to and opportunities for education, training, and
14 support services these individuals need to succeed in the
15 labor market generally and the clean energy sector
16 specifically. The General Assembly further finds that the
17 programs included in this Act are essential to equitable,
18 statewide access to quality training, jobs, and economic
19 opportunities across the clean energy sector.

20 Section 5-15. Regional Administrators.

21 (a) Subject to appropriation, the Department shall select
22 3 unique Regional Administrators: one Regional Administrator
23 for coordination of the work in the Northern Illinois Program
24 Delivery Area, one Regional Administrator for coordination of
25 the work in the Central Illinois Program Delivery Area, and

1 one Regional Administrator for coordination of the work in the
2 Southern Illinois Program Delivery Area.

3 (b) The Regional Administrators shall have strong
4 capabilities, experience, and knowledge related to program
5 development and fiscal management; cultural and language
6 competency needed to be effective in their respective
7 communities to be served; expertise in working in and with
8 BIPOC and environmental justice communities; knowledge and
9 experience in working with employer or sectoral partnerships,
10 if applicable, in clean energy or related sectors; and
11 awareness of industry trends and activities, workforce
12 development best practices, regional workforce development
13 needs, regional and industry employers, and community
14 development. The Regional Administrators shall demonstrate a
15 track record of strong partnerships with community-based
16 organizations and labor organizations.

17 (c) The Regional Administrators shall work together to
18 administer the implementation of the Clean Jobs Workforce
19 Network Program, the Illinois Climate Works Preapprenticeship
20 Program, the Clean Energy Contractor Incubator Program, and
21 the Returning Resident Clean Jobs Training Program.

22 Section 5-20. Clean Jobs Workforce Network Program.

23 (a) As used in this Section, "Program" means the Clean
24 Jobs Workforce Network Program.

25 (b) Subject to appropriation, the Department shall develop

1 and, through Regional Administrators, administer the Clean
2 Jobs Workforce Network Program to create a network of 13
3 Program delivery Hub Sites with program elements delivered by
4 community-based organizations and their subcontractors
5 geographically distributed across the State including at least
6 one Hub Site located in or near each of the following areas:
7 Chicago (South Side), Chicago (Southwest and West Sides),
8 Waukegan, Rockford, Aurora, Joliet, Peoria, Champaign,
9 Danville, Decatur, Carbondale, East St. Louis, and Alton.

10 (c) In admitting program participants, for each workforce
11 Hub Site, the Regional Administrators shall:

12 (1) in each Hub Site where the applicant pool allows:

13 (A) dedicate at least one-third of program
14 placements to applicants who reside in a geographic
15 area that is impacted by economic and environmental
16 challenges, defined as an area that is both (i) an R3
17 Area, as defined pursuant to Section 10-40 of the
18 Cannabis Regulation and Tax Act, and (ii) an
19 environmental justice community, as defined by the
20 Illinois Power Agency, excluding any racial or ethnic
21 indicators used by the agency unless and until the
22 constitutional basis for their inclusion in
23 determining program admissions is established. Among
24 applicants that satisfy these criteria, preference
25 shall be given to applicants who face barriers to
26 employment, such as low educational attainment, prior

1 involvement with the criminal legal system, and
2 language barriers; and applicants that are graduates
3 of or currently enrolled in the foster care system;
4 and

5 (B) dedicate at least two-thirds of program
6 placements to applicants that satisfy the criteria in
7 paragraph (1) or who reside in a geographic area that
8 is impacted by economic or environmental challenges,
9 defined as an area that is either (i) an R3 Area, as
10 defined pursuant to Section 10-40 of the Cannabis
11 Regulation and Tax Act, or (ii) an environmental
12 justice community, as defined by the Illinois Power
13 Agency, excluding any racial or ethnic indicators used
14 by the agency unless and until the constitutional
15 basis for their inclusion in determining program
16 admissions is established. Among applicants that
17 satisfy these criteria, preference shall be given to
18 applicants who face barriers to employment, such as
19 low educational attainment, prior involvement with the
20 criminal legal system, and language barriers; and
21 applicants that are graduates of or currently enrolled
22 in the foster care system; and

23 (2) prioritize the remaining program placements for:
24 applicants who are displaced energy workers as defined in
25 the Energy Community Reinvestment Act; persons who face
26 barriers to employment, including low educational

1 attainment, prior involvement with the criminal legal
2 system, and language barriers; and applicants who are
3 graduates of or currently enrolled in the foster care
4 system, regardless of the applicant's area of residence.

5 The Department and Regional Administrators shall protect
6 the confidentiality of any personal information provided by
7 program applicants regarding the applicant's status as a
8 formerly incarcerated person or foster care recipient;
9 however, the Department or Regional Administrators may publish
10 aggregated data on the number of participants that were
11 formerly incarcerated or foster care recipients so long as
12 that publication protects the identities of those persons.

13 Any person who applies to the program may elect not to
14 share with the Department or Regional Administrators whether
15 he or she is a graduate or currently enrolled in the foster
16 care system or was formerly convicted.

17 (d) Program elements for each Hub Site shall be provided
18 by a community-based organization. The Department shall
19 initially select a community-based organization in each Hub
20 Site and shall subsequently select a community-based
21 organization in each Hub Site every 3 years. Community-based
22 organizations delivering program elements outlined in
23 subsection (e) may provide all elements required or may
24 subcontract to other entities for provision of portions of
25 program elements, including, but not limited to,
26 administrative soft and hard skills for program participants,

1 delivery of specific training in the core curriculum, or
2 provision of other support functions for program delivery
3 compliance.

4 (e) The Clean Jobs Workforce Hubs Network shall:

5 (1) coordinate with Energy Transition Navigators: (i)
6 to increase participation in the Clean Jobs Workforce
7 Network Program and clean energy and related sector
8 workforce and training opportunities; (ii) coordinate
9 recruitment, communications, and ongoing engagement with
10 potential employers, including, but not limited to,
11 activities such as job matchmaking initiatives, hosting
12 events such as job fairs, and collaborating with other Hub
13 Sites to identify and implement best practices for
14 employer engagement; and (iii) leverage community-based
15 organizations, educational institutions, and
16 community-based and labor-based training providers to
17 ensure program-eligible individuals across the State have
18 dedicated and sustained support to enter and complete the
19 career pipeline for clean energy and related sector jobs;

20 (2) develop formal partnerships, including formal
21 sector partnerships between community-based organizations
22 and entities that provide clean energy jobs, including
23 businesses, nonprofit organizations, and worker-owned
24 cooperatives, to ensure that Program participants have
25 priority access to employment training and hiring
26 opportunities; and

1 (3) implement the Clean Jobs Curriculum to provide,
2 including, but not limited to, training, certification
3 preparation, job readiness, and skill development,
4 including soft skills, math skills, technical skills,
5 certification test preparation, and other development
6 needed, to Program participants.

7 (f) Funding for the Program is subject to appropriation
8 from the Energy Transition Assistance Fund.

9 (g) The Department shall require submission of quarterly
10 reports, including program performance metrics by each Hub
11 Site to the Regional Administrator of their Program Delivery
12 Area. Program performance metrics include, but are not limited
13 to:

14 (1) demographic data, including racial, gender,
15 residency in eligible communities, and geographic
16 distribution data, on Program trainees entering and
17 graduating the Program;

18 (2) demographic data, including racial, gender,
19 residency in eligible communities, and geographic
20 distribution data, on Program trainees who are placed in
21 employment, including the percentages of trainees by race,
22 gender, and geographic categories in each individual job
23 type or category and whether employment is union,
24 nonunion, or nonunion via temporary agency;

25 (3) trainee job acquisition and retention statistics,
26 including the duration of employment (start and end dates

1 of hires) by race, gender, and geography;

2 (4) hourly wages, including hourly overtime pay rate,
3 and benefits of trainees placed into employment by race,
4 gender, and geography;

5 (5) percentage of jobs by race, gender, and geography
6 held by Program trainees or graduates that are full-time
7 equivalent positions, meaning that the position held is
8 full-time, direct, and permanent based on 2,080 hours
9 worked per year (paid directly by the employer, whose
10 activities, schedule, and manner of work the employer
11 controls, and receives pay and benefits in the same manner
12 as permanent employees); and

13 (6) qualitative data consisting of open-ended
14 reporting on pertinent issues, including, but not limited
15 to, qualitative descriptions accompanying metrics or
16 identifying key successes and challenges.

17 (h) Within 3 years after the effective date of this Act,
18 the Department shall select an independent evaluator to review
19 and prepare a report on the performance of the Program and
20 Regional Administrators.

21 Section 5-25. Clean Jobs Curriculum.

22 (a) As used in this Section, "clean energy jobs", subject
23 to administrative rules, means jobs in the solar energy, wind
24 energy, energy efficiency, energy storage, solar thermal,
25 green hydrogen, geothermal, electric vehicle industries, other

1 renewable energy industries, industries achieving emission
2 reductions, and other related sectors including related
3 industries that manufacture, develop, build, maintain, or
4 provide ancillary services to renewable energy resources or
5 energy efficiency products or services, including the
6 manufacture and installation of healthier building materials
7 that contain fewer hazardous chemicals. "Clean energy jobs"
8 includes administrative, sales, other support functions within
9 these industries and other related sector industries.

10 (b) The Department shall convene a comprehensive
11 stakeholder process that includes representatives from the
12 State Board of Education, the Illinois Community College
13 Board, the Department of Labor, community-based organizations,
14 workforce development providers, labor unions, building
15 trades, educational institutions, residents of BIPOC and
16 low-income communities, residents of environmental justice
17 communities, clean energy businesses, nonprofit organizations,
18 worker-owned cooperatives, other groups that provide clean
19 energy jobs opportunities, groups that provide construction
20 and building trades job opportunities, and other participants
21 to identify the career pathways and training curriculum needed
22 for participants to be skilled, work ready, and able to enter
23 clean energy jobs. The curriculum shall:

- 24 (1) identify the core training curricular competency
25 areas needed to prepare workers to enter clean energy and
26 related sector jobs;

1 (2) identify a set of required core cross-training
2 competencies provided in each training area for clean
3 energy jobs with the goal of enabling any trainee to
4 receive a standard set of skills common to multiple
5 training areas that would provide a foundation for
6 pursuing a career composed of multiple clean energy job
7 types;

8 (3) include approaches to integrate broad occupational
9 training to provide career entry into the general
10 construction and building trades sector and any remedial
11 education and work readiness support necessary to achieve
12 educational and professional eligibility thresholds; and

13 (4) identify on-the-job training formats, where
14 relevant, and identify suggested trainer certification
15 standards, where relevant.

16 (c) The Department shall publish a report that includes
17 the findings, recommendations, and core curriculum identified
18 by the stakeholder group and shall post a copy of the report on
19 its public website. The Department shall convene the process
20 described to update and modify the recommended curriculum
21 every 3 years to ensure the curriculum contents are current to
22 the evolving clean energy industries, practices, and
23 technologies.

24 (d) Organizations that receive funding to provide training
25 under the Clean Jobs Workforce Network Program, including, but
26 not limited to, community-based and labor-based training

1 providers, and educational institutions must use the core
2 curriculum that is developed under this Section.

3 Section 5-30. Energy Transition Barrier Reduction Program.

4 (a) As used in this Section, "Program" means the Energy
5 Transition Barrier Reduction Program.

6 (b) Subject to appropriation, the Department shall create
7 and administer an Energy Transition Barrier Reduction Program.
8 The Program shall be used to provide supportive services for
9 individuals impacted by the energy transition. Services
10 allowed are intended to help eligible individuals overcome
11 financial and other barriers to participation in the Clean
12 Jobs Workforce Network Program and the Illinois Climate Works
13 Preapprenticeship Program.

14 (c) The Program shall be available to individuals eligible
15 for participation in the Clean Jobs Workforce Network Program
16 or Illinois Climate Works Preapprenticeship Program.

17 (d) The Department shall determine appropriate allowable
18 program costs, elements, and financial supports to reduce
19 barriers to successful participation in the Clean Jobs
20 Workforce Program and the Illinois Climate Works
21 Preapprenticeship Program for individuals eligible for these
22 programs.

23 (e) Community-based organizations and other nonprofits
24 selected by the Department shall provide supportive services
25 described in this Section to eligible individuals

1 participating in the Clean Jobs Workforce Network Program and
2 Illinois Climate Works Preapprenticeship Program.

3 (f) The community-based organizations that provide support
4 services under this Section shall coordinate with the Energy
5 Transition Navigators to ensure eligible individuals have
6 access to these services.

7 (g) Funding for the Program is subject to appropriation
8 from the Energy Transition Assistance Fund.

9 Section 5-35. Energy Transition Navigators.

10 (a) As used in this Section:

11 "Community-based provider" means a not-for-profit
12 organization that has a history of serving low-wage or
13 low-skilled workers or individuals from economically
14 disadvantaged communities.

15 "Economically disadvantaged community" means areas of one
16 or more census tracts where the average household income does
17 not exceed 80% of the area median income.

18 (b) In order to engage eligible individuals to participate
19 in the Clean Jobs Workforce Network Program, the Illinois
20 Climate Works Preapprenticeship Program, Returning Residents
21 Clean Jobs Program, Clean Energy Contractor Incubator Program,
22 and Clean Energy Primes Contractor Accelerator Program and
23 utilize the services offered under the Energy Transition
24 Barrier Reduction Program, the Department shall, subject to
25 appropriation, contract with community-based providers to

1 serve as Energy Transition Navigators. Energy Transition
2 Navigators shall provide education, outreach, and recruitment
3 services to equity focused populations, prioritizing
4 individuals eligible for the Clean Jobs Workforce Network
5 Program or Illinois Climate Works Preapprenticeship Program,
6 to make sure they are aware of and engaged in the statewide and
7 local workforce development systems. Additional strategies may
8 include, but are not limited to, recruitment activities and
9 events.

10 (c) For members of equity focused populations,
11 prioritizing individuals eligible for the Clean Jobs Workforce
12 Network Program or Illinois Climate Works Preapprenticeship
13 Program, who may be interested in entrepreneurial pursuits,
14 Energy Transition Navigators may connect these individuals
15 with their area Small Business Development Center, Procurement
16 Technical Assistance Centers, or economic development
17 organization to engage in services, including, but not limited
18 to, business consulting, business planning, regulatory
19 compliance, marketing, training, accessing capital, government
20 bid, and certification assistance.

21 (d) Energy Transition Navigators shall engage equity
22 focused populations, prioritizing individuals eligible for the
23 Clean Jobs Workforce Network Program or Illinois Climate Works
24 Preapprenticeship Program, organizations working with these
25 populations, local workforce innovation boards, and other
26 relevant stakeholders to coordinate outreach initiatives to

1 promote information regarding programs and services offered
2 under the Clean Jobs Workforce Network Program, the Illinois
3 Climate Works Preapprenticeship Program, and the Energy
4 Transition Barrier Reduction Program. Energy Transition
5 Navigators shall provide support where reasonable to
6 individuals and entities applying for these services and
7 programs.

8 (e) Community education, outreach, and recruitment
9 regarding the Clean Jobs Workforce Network Program, the
10 Illinois Climate Works Preapprenticeship Program, and Energy
11 Transition Barrier Reduction Program shall be targeted to the
12 equity focused populations, prioritizing individuals eligible
13 for the Clean Jobs Workforce Network Program or Illinois
14 Climate Works Preapprenticeship Program.

15 (f) Community-based providers shall partner with
16 educational institutions or organizations working with equity
17 focused populations, local employers, labor unions, and others
18 to identify members of equity focused populations in eligible
19 communities who are unable to advance in their careers due to
20 inadequate skills. Community-based providers shall provide
21 information and consultation to equity focused populations,
22 prioritizing individuals eligible for the Clean Jobs Workforce
23 Network Program or Illinois Climate Works Preapprenticeship
24 Program, on various educational opportunities and supportive
25 services available to them.

26 (g) Community-based providers shall establish partnerships

1 with employers, educational institutions, local economic
2 development organizations, environmental justice
3 organizations, trades groups, labor unions, and entities that
4 provide jobs, including businesses and other nonprofit
5 organizations, to target the skill needs of local industry.
6 The community-based provider shall work with local workforce
7 innovation boards and other relevant partners to develop skill
8 curriculum and career pathway support for disadvantaged
9 individuals in equity focused populations, prioritizing
10 individuals eligible for the Clean Jobs Workforce Network
11 Program or Illinois Climate Works Preapprenticeship Program,
12 that meets local employers' needs and establishes job
13 placement opportunities after training.

14 (h) Funding for the Program is subject to appropriation
15 from the Energy Transition Assistance Fund. Priority in
16 awarding grants under this Section will be given to
17 organizations that also have experience serving populations
18 impacted by climate change.

19 (i) Each community-based organization that receives
20 funding from the Department as an Energy Transition Navigator
21 shall provide an annual report to the Department by April 1 of
22 each calendar year. The annual report shall include the
23 following information:

24 (1) a description of the community-based
25 organization's recruitment, screening, and training
26 efforts;

1 (2) the number of individuals who apply to,
2 participate in, and complete programs offered through the
3 Energy Transition Workforce Program, broken down by race,
4 gender, age, and location; and

5 (3) any other information deemed necessary by the
6 Department.

7 Section 5-40. Illinois Climate Works Preapprenticeship
8 Program.

9 (a) Subject to appropriation, the Department shall
10 develop, and through Regional Administrators administer, the
11 Illinois Climate Works Preapprenticeship Program. The goal of
12 the Illinois Climate Works Preapprenticeship Program is to
13 create a network of hubs throughout the State that will
14 recruit, prescreen, and provide preapprenticeship skills
15 training, for which participants may attend free of charge and
16 receive a stipend, to create a qualified, diverse pipeline of
17 workers who are prepared for careers in the construction and
18 building trades and clean energy jobs opportunities therein.
19 Upon completion of the Illinois Climate Works
20 Preapprenticeship Program, the candidates will be connected to
21 and prepared to successfully complete an apprenticeship
22 program.

23 (b) Each Climate Works Hub that receives funding from the
24 Energy Transition Assistance Fund shall provide an annual
25 report to the Illinois Works Review Panel by April 1 of each

1 calendar year. The annual report shall include the following
2 information:

3 (1) a description of the Climate Works Hub's
4 recruitment, screening, and training efforts, including a
5 description of training related to construction and
6 building trades opportunities in clean energy jobs;

7 (2) the number of individuals who apply to,
8 participate in, and complete the Climate Works Hub's
9 program, broken down by race, gender, age, and veteran
10 status;

11 (3) the number of the individuals referenced in
12 paragraph (2) of this subsection who are initially
13 accepted and placed into apprenticeship programs in the
14 construction and building trades; and

15 (4) the number of individuals referenced in paragraph
16 (2) of this subsection who remain in apprenticeship
17 programs in the construction and building trades or have
18 become journeymen one calendar year after their placement,
19 as referenced in paragraph (3) of this subsection.

20 (c) Subject to appropriation, the Department shall provide
21 funding to 3 Climate Works Hubs throughout the State,
22 including one to the Illinois Department of Transportation
23 Region 1, one to the Illinois Department of Transportation
24 Regions 2 and 3, and one to the Illinois Department of
25 Transportation Regions 4 and 5. The Department shall initially
26 select a community-based provider in each region and shall

1 subsequently select a community-based provider in each region
2 every 3 years.

3 (d) The Climate Works Hubs shall recruit, prescreen, and
4 provide preapprenticeship training to equity investment
5 eligible persons. This training shall include information
6 related to opportunities and certifications relevant to clean
7 energy jobs in the construction and building trades.

8 (e) Funding for the Program is subject to appropriation
9 from the Energy Transition Assistance Fund.

10 (f) The Department shall adopt any rules deemed necessary
11 to implement this Section.

12 Section 5-45. Clean Energy Contractor Incubator Program.

13 (a) As used in this Section, "community-based
14 organization" means a nonprofit organization, including an
15 accredited public college or university that:

16 (1) has a history of providing business-related
17 assistance and knowledge to help entrepreneurs start, run,
18 and grow their businesses;

19 (2) has knowledge of construction and clean energy
20 trades;

21 (3) demonstrates relationships with local residents
22 and other organizations serving the community; and

23 (4) demonstrates the ability to effectively serve
24 diverse and underrepresented populations.

25 (b) Subject to appropriation, the Department shall

1 develop, and through the Regional Administrators, administer
2 the Clean Energy Contractor Incubator Program ("Program") to
3 create a network of 13 Program delivery Hub Sites with program
4 elements delivered by community-based organizations and their
5 subcontractors geographically distributed across the State,
6 including at least one Hub Site located in or near each of the
7 following areas: Chicago (South Side), Chicago (Southwest and
8 West Sides), Waukegan, Rockford, Aurora, Joliet, Peoria,
9 Champaign, Danville, Decatur, Carbondale, East St. Louis, and
10 Alton.

11 (c) In admitting program participants, for each Contractor
12 Incubator Hub Site the Regional Administrators shall:

13 (1) in each Hub Site where the applicant pool allows:

14 (A) dedicate at least one-third of program
15 placements to the owners of clean energy contractor
16 businesses and nonprofits who reside in a geographic
17 area that is impacted by economic and environmental
18 challenges, defined as an area that is both (i) an R3
19 Area, as defined pursuant to Section 10-40 of the
20 Cannabis Regulation and Tax Act, and (ii) an
21 environmental justice community, as defined by the
22 Illinois Power Agency, excluding any racial or ethnic
23 indicators used by the agency unless and until the
24 constitutional basis for their inclusion in
25 determining program admissions is established. Among
26 applicants that satisfy these criteria, preference

1 shall be given to applicants who face barriers to
2 employment, such as low educational attainment, prior
3 involvement with the criminal legal system, and
4 language barriers; and applicants that are graduates
5 of or currently enrolled in the foster care system;
6 and

7 (B) dedicate at least two-thirds of program
8 placements to the owners of clean energy contractor
9 businesses and nonprofits that satisfy the criteria in
10 paragraph (1) or who reside in eligible communities.
11 Among applicants who live in eligible communities,
12 preference shall be given to applicants who face
13 barriers to employment, such as low educational
14 attainment, prior involvement with the criminal legal
15 system, and language barriers; and applicants that are
16 graduates of or currently enrolled in the foster care
17 system; and

18 (2) prioritize the remaining program placements for:
19 applicants who are displaced energy workers as defined in
20 the Energy Community Reinvestment Act; persons who face
21 barriers to employment, including low educational
22 attainment, prior involvement with the criminal legal
23 system, and language barriers; and applicants who are
24 graduates of or currently enrolled in the foster care
25 system, regardless of the applicants' area of residence.

26 Consideration shall also be given to any current or past

1 participant in the Clean Jobs Workforce Network Program,
2 Illinois Climate Works Preapprenticeship Program, or Returning
3 Residents Clean Energy Jobs Training Program.

4 The Department and Regional Administrators shall protect
5 the confidentiality of any personal information provided by
6 program applicants regarding the applicant's status as a
7 formerly incarcerated person or foster care recipient;
8 however, the Department or Regional Administrators may publish
9 aggregated data on the number of participants that were
10 formerly incarcerated or foster care recipients so long as
11 that publication protects the identities of those persons.

12 Any person who applies to the program may elect not to
13 share with the Department or Regional Administrators whether
14 he or she is a graduate or currently enrolled in the foster
15 care system or was formerly convicted.

16 (d) Program elements at each Hub Site shall be provided by
17 a local community-based organization. The Department shall
18 initially select a community-based organization in each Hub
19 Site and shall subsequently select a community-based
20 organization in each Hub Site every 3 years. Community-based
21 organizations delivering program elements outlined in
22 subsection (e) may provide all elements required or may
23 subcontract to other entities for provision of portions of
24 program elements, including, but not limited to,
25 administrative soft and hard skills for program participants,
26 delivery of specific training in the core curriculum, or

1 provision of other support functions for program delivery
2 compliance.

3 (e) The Clean Energy Contractor Incubator Program shall:

4 (1) provide access to low-cost capital for small clean
5 energy businesses and contractors;

6 (2) provide support for obtaining financial assurance,
7 including, but not limited to: bonding; back office
8 services; insurance, permits, training and certifications;
9 business planning; and low-interest loans;

10 (3) train, mentor, and provide other support needed to
11 allow participant contractors to: (i) build their
12 businesses and connect to specific projects, (ii) register
13 as approved vendors, (iii) engage in approved vendor
14 subcontracting and qualified installer opportunities, (iv)
15 develop partnering and networking skills, (v) compete for
16 capital and other resources, and (vi) execute clean
17 energy-related project installations and subcontracts;

18 (4) ensure that participant contractors, community
19 partners, and potential contractor clients are aware of
20 and engaged in the Program;

21 (5) provide prevailing wage compliance training and
22 back office support to implement prevailing wage
23 practices; and

24 (6) provide recruitment and ongoing engagement with
25 entities that hire contractors and subcontractors,
26 programs providing renewable energy resource-related

1 projects, incentive programs, and approved vendor and
2 qualified installer opportunities, including, but not
3 limited to, activities such as matchmaking, events, and
4 collaborating with other Hub Sites.

5 (f) Funding for the Program is subject to appropriation
6 from the Energy Transition Assistance Fund.

7 (g) The Department shall require submission of quarterly
8 reports including program performance metrics by each Hub Site
9 to the Regional Administrator of their Program Delivery Area.
10 Program performance metrics include, but are not limited to:

11 (1) demographic data including: race, gender,
12 geographic location, R3 residency, Environmental Justice
13 Community residency, foster care system participation, and
14 justice-involvement for the owners of contractors
15 applying, accepted into, and graduating from the Program;

16 (2) the number of projects completed by participant
17 contractors, alone or in partnership, by race, gender,
18 geographic location, R3 residency, Environmental Justice
19 Community residency, foster care system participation, and
20 justice-involvement for the owners of contractors;

21 (3) the number of partnerships with participant
22 contractors that are expected to result in contracts for
23 work by the participant contractor, by race, gender,
24 geographic location, R3 residency, Environmental Justice
25 Community residency, foster care system participation, and
26 justice-involvement for the owners of contractors;

1 (4) changes in participant contractors' business
2 revenue, by race, gender, geographic location, R3
3 residency, Environmental Justice Community residency,
4 foster care system participation, and justice-involvement
5 for the owners of contractors;

6 (5) the number of new hires by participant
7 contractors, by race, gender, geographic location, R3
8 residency, Environmental Justice Community residency,
9 foster care system participation, and justice-involvement;

10 (6) demographic data, including race, gender,
11 geographic location, R3 residency, Environmental Justice
12 Community residency, foster care system participation, and
13 justice-involvement, and average wage data, for new hires
14 by participant contractors;

15 (7) certifications held by participant contractors,
16 and number of participants holding each certification,
17 including, but not limited to, registration under the
18 Business Enterprise for Minorities, Women, and Persons
19 with Disabilities Act program and other programs intended
20 to certify BIPOC entities;

21 (8) the number of Program sessions attended by
22 participant contractors, aggregated by race; and

23 (9) indicators relevant for assessing the general
24 financial health of participant contractors.

25 (h) Within 3 years after the effective date of this Act,
26 the Department shall select an independent evaluator to review

1 and prepare a report on the performance of the Program and
2 Regional Administrators. The report shall be posted publicly.

3 Section 5-50. Returning Residents Clean Jobs Training
4 Program.

5 (a) Subject to appropriation, the Department shall develop
6 and, in coordination with the Department of Corrections,
7 administer the Returning Residents Clean Jobs Training
8 Program.

9 (b) As used in this Section:

10 "Commitment" means a judicially determined placement in
11 the custody of the Department of Corrections on the basis of a
12 conviction.

13 "Committed person" means a person committed to the
14 Department of Corrections.

15 "Community-based organization" means an organization that:

16 (1) provides employment, skill development, or related
17 services to members of the community;

18 (2) includes community colleges, nonprofits, and local
19 governments; and

20 (3) has a history of serving inmates or formerly
21 convicted persons.

22 "Correctional institution or facility" means a Department
23 of Corrections building or part of a Department of Corrections
24 building where committed persons are detained in a secure
25 manner.

1 "Department" means the Department of Corrections.

2 "Discharge" means the end of a sentence or the final
3 termination of a detainee's physical commitment to and
4 confinement in the Department of Corrections.

5 "Program" means the Returning Residents Clean Jobs
6 Training Program.

7 "Program Administrator" means, for each Program Delivery
8 Area, the administrator selected by the Department pursuant to
9 paragraph (1) of subsection (g) of this Section.

10 "Returning resident" means any United States resident who
11 is: (i) 17 years of age or older; (ii) in the physical custody
12 of the Department of Corrections; and (iii) scheduled to be
13 re-entering society within 36 months.

14 (c) Returning Residents Clean Jobs Training Program.

15 (1) Connected services. The Program shall prepare
16 graduates to work in the solar power and energy efficiency
17 industries.

18 (2) Recruitment of participants. The Program
19 Administrators shall, in coordination with the Department
20 of Corrections, educate committed persons in both men's
21 and women's correctional institutions and facilities on
22 the benefits of the Program and how to enroll in the
23 Program.

24 (3) Connection to employers. The Program
25 Administrators shall, with assistance from the Regional
26 Administrators, connect Program graduates with potential

1 employers in the solar power and energy efficiency and
2 related industries.

3 (4) Graduation. Participants who successfully complete
4 all assignments in the Program shall receive a Program
5 graduation certificate and any certifications earned in
6 the process.

7 (5) Eligibility. A committed person in a correctional
8 institution or facility is eligible if the committed
9 person:

10 (i) is within 36 months of expected release;

11 (ii) consented in writing to participation in the
12 Program;

13 (iii) meets all Program and testing requirements;

14 (iv) is willing to follow all Program
15 requirements; and

16 (v) does not pose a safety and security risk for
17 the facility or any person.

18 The Department of Corrections shall have sole discretion
19 to determine whether a committed person's participation in the
20 Program poses a safety and security risk for the facility or
21 any person. The Department of Corrections shall determine
22 whether a committed person is eligible to participate in the
23 Program.

24 (d) Program entry and testing requirements. To enter the
25 Returning Residents Clean Jobs Training Program, committed
26 persons must complete a simple application, undergo an

1 interview and coaching session, and must score a minimum of a
2 6.0 or above on the Test for Adult Basic Education. The
3 Returning Residents Clean Jobs Training Program shall include
4 a one-week pre-program orientation that ensures the candidates
5 understand and are interested in continuing the Program.
6 Candidates that successfully complete the orientation may
7 continue to the full Program.

8 (d-5) Once approved for the new program, candidates must
9 receive essential employability skills training as part of
10 vocational or occupational training. Training must lead to
11 certifications or credentials that prepare candidates for
12 employment.

13 (e) Removal from the Program. The Department of
14 Corrections may remove a committed person enrolled in the
15 Program for violation of institutional rules; failure to
16 participate or meet expectations of the Program; failure of a
17 drug test; disruptive behavior; or for reasons of safety,
18 security, and order of the facility.

19 (f) Drug testing. A clean drug test is required to
20 complete the Returning Residents Clean Jobs Training Program.
21 A drug test shall be administered at least once prior to
22 graduation. The Department of Corrections shall be responsible
23 for the drug testing of applicants.

24 (g) Curriculum.

25 (1) The Department of Commerce and Economic
26 Opportunity shall design a curriculum for the Program that

1 is as similar as practical to the Clean Jobs Curriculum
2 and meets in-facility requirements. The curriculum shall
3 focus on preparing graduates for employment in the solar
4 power and energy efficiency industries. The Program shall
5 include structured hands-on activities in correctional
6 institutions or facilities, including classroom spaces and
7 outdoor spaces, to instruct participants in the core
8 curriculum established in this Act. The Department shall
9 consult with the Department of Corrections to ensure all
10 curriculum elements may be available within Department of
11 Corrections facilities.

12 (2) The Program Administrators shall collaborate to
13 create and publish a guidebook that allows for the
14 implementation of the curriculum and provides information
15 on all necessary and useful resources for Program
16 participants and graduates.

17 (h) Program administration.

18 (1) The Department of Commerce and Economic
19 Opportunity shall establish and hire a Program
20 Administrator for each Program Delivery Area to administer
21 and coordinate the Program. The Program Administrators
22 shall have strong capabilities, experience, and knowledge
23 related to program development and economic management;
24 cultural and language competency needed to be effective in
25 the communities to be served; expertise in working in and
26 with equity investment eligible communities; knowledge and

1 experience in working with providers of clean energy jobs;
2 and awareness of solar power and energy efficiency
3 industry trends and activities, workforce development best
4 practices, regional workforce development needs, and
5 community development. The Program Administrators shall
6 demonstrate a track record of strong partnerships with
7 community-based organizations.

8 The Program Administrator must pass a background check
9 administered by the Department of Corrections and be
10 approved by the Department of Corrections to work within a
11 secure facility prior to being hired by the Department of
12 Commerce and Economic Opportunity for a Program delivery
13 area.

14 (2) The Program Administrators shall:

15 (i) coordinate with Regional Administrators and
16 the Clean Jobs Workforce Network Program to ensure
17 that execution, performance, partnerships, marketing,
18 and Program access across the State consistent with
19 respecting regional differences;

20 (ii) work with community-based organizations
21 approved to provide industry-recognized credentials or
22 education institutions to deliver the Program;

23 (iii) collaborate to create and publish an
24 employer "Hiring Returning Residents" handbook that
25 includes benefits and expectations of hiring returning
26 residents, guidance on how to recruit, hire, and

1 retain returning residents, guidance on how to access
2 State and federal tax credits and incentives and State
3 and federal resources, guidance on how to update
4 company policies to support hiring and supporting
5 returning residents, and an understanding of the harm
6 in one-size-fits-all policies toward returning
7 residents. The handbook shall be updated every 5 years
8 or more frequently if needed to ensure that its
9 contents are accurate. The handbook shall be made
10 available on the Department's website;

11 (iv) work with potential employers to promote
12 company policies to support hiring and supporting
13 returning residents via employee/employer liability,
14 coverage, insurance, bonding, training, hiring
15 practices, and retention support;

16 (v) provide services such as job coaching and
17 financial coaching to Program graduates to support
18 employment longevity; and

19 (vi) identify clean energy job opportunities and
20 assist participants in achieving employment. The
21 Program shall include at least one job fair; include
22 job placement discussions with clean energy employers;
23 establish a partnership with Illinois solar energy
24 businesses and trade associations to identify solar
25 employers that support and hire returning residents;
26 and involve the Department of Commerce and Economic

1 Opportunity, Regional Administrators, and the Advisory
2 Council in finding employment for participants and
3 graduates in the clean energy and related sector
4 industries.

5 (3) The Department shall select community-based
6 organizations to provide Program elements at each
7 facility. Community-based organizations shall be
8 competitively selected by the Department of Commerce and
9 Economic Opportunity. Community-based organizations
10 delivering the Program elements outlined may provide all
11 elements required or may subcontract to other entities for
12 the provision of portions of Program elements. All
13 contractors who have regular interactions with committed
14 persons, regularly access a Department of Corrections
15 facility, or regularly access a committed person's
16 personal identifying information or other data elements
17 must pass a Department of Corrections background check
18 prior to being approved to administer the Program elements
19 at a facility.

20 (4) The Department shall aim to include training in
21 conjunction with other pre-release procedures and
22 movements. Delays in a workshop being provided shall not
23 cause delays in discharge.

24 (5) The Program Administrators may establish shortened
25 Returning Resident Clean Jobs Training Programs to prepare
26 and place graduates in the Clean Jobs Workforce Network

1 Program or the Illinois Climate Works Preapprenticeship
2 Program following the graduate's release from commitment.
3 Any graduate of these programs must be guaranteed
4 placement in a Clean Jobs Workforce Hubs training program
5 or the Illinois Climate Works Preapprenticeship Program.

6 (6) The Director of Corrections shall:

7 (i) Ensure that the wardens or superintendents of
8 all correctional institutions and facilities visibly
9 post information on the Program in an accessible
10 manner for committed individuals.

11 (ii) Identify the institutions and facilities
12 within the Department of Corrections that will offer
13 the Program. The determination of which facility will
14 offer the Program shall be based on available
15 programming space, staffing, population, facility
16 mission, security concerns, and any other relevant
17 factor in determining suitable locations for the
18 Program.

19 (i) Performance metrics.

20 (1) The Program Administrators shall collect data to
21 evaluate and ensure Program and participant success,
22 including:

23 (i) the number of returning residents who enrolled
24 in the Program;

25 (ii) the number of returning residents who
26 completed the Program;

- 1 (iii) the total number of individuals discharged;
- 2 (iv) the demographics of each entering and
3 graduating class;
- 4 (v) the percentage of graduates employed at 6 and
5 12 months after release;
- 6 (vi) the recidivism rate of Program participants
7 at 3 and 5 years after release;
- 8 (vii) the candidates interviewed and hiring
9 status;
- 10 (viii) the graduate employment status, such as
11 hire date, pay rates, whether full-time, part-time, or
12 seasonal, and separation date; and
- 13 (ix) continuing education and certifications
14 gained by Program graduates.
- 15 (2) The Department of Commerce and Economic
16 Opportunity shall publish an annual report containing
17 these performance metrics. Data may be disaggregated by
18 institution, discharge, or residence address of resident,
19 and other factors.
- 20 (j) Funding. Funding for the Program is subject to
21 appropriation from the Energy Transition Assistance Fund.
22 Funding may be made available from other lawful sources,
23 including donations, grants, and federal incentives.
- 24 (k) Access. The Program instructors and staff must pass a
25 background check administered by the Department of Corrections
26 prior to entering a Department of Corrections institution or

1 facility. The Warden or Superintendent shall have the
2 authority to deny a Program instructor or staff member entry
3 into an institution or facility for safety and security
4 concerns or failure to follow all facility procedures or
5 protocols. A Program instructor or staff member administering
6 the Program may be terminated or have his or her contract
7 canceled if the Program instructor or staff member is denied
8 entry into an institution or facility for safety and security
9 concerns.

10 Section 5-55. Clean Energy Primes Contractor Accelerator
11 Program.

12 (a) As used in this Section:

13 "Approved vendor" means the definition of that term used
14 and as may be updated by the Illinois Power Agency.

15 "Minority business" means a minority-owned business as
16 defined in Section 2 of the Business Enterprise for
17 Minorities, Women, and Persons with Disabilities Act.

18 "Minority Business Enterprise certification" means the
19 certification or recognition certification affidavit from the
20 State of Illinois Department of Central Management Services
21 Business Enterprise Program or a program with equivalent
22 requirements.

23 "Program" means the Clean Energy Primes Contractor
24 Accelerator Program.

25 "Returning resident" has the meaning given to that term in

1 Section 5-50 of this Act.

2 (b) Subject to appropriation, the Department shall
3 develop, and through a Primes Program Administrator and
4 Regional Primes Program Leads described in this Section,
5 administer the Clean Energy Primes Contractor Accelerator
6 Program. The Program shall be administered in 3 program
7 delivery areas: the Northern Illinois Program Delivery Area
8 covering Northern Illinois, the Central Illinois Program
9 Delivery Area covering Central Illinois, and the Southern
10 Illinois Program Delivery Area covering Southern Illinois.
11 Prior to developing the Program, the Department shall solicit
12 public comments, with a 30-day comment period, to gather input
13 on Program implementation and associated community outreach
14 options.

15 (c) The Program shall be available to selected contractors
16 who best meet the following criteria:

17 (1) 2 or more years of experience in a clean energy or
18 a related contracting field;

19 (2) at least \$5,000 in annual business; and

20 (3) a substantial and demonstrated commitment of
21 investing in and partnering with individuals and
22 institutions in equity investment eligible communities.

23 (c-5) The Department shall develop scoring criteria to
24 select contractors for the Program, which shall consider:

25 (1) projected hiring and industry job creation,
26 including wage and benefit expectations;

1 (2) a clear vision of strategic business growth and
2 how increased capitalization would benefit the business;

3 (3) past project work quality and demonstration of
4 technical knowledge;

5 (4) capacity the applicant is anticipated to bring to
6 project development;

7 (5) willingness to assume risk;

8 (6) anticipated revenues from future projects;

9 (7) history of commitment to advancing equity as
10 demonstrated by, among other things, employment of or
11 ownership by equity investment eligible persons and a
12 history of partnership with equity focused community
13 organizations or government programs; and

14 (8) business models that build wealth in the larger
15 underserved community.

16 Applicants for Program participation shall be allowed to
17 reapply for a future cohort if they are not selected, and the
18 Primes Program Administrator shall inform each applicant of
19 this option.

20 (d) The Department, in consultation with the Primes
21 Program Administrator and Regional Primes Program Leads, shall
22 select a new cohort of participant contractors from each
23 Program Delivery Area every 18 months. Each regional cohort
24 shall include between 3 and 5 participants. The Program shall
25 cap contractors in the energy efficiency sector at 50% of
26 available cohort spots and 50% of available grants and loans,

1 if possible.

2 (e) The Department shall hire a Primes Program
3 Administrator with experience in leading a large
4 contractor-based business in Illinois; coaching and mentoring;
5 the Illinois clean energy industry; and working with equity
6 investment eligible community members, organizations, and
7 businesses.

8 (f) The Department shall select 3 Regional Primes Program
9 Leads who shall report directly to the Primes Program
10 Administrator. The Regional Primes Program Leads shall be
11 located within their Program Delivery Area and have experience
12 in leading a large contractor-based business in Illinois;
13 coaching and mentoring; the Illinois clean energy industry;
14 developing relationships with companies in the Program
15 Delivery Area; and working with equity investment eligible
16 community members, organizations, and businesses.

17 (g) The Department may determine how Program elements will
18 be delivered or may contract with organizations with
19 experience delivering the Program elements described in
20 subsection (h) of this Section.

21 (h) The Clean Energy Primes Contractor Accelerator Program
22 shall provide participants with:

23 (1) a 5-year, 6-month progressive course of one-on-one
24 coaching to assist each participant in developing an
25 achievable 5-year business plan, including review of
26 monthly metrics, and advice on achieving participant's

1 goals;

2 (2) operational support grants not to exceed
3 \$1,000,000 annually to support the growth of participant
4 contractors with access to capital for upfront project
5 costs and pre-development funding, among others. The
6 amount of the grant shall be based on anticipated project
7 size and scope;

8 (3) business coaching based on the participant's
9 needs;

10 (4) a mentorship of approximately 2 years provided by
11 a qualified company in the participant's field;

12 (5) access to Clean Energy Contractor Incubator
13 Program services;

14 (6) assistance with applying for Minority Business
15 Enterprise certification and other relevant certifications
16 and approved vendor status for programs offered by
17 utilities or other entities;

18 (7) assistance with preparing bids and Request for
19 Proposal applications;

20 (8) opportunities to be listed in any relevant
21 directories and databases organized by the Department of
22 Central Management Services;

23 (9) opportunities to connect with participants in
24 other Department programs;

25 (10) assistance connecting with and initiating
26 participation in the Illinois Power Agency's Adjustable

1 Block program, the Illinois Solar for All Program, and
2 utility programs; and

3 (11) financial development assistance programs such as
4 zero-interest and low-interest loans with the Climate Bank
5 as established by Article 850 of the Illinois Finance
6 Authority Act or a comparable financing mechanism. The
7 Illinois Finance Authority shall retain authority to
8 determine loan repayment terms and conditions.

9 (i) The Primes Program Administrator shall:

10 (1) collect and report performance metrics as
11 described in this Section;

12 (2) review and assess:

13 (i) participant work plans and annual goals; and

14 (ii) the mentorship program, including approved
15 mentor companies and their stipend awards; and

16 (3) work with the Regional Primes Program Leads to
17 publicize the Program; design and implement a mentorship
18 program; and ensure participants are quickly on-boarded.

19 (j) The Regional Primes Program Leads shall:

20 (1) publicize the Program; the budget shall include
21 funds to pay community-based organizations with a track
22 record of working with equity investment eligible
23 communities to complete this work;

24 (2) recruit qualified Program applicants;

25 (3) assist Program applicants with the application
26 process;

- 1 (4) introduce participants to the Program offerings;
- 2 (5) conduct entry and annual assessments with
3 participants to identify training, coaching, and other
4 Program service needs;
- 5 (6) assist participants in developing goals on entry
6 and annually, and assessing progress toward meeting the
7 goals;
- 8 (7) establish a metric reporting system with each
9 participant and track the metrics for progress against the
10 contractor's work plan and Program goals;
- 11 (8) assist participants in receiving their Minority
12 Business Enterprise certification and any other relevant
13 certifications and approved vendor statuses;
- 14 (9) match participants with Clean Energy Contractor
15 Incubator Program offerings and individualized expert
16 coaching, including training on working with returning
17 residents and companies that employ them;
- 18 (10) pair participants with a mentor company;
- 19 (11) facilitate connections between participants and
20 potential subcontractors and employees;
- 21 (12) dispense a participant's awarded operational
22 grant funding;
- 23 (13) connect participants to zero-interest and
24 low-interest loans from the Climate Bank as established by
25 Article 850 of the Illinois Finance Authority Act or a
26 comparable financing mechanism;

1 (14) encourage participants to apply for appropriate
2 State and private business opportunities;

3 (15) review a participant's progress and make a
4 recommendation to the Department about whether the
5 participant should continue in the Program, be considered
6 a Program graduate, and whether adjustments should be made
7 to a participant's grant funding, loans, and related
8 services;

9 (16) solicit information from participants, which
10 participants shall be required to provide, necessary to
11 understand the participant's business, including financial
12 and income information, certifications that the
13 participant is seeking to obtain, and ownership, employee,
14 and subcontractor data, including compensation, length of
15 service, and demographics; and

16 (17) other duties as required.

17 (k) Performance metrics. The Primes Program Administrator
18 and Regional Primes Program Leads shall collaborate to collect
19 and report the following metrics quarterly to the Department
20 and Advisory Council:

21 (1) demographic information on cohort recruiting and
22 formation, including racial, gender, geographic
23 distribution data, and data on the number and percentage
24 of R3 residents, environmental justice community
25 residents, foster care alumni, and formerly convicted
26 persons who are cohort applicants and admitted

1 participants;

2 (2) participant contractor engagement in other
3 Illinois clean energy programs such as the Adjustable
4 Block program, Illinois Solar for All Program, and the
5 utility-run energy efficiency and electric vehicle
6 programs;

7 (3) retention of participants in each cohort;

8 (4) total projects bid, started, and completed by
9 participants, including information about revenue, hiring,
10 and subcontractor relationships with projects;

11 (5) certifications issued;

12 (6) employment data for contractor hires and industry
13 jobs created, including demographic, salary, length of
14 service, and geographic data;

15 (7) grants and loans distributed; and

16 (8) participant satisfaction with the Program.

17 The metrics in paragraphs (2), (4), and (6) shall be
18 collected from Program participants and graduates for 10 years
19 from their entrance into the Program to help the Department
20 and Program Administrators understand the Program's long-term
21 effect.

22 Data should be anonymized where needed to protect
23 participant privacy.

24 The Department shall make such reports publicly available
25 on its website.

26 (1) Mentorship Program.

1 (1) The Regional Primes Program Leads shall recruit,
2 and the Primes Program Administrator shall select, with
3 approval from the Department, private companies with the
4 following qualifications to mentor participants and assist
5 them in succeeding in the clean energy industry:

6 (i) excellent standing with state clean energy
7 programs;

8 (ii) 4 or more years of experience in their field;
9 and

10 (iii) a proven track record of success in their
11 field.

12 (2) Mentor companies may receive a stipend, determined
13 by the Department, for their participation. Mentor
14 companies may identify what level of stipend they require.

15 (3) The Primes Program Administrator shall develop
16 guidelines for mentor company-mentee profit sharing or
17 purchased services agreements.

18 (4) The Regional Primes Program Leads shall:

19 (i) collaborate with mentor companies and
20 participants to create a plan for ongoing contact such
21 as on-the-job training, site walkthroughs, business
22 process and structure walkthroughs, quality assurance
23 and quality control reviews, and other relevant
24 activities;

25 (ii) recommend the mentor company-mentee pairings
26 and associated mentor company stipends for approval;

1 (iii) conduct an annual review of each mentor
2 company-mentee pairing and recommend whether the
3 pairing continues for a second year and the level of
4 stipend that is appropriate. The review shall also
5 ensure that any profit sharing and purchased services
6 agreements adhere to the guidelines established by the
7 Primes Program Administrator.

8 (5) Contractors may request reassignment to a new
9 mentor company.

10 (m) Disparity study. The Program Administrator shall
11 cooperate with the Illinois Power Agency in the conduct of a
12 disparity study, as described in subsection (c-15) of Section
13 1-75 of the Illinois Power Agency Act, and in the effectuation
14 of appropriate remedies necessary to address any
15 discrimination that such study may find. Potential remedies
16 shall include, but not be limited to, race-conscious remedies
17 to rapidly eliminate discrimination faced by minority
18 businesses and works in the industry this Program serves,
19 consistent with the law. Remedies shall be developed through
20 consultation with individuals, companies, and organizations
21 that have expertise on discrimination faced in the market and
22 potential legally permissible remedies for addressing it.
23 Notwithstanding any other requirement of this Section, the
24 Program Administrator shall modify program participation
25 criteria or goals as soon as the report has been published, in
26 such a way as is consistent with state and federal law, to

1 rapidly eliminate discrimination on minority businesses and
2 workers in the industry this Program serves by setting
3 standards for Program participation. This study will be paid
4 for with funds from the Energy Transition Assistance Fund or
5 any other lawful source.

6 (n) Program budget.

7 (1) The Department may allocate up to \$3,000,000
8 annually to the Primes Program Administrator for each of
9 the 3 regional budgets from the Energy Transition
10 Assistance Fund.

11 (2) The Primes Program Administrator shall work with
12 the Illinois Finance Authority and the Climate Bank as
13 established by Article 850 of the Illinois Finance
14 Authority Act or comparable financing institution so that
15 loan loss reserves may be sufficient to underwrite
16 \$7,000,000 in low-interest loans in each of the 3 Program
17 delivery areas.

18 (3) Any grant and loan funding shall be made available
19 to participants in a timely fashion.

20 Section 5-60. Jobs and Environmental Justice Grant
21 Program.

22 (a) In order to provide upfront capital to support the
23 development of projects, businesses, community organizations,
24 and jobs creating opportunity for historically disadvantaged
25 populations, and to provide seed capital to support community

1 ownership of renewable energy projects, the Department of
2 Commerce and Economic Opportunity shall create and administer
3 a Jobs and Environmental Justice Grant Program. The grant
4 program shall be designed to help remove barriers to project,
5 community, and business development caused by a lack of
6 capital.

7 (b) The grant program shall provide grant awards of up to
8 \$1,000,000 per application to support the development of
9 renewable energy resources as defined in Section 1-10 of the
10 Illinois Power Agency Act, and energy efficiency measures as
11 defined in Section 8-103B of the Public Utilities Act. The
12 amount of a grant award shall be based on a project's size and
13 scope. Grants shall be provided upfront, in advance of other
14 incentives, to provide businesses, organizations, and
15 community groups with capital needed to plan, develop, and
16 execute a project. Grants shall be designed to coordinate with
17 and supplement existing incentive programs, such as the
18 Adjustable Block program, the Illinois Solar for All Program,
19 the community renewable generation projects, and renewable
20 energy procurements as described in the Illinois Power Agency
21 Act, as well as utility energy efficiency measures as
22 described in Section 8-103B of the Public Utilities Act.

23 (c) The Jobs and Environmental Justice Grant Program shall
24 include 2 subprograms:

25 (1) the Equitable Energy Future Grant Program; and

26 (2) the Community Solar Energy Sovereignty Grant

1 Program.

2 (d) The Equitable Energy Future Grant Program is designed
3 to provide seed funding and pre-development funding
4 opportunities for disadvantaged contractors and to projects
5 that earn Equitable Energy Future Certification under Section
6 1-75 of the Illinois Power Agency Act.

7 (1) The Equitable Energy Future Grant shall be awarded
8 to businesses and nonprofit organizations for costs
9 related to the following activities and project needs:

10 (i) planning and project development, including
11 costs for professional services such as architecture,
12 design, engineering, auditing, consulting, and
13 developer services;

14 (ii) project application, deposit, and approval;

15 (iii) purchasing and leasing of land;

16 (iv) permitting and zoning;

17 (v) interconnection application costs and fees,
18 studies, and expenses;

19 (vi) equipment and supplies;

20 (vii) community outreach, marketing, and
21 engagement; and

22 (viii) staff and operations expenses.

23 (2) Grants shall be awarded to projects that most
24 effectively provide opportunities for equity eligible
25 contractors and equity investment eligible communities,
26 and should consider the following criteria:

1 (i) projects that provide community benefits,
2 which are projects that have one or more of the
3 following characteristics: (A) greater than 50% of the
4 project's energy provided or saved benefits low-income
5 residents, or (B) the project benefits not-for-profit
6 organizations providing services to low-income
7 households, affordable housing owners, or
8 community-based limited liability companies providing
9 services to low-income households;

10 (ii) projects that are located in equity
11 investment eligible communities;

12 (iii) projects that provide on-the-job training;

13 (iv) projects that contract with contractors who
14 are participating or have participated in the Clean
15 Energy Contractor Incubator Program, Clean Energy
16 Primes Contractor Accelerator Program, or similar
17 programs; and

18 (v) projects employ a minimum of 51% of its
19 workforce from participants and graduates of the Clean
20 Jobs Workforce Network Program, Illinois Climate Works
21 Preapprenticeship Program, and Returning Residents
22 Clean Jobs Training Program.

23 (3) Grants shall be awarded to applicants that meet
24 the following criteria:

25 (i) earn Equitable Energy Future Certification per
26 the equity accountability systems described in

1 subsection (c-10) of Section 1-75 of the Illinois
2 Power Agency Act, or meet the equity building criteria
3 in paragraph (9.5) of subsection (g) of Section 8-103B
4 of the Public Utilities Act; and

5 (ii) provide demonstrable proof of a historical or
6 future, and persisting, long-term partnership with the
7 community in which the project will be located.

8 (e) The Community Solar Energy Sovereignty Grant Program
9 shall be designed to support the pre-development and
10 development of community solar projects that promote community
11 ownership and energy sovereignty.

12 (1) Grants shall be awarded to applicants that best
13 demonstrate the ability and intent to create community
14 ownership and other local community benefits, including
15 local community wealth building via community renewable
16 generation projects. Grants shall be prioritized to
17 applicants for whom:

18 (i) the proposed project is located in and
19 supporting an equity investment eligible community or
20 communities; and

21 (ii) the proposed project provides additional
22 benefits for participating low-income households.

23 (2) Grant funds shall be awarded to support project
24 pre-development work and may also be awarded to support
25 the development of programs and entities to assist in the
26 long-term governance, management, and maintenance of

1 community solar projects, such as community solar
2 cooperatives. For example, funds may be awarded for:

3 (i) early stage project planning;

4 (ii) project team organization;

5 (iii) site identification;

6 (iv) organizing a project business model and
7 securing financing;

8 (v) procurement and contracting;

9 (vi) customer outreach and enrollment;

10 (vii) preliminary site assessments;

11 (viii) development of cooperative or community
12 ownership model; and

13 (ix) development of project models that allocate
14 benefits to equity investment eligible communities.

15 (3) Grant recipients shall submit reports to the
16 Department at the end of the grant term on the activities
17 pursued under their grant and any lessons learned for
18 publication on the Department's website so that other
19 energy sovereignty projects may learn from their
20 experience.

21 (4) Eligible applicants shall include community-based
22 organizations, as defined in the Illinois Power Agency's
23 long-term renewable resources procurement plan, or
24 technical service providers working in direct partnership
25 with community-based organizations.

26 (5) The amount of a grant shall be based on a projects'

1 size and scope. Grants shall allow for a significant
2 portion, or the entirety, of the grant value to be made
3 upfront, in advance of other incentives, to ensure
4 businesses and organizations have the capital needed to
5 plan, develop, and execute a project.

6 (f) The application process for both subprograms shall not
7 be burdensome on applicants, nor require extensive technical
8 knowledge, and shall be able to be completed on less than 4
9 standard letter-sized pages.

10 (g) The Program shall coordinate its grant subprograms
11 with the Clean Energy Jobs and Justice Fund to coordinate
12 grants under this Program with low-interest and no-interest
13 financing opportunities offered by the fund.

14 (h) The grant subprograms may have a budget of up to
15 \$34,000,000 per year. No more than 25% of the allocated budget
16 shall go to the Community Solar Energy Sovereignty Grant
17 Program.

18 Section 5-65. Energy Workforce Advisory Council.

19 (a) The Energy Workforce Advisory Council is hereby
20 created within the Department.

21 (b) The Council shall consist of the following voting
22 members appointed by the Governor with the advice and consent
23 of the Senate, chosen to ensure diverse geographic
24 representation:

25 (1) two members representing trade associations

1 representing companies active in the clean energy
2 industries;

3 (2) two members representing a labor union;

4 (3) one member who has participated in the workforce
5 development programs created under this Act;

6 (4) two members representing higher education;

7 (5) two members representing economic development
8 organizations;

9 (6) two members representing local workforce
10 innovation boards;

11 (7) two residents of environmental justice
12 communities;

13 (8) three members from community-based organizations
14 in environmental justice communities and community-based
15 organizations serving low-income persons and families;

16 (9) two members who are policy or implementation
17 experts on small business development, contractor
18 incubation, or small business lending and financing needs;

19 (10) two members who are policy or implementation
20 experts on workforce development for populations and
21 individuals such as low-income persons and families,
22 environmental justice communities, BIPOC communities,
23 formerly convicted persons, persons who are or were in the
24 child welfare system, energy workers, gender nonconforming
25 and transgender individuals, and youth; and

26 (11) two representatives of clean energy businesses,

1 nonprofit organizations, or other groups that provide
2 clean energy.

3 The President of the Senate, the Minority Leader of the
4 Senate, the Speaker of the House of Representatives, and the
5 Minority Leader of the House of Representatives shall each
6 appoint 2 nonvoting members of the Council.

7 (c) The Council shall:

8 (1) coordinate and inform on worker and contractor
9 support priorities beyond current federal, State, local,
10 and private programs and resources;

11 (2) advise and produce recommendations for further
12 federal, State, and local programs and activities;

13 (3) fulfill other duties determined by the Council to
14 further the success of the Workforce Hubs, Incubators, and
15 Returning Residents Programs;

16 (4) review program performance metrics;

17 (5) provide recommendations to the Department on the
18 administration of the following programs:

19 (i) the Clean Jobs Workforce Network Program;

20 (ii) the Illinois Climate Works Preapprenticeship
21 Program;

22 (iii) the Clean Energy Contractor Incubator
23 Program;

24 (iv) the Returning Residents Clean Jobs Training
25 Program; and

26 (v) the Clean Energy Primes Contractor Accelerator

1 Program;

2 (6) recommend outreach opportunities to ensure that
3 program contracting, training, and other opportunities are
4 widely publicized;

5 (7) participate in independent program evaluations;
6 and

7 (8) assist the Department by providing insight into
8 how relevant State, local, and federal programs are viewed
9 by residents, businesses, and institutions within their
10 respective communities.

11 (d) The Council shall conduct its first meeting within 30
12 days after all members have been appointed. The Council shall
13 meet quarterly after its first meeting. Additional hearings
14 and public meetings are permitted at the discretion of the
15 members. The Council may meet in person or through video or
16 audio conference. Meeting times may be varied to accommodate
17 Council member schedules.

18 (e) Members shall serve without compensation and shall be
19 reimbursed for reasonable expenses incurred in the performance
20 of their duties from funds appropriated for that purpose.

21 Section 5-90. Repealer. This Act is repealed 24 years
22 after the effective date of this Act.

23 Section 5-95. The Illinois Finance Authority Act is
24 amended by changing Sections 801-1, 801-5, 801-10, and 801-40

1 and adding Article 850 as follows:

2 (20 ILCS 3501/801-1)

3 Sec. 801-1. Short Title. Articles 801 through 850 ~~845~~ of
4 this Act may be cited as the Illinois Finance Authority Act.
5 References to "this Act" in Articles 801 through 850 ~~845~~ are
6 references to the Illinois Finance Authority Act.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 (20 ILCS 3501/801-5)

9 Sec. 801-5. Findings and declaration of policy. The
10 General Assembly hereby finds, determines and declares:

11 (a) that there are a number of existing State authorities
12 authorized to issue bonds to alleviate the conditions and
13 promote the objectives set forth below; and to provide a
14 stronger, better coordinated development effort, it is
15 determined to be in the interest of promoting the health,
16 safety, morals and general welfare of all the people of the
17 State to consolidate certain of such existing authorities into
18 one finance authority;

19 (b) that involuntary unemployment affects the health,
20 safety, morals and general welfare of the people of the State
21 of Illinois;

22 (c) that the economic burdens resulting from involuntary
23 unemployment fall in part upon the State in the form of public
24 assistance and reduced tax revenues, and in the event the

1 unemployed worker and his family migrate elsewhere to find
2 work, may also fall upon the municipalities and other taxing
3 districts within the areas of unemployment in the form of
4 reduced tax revenues, thereby endangering their financial
5 ability to support necessary governmental services for their
6 remaining inhabitants;

7 (d) that a vigorous growing economy is the basic source of
8 job opportunities;

9 (e) that protection against involuntary unemployment, its
10 economic burdens and the spread of economic stagnation can
11 best be provided by promoting, attracting, stimulating and
12 revitalizing industry, manufacturing and commerce in the
13 State;

14 (f) that the State has a responsibility to help create a
15 favorable climate for new and improved job opportunities for
16 its citizens by encouraging the development of commercial
17 businesses and industrial and manufacturing plants within the
18 State;

19 (g) that increased availability of funds for construction
20 of new facilities and the expansion and improvement of
21 existing facilities for industrial, commercial and
22 manufacturing facilities will provide for new and continued
23 employment in the construction industry and alleviate the
24 burden of unemployment;

25 (h) that in the absence of direct governmental subsidies
26 the unaided operations of private enterprise do not provide

1 sufficient resources for residential construction,
2 rehabilitation, rental or purchase, and that support from
3 housing related commercial facilities is one means of
4 stimulating residential construction, rehabilitation, rental
5 and purchase;

6 (i) that it is in the public interest and the policy of
7 this State to foster and promote by all reasonable means the
8 provision of adequate capital markets and facilities for
9 borrowing money by units of local government, and for the
10 financing of their respective public improvements and other
11 governmental purposes within the State from proceeds of bonds
12 or notes issued by those governmental units; and to assist
13 local governmental units in fulfilling their needs for those
14 purposes by use of creation of indebtedness;

15 (j) that it is in the public interest and the policy of
16 this State to the extent possible, to reduce the costs of
17 indebtedness to taxpayers and residents of this State and to
18 encourage continued investor interest in the purchase of bonds
19 or notes of governmental units as sound and preferred
20 securities for investment; and to encourage governmental units
21 to continue their independent undertakings of public
22 improvements and other governmental purposes and the financing
23 thereof, and to assist them in those activities by making
24 funds available at reduced interest costs for orderly
25 financing of those purposes, especially during periods of
26 restricted credit or money supply, and particularly for those

1 governmental units not otherwise able to borrow for those
2 purposes;

3 (k) that in this State the following conditions exist: (i)
4 an inadequate supply of funds at interest rates sufficiently
5 low to enable persons engaged in agriculture in this State to
6 pursue agricultural operations at present levels; (ii) that
7 such inability to pursue agricultural operations lessens the
8 supply of agricultural commodities available to fulfill the
9 needs of the citizens of this State; (iii) that such inability
10 to continue operations decreases available employment in the
11 agricultural sector of the State and results in unemployment
12 and its attendant problems; (iv) that such conditions prevent
13 the acquisition of an adequate capital stock of farm equipment
14 and machinery, much of which is manufactured in this State,
15 therefore impairing the productivity of agricultural land and,
16 further, causing unemployment or lack of appropriate increase
17 in employment in such manufacturing; (v) that such conditions
18 are conducive to consolidation of acreage of agricultural land
19 with fewer individuals living and farming on the traditional
20 family farm; (vi) that these conditions result in a loss in
21 population, unemployment and movement of persons from rural to
22 urban areas accompanied by added costs to communities for
23 creation of new public facilities and services; (vii) that
24 there have been recurrent shortages of funds for agricultural
25 purposes from private market sources at reasonable rates of
26 interest; (viii) that these shortages have made the sale and

1 purchase of agricultural land to family farmers a virtual
2 impossibility in many parts of the State; (ix) that the
3 ordinary operations of private enterprise have not in the past
4 corrected these conditions; and (x) that a stable supply of
5 adequate funds for agricultural financing is required to
6 encourage family farmers in an orderly and sustained manner
7 and to reduce the problems described above;

8 (l) that for the benefit of the people of the State of
9 Illinois, the conduct and increase of their commerce, the
10 protection and enhancement of their welfare, the development
11 of continued prosperity and the improvement of their health
12 and living conditions it is essential that all the people of
13 the State be given the fullest opportunity to learn and to
14 develop their intellectual and mental capacities and skills;
15 that to achieve these ends it is of the utmost importance that
16 private institutions of higher education within the State be
17 provided with appropriate additional means to assist the
18 people of the State in achieving the required levels of
19 learning and development of their intellectual and mental
20 capacities and skills and that cultural institutions within
21 the State be provided with appropriate additional means to
22 expand the services and resources which they offer for the
23 cultural, intellectual, scientific, educational and artistic
24 enrichment of the people of the State;

25 (m) that in order to foster civic and neighborhood pride,
26 citizens require access to facilities such as educational

1 institutions, recreation, parks and open spaces, entertainment
2 and sports, a reliable transportation network, cultural
3 facilities and theaters and other facilities as authorized by
4 this Act, and that it is in the best interests of the State to
5 lower the costs of all such facilities by providing financing
6 through the State;

7 (n) that to preserve and protect the health of the
8 citizens of the State, and lower the costs of health care, that
9 financing for health facilities should be provided through the
10 State; and it is hereby declared to be the policy of the State,
11 in the interest of promoting the health, safety, morals and
12 general welfare of all the people of the State, to address the
13 conditions noted above, to increase job opportunities and to
14 retain existing jobs in the State, by making available through
15 the Illinois Finance Authority, hereinafter created, funds for
16 the development, improvement and creation of industrial,
17 housing, local government, educational, health, public purpose
18 and other projects; to issue its bonds and notes to make funds
19 at reduced rates and on more favorable terms for borrowing by
20 local governmental units through the purchase of the bonds or
21 notes of the governmental units; and to make or acquire loans
22 for the acquisition and development of agricultural
23 facilities; to provide financing for private institutions of
24 higher education, cultural institutions, health facilities and
25 other facilities and projects as authorized by this Act; and
26 to grant broad powers to the Illinois Finance Authority to

1 accomplish and to carry out these policies of the State which
2 are in the public interest of the State and of its taxpayers
3 and residents;

4 (o) that providing financing alternatives for projects
5 that are located outside the State that are owned, operated,
6 leased, managed by, or otherwise affiliated with, institutions
7 located within the State would promote the economy of the
8 State for the benefit of the health, welfare, safety, trade,
9 commerce, industry, and economy of the people of the State by
10 creating employment opportunities in the State and lowering
11 the cost of accessing healthcare, private education, or
12 cultural institutions in the State by reducing the cost of
13 financing or operating those projects; ~~and~~

14 (p) that the realization of the objectives of the
15 Authority identified in this Act including, without
16 limitation, those designed (1) to assist and enable veterans,
17 minorities, women and disabled individuals to own and operate
18 small businesses; (2) to assist in the delivery of
19 agricultural assistance; and (3) to aid, assist, and encourage
20 economic growth and development within this State, will be
21 enhanced by empowering the Authority to purchase loan
22 participations from participating lenders; ~~and~~

23 (q) that climate change threatens the health, welfare, and
24 prosperity of all the residents of the State;

25 (r) combating climate change is necessary to preserve and
26 enhance the health, welfare, and prosperity of all the

1 residents of the State;

2 (s) that the promotion of the development and
3 implementation of clean energy is necessary to combat climate
4 change and is hereby declared to be the policy of the State;
5 and

6 (t) that designating the Authority as the "Climate Bank"
7 to aid in all respects with providing financial assistance,
8 programs, and products to finance and otherwise develop and
9 implement equitable clean energy opportunities in the State to
10 mitigate or adapt to the negative consequences of climate
11 change in an equitable manner will further the clean energy
12 policy of the State.

13 (Source: P.A. 100-919, eff. 8-17-18.)

14 (20 ILCS 3501/801-10)

15 Sec. 801-10. Definitions. The following terms, whenever
16 used or referred to in this Act, shall have the following
17 meanings, except in such instances where the context may
18 clearly indicate otherwise:

19 (a) The term "Authority" means the Illinois Finance
20 Authority created by this Act.

21 (b) The term "project" means an industrial project, clean
22 energy project, conservation project, housing project, public
23 purpose project, higher education project, health facility
24 project, cultural institution project, municipal bond program
25 project, PACE Project, agricultural facility or agribusiness,

1 and "project" may include any combination of one or more of the
2 foregoing undertaken jointly by any person with one or more
3 other persons.

4 (c) The term "public purpose project" means (i) any
5 project or facility, including without limitation land,
6 buildings, structures, machinery, equipment and all other real
7 and personal property, which is authorized or required by law
8 to be acquired, constructed, improved, rehabilitated,
9 reconstructed, replaced or maintained by any unit of
10 government or any other lawful public purpose, including
11 provision of working capital, which is authorized or required
12 by law to be undertaken by any unit of government or (ii) costs
13 incurred and other expenditures, including expenditures for
14 management, investment, or working capital costs, incurred in
15 connection with the reform, consolidation, or implementation
16 of the transition process as described in Articles 22B and 22C
17 of the Illinois Pension Code.

18 (d) The term "industrial project" means the acquisition,
19 construction, refurbishment, creation, development or
20 redevelopment of any facility, equipment, machinery, real
21 property or personal property for use by any instrumentality
22 of the State or its political subdivisions, for use by any
23 person or institution, public or private, for profit or not
24 for profit, or for use in any trade or business, including, but
25 not limited to, any industrial, manufacturing, clean energy,
26 or commercial enterprise that is located within or outside the

1 State, provided that, with respect to a project involving
2 property located outside the State, the property must be
3 owned, operated, leased or managed by an entity located within
4 the State or an entity affiliated with an entity located
5 within the State, and which is (1) a capital project or clean
6 energy project, including, but not limited to: (i) land and
7 any rights therein, one or more buildings, structures or other
8 improvements, machinery and equipment, whether now existing or
9 hereafter acquired, and whether or not located on the same
10 site or sites; (ii) all appurtenances and facilities
11 incidental to the foregoing, including, but not limited to,
12 utilities, access roads, railroad sidings, track, docking and
13 similar facilities, parking facilities, dockage, wharfage,
14 railroad roadbed, track, trestle, depot, terminal, switching
15 and signaling or related equipment, site preparation and
16 landscaping; and (iii) all non-capital costs and expenses
17 relating thereto or (2) any addition to, renovation,
18 rehabilitation or improvement of a capital project or a clean
19 energy project, or (3) any activity or undertaking within or
20 outside the State, provided that, with respect to a project
21 involving property located outside the State, the property
22 must be owned, operated, leased or managed by an entity
23 located within the State or an entity affiliated with an
24 entity located within the State, which the Authority
25 determines will aid, assist or encourage economic growth,
26 development or redevelopment within the State or any area

1 thereof, will promote the expansion, retention or
2 diversification of employment opportunities within the State
3 or any area thereof or will aid in stabilizing or developing
4 any industry or economic sector of the State economy. The term
5 "industrial project" also means the production of motion
6 pictures.

7 (e) The term "bond" or "bonds" shall include bonds, notes
8 (including bond, grant or revenue anticipation notes),
9 certificates and/or other evidences of indebtedness
10 representing an obligation to pay money, including refunding
11 bonds.

12 (f) The terms "lease agreement" and "loan agreement" shall
13 mean: (i) an agreement whereby a project acquired by the
14 Authority by purchase, gift or lease is leased to any person,
15 corporation or unit of local government which will use or
16 cause the project to be used as a project as heretofore defined
17 upon terms providing for lease rental payments at least
18 sufficient to pay when due all principal of, interest and
19 premium, if any, on any bonds of the Authority issued with
20 respect to such project, providing for the maintenance,
21 insuring and operation of the project on terms satisfactory to
22 the Authority, providing for disposition of the project upon
23 termination of the lease term, including purchase options or
24 abandonment of the premises, and such other terms as may be
25 deemed desirable by the Authority, or (ii) any agreement
26 pursuant to which the Authority agrees to loan the proceeds of

1 its bonds issued with respect to a project or other funds of
2 the Authority to any person which will use or cause the project
3 to be used as a project as heretofore defined upon terms
4 providing for loan repayment installments at least sufficient
5 to pay when due all principal of, interest and premium, if any,
6 on any bonds of the Authority, if any, issued with respect to
7 the project, and providing for maintenance, insurance and
8 other matters as may be deemed desirable by the Authority.

9 (g) The term "financial aid" means the expenditure of
10 Authority funds or funds provided by the Authority through the
11 issuance of its bonds, notes or other evidences of
12 indebtedness or from other sources for the development,
13 construction, acquisition or improvement of a project.

14 (h) The term "person" means an individual, corporation,
15 unit of government, business trust, estate, trust, partnership
16 or association, 2 or more persons having a joint or common
17 interest, or any other legal entity.

18 (i) The term "unit of government" means the federal
19 government, the State or unit of local government, a school
20 district, or any agency or instrumentality, office, officer,
21 department, division, bureau, commission, college or
22 university thereof.

23 (j) The term "health facility" means: (a) any public or
24 private institution, place, building, or agency required to be
25 licensed under the Hospital Licensing Act; (b) any public or
26 private institution, place, building, or agency required to be

1 licensed under the Nursing Home Care Act, the Specialized
2 Mental Health Rehabilitation Act of 2013, the ID/DD Community
3 Care Act, or the MC/DD Act; (c) any public or licensed private
4 hospital as defined in the Mental Health and Developmental
5 Disabilities Code; (d) any such facility exempted from such
6 licensure when the Director of Public Health attests that such
7 exempted facility meets the statutory definition of a facility
8 subject to licensure; (e) any other public or private health
9 service institution, place, building, or agency which the
10 Director of Public Health attests is subject to certification
11 by the Secretary, U.S. Department of Health and Human Services
12 under the Social Security Act, as now or hereafter amended, or
13 which the Director of Public Health attests is subject to
14 standard-setting by a recognized public or voluntary
15 accrediting or standard-setting agency; (f) any public or
16 private institution, place, building or agency engaged in
17 providing one or more supporting services to a health
18 facility; (g) any public or private institution, place,
19 building or agency engaged in providing training in the
20 healing arts, including, but not limited to, schools of
21 medicine, dentistry, osteopathy, optometry, podiatry, pharmacy
22 or nursing, schools for the training of x-ray, laboratory or
23 other health care technicians and schools for the training of
24 para-professionals in the health care field; (h) any public or
25 private congregate, life or extended care or elderly housing
26 facility or any public or private home for the aged or infirm,

1 including, without limitation, any Facility as defined in the
2 Life Care Facilities Act; (i) any public or private mental,
3 emotional or physical rehabilitation facility or any public or
4 private educational, counseling, or rehabilitation facility or
5 home, for those persons with a developmental disability, those
6 who are physically ill or disabled, the emotionally disturbed,
7 those persons with a mental illness or persons with learning
8 or similar disabilities or problems; (j) any public or private
9 alcohol, drug or substance abuse diagnosis, counseling
10 treatment or rehabilitation facility, (k) any public or
11 private institution, place, building or agency licensed by the
12 Department of Children and Family Services or which is not so
13 licensed but which the Director of Children and Family
14 Services attests provides child care, child welfare or other
15 services of the type provided by facilities subject to such
16 licensure; (l) any public or private adoption agency or
17 facility; and (m) any public or private blood bank or blood
18 center. "Health facility" also means a public or private
19 structure or structures suitable primarily for use as a
20 laboratory, laundry, nurses or interns residence or other
21 housing or hotel facility used in whole or in part for staff,
22 employees or students and their families, patients or
23 relatives of patients admitted for treatment or care in a
24 health facility, or persons conducting business with a health
25 facility, physician's facility, surgicenter, administration
26 building, research facility, maintenance, storage or utility

1 facility and all structures or facilities related to any of
2 the foregoing or required or useful for the operation of a
3 health facility, including parking or other facilities or
4 other supporting service structures required or useful for the
5 orderly conduct of such health facility. "Health facility"
6 also means, with respect to a project located outside the
7 State, any public or private institution, place, building, or
8 agency which provides services similar to those described
9 above, provided that such project is owned, operated, leased
10 or managed by a participating health institution located
11 within the State, or a participating health institution
12 affiliated with an entity located within the State.

13 (k) The term "participating health institution" means (i)
14 a private corporation or association or (ii) a public entity
15 of this State, in either case authorized by the laws of this
16 State or the applicable state to provide or operate a health
17 facility as defined in this Act and which, pursuant to the
18 provisions of this Act, undertakes the financing, construction
19 or acquisition of a project or undertakes the refunding or
20 refinancing of obligations, loans, indebtedness or advances as
21 provided in this Act.

22 (l) The term "health facility project", means a specific
23 health facility work or improvement to be financed or
24 refinanced (including without limitation through reimbursement
25 of prior expenditures), acquired, constructed, enlarged,
26 remodeled, renovated, improved, furnished, or equipped, with

1 funds provided in whole or in part hereunder, any accounts
2 receivable, working capital, liability or insurance cost or
3 operating expense financing or refinancing program of a health
4 facility with or involving funds provided in whole or in part
5 hereunder, or any combination thereof.

6 (m) The term "bond resolution" means the resolution or
7 resolutions authorizing the issuance of, or providing terms
8 and conditions related to, bonds issued under this Act and
9 includes, where appropriate, any trust agreement, trust
10 indenture, indenture of mortgage or deed of trust providing
11 terms and conditions for such bonds.

12 (n) The term "property" means any real, personal or mixed
13 property, whether tangible or intangible, or any interest
14 therein, including, without limitation, any real estate,
15 leasehold interests, appurtenances, buildings, easements,
16 equipment, furnishings, furniture, improvements, machinery,
17 rights of way, structures, accounts, contract rights or any
18 interest therein.

19 (o) The term "revenues" means, with respect to any
20 project, the rents, fees, charges, interest, principal
21 repayments, collections and other income or profit derived
22 therefrom.

23 (p) The term "higher education project" means, in the case
24 of a private institution of higher education, an educational
25 facility to be acquired, constructed, enlarged, remodeled,
26 renovated, improved, furnished, or equipped, or any

1 combination thereof.

2 (q) The term "cultural institution project" means, in the
3 case of a cultural institution, a cultural facility to be
4 acquired, constructed, enlarged, remodeled, renovated,
5 improved, furnished, or equipped, or any combination thereof.

6 (r) The term "educational facility" means any property
7 located within the State, or any property located outside the
8 State, provided that, if the property is located outside the
9 State, it must be owned, operated, leased or managed by an
10 entity located within the State or an entity affiliated with
11 an entity located within the State, in each case constructed
12 or acquired before or after the effective date of this Act,
13 which is or will be, in whole or in part, suitable for the
14 instruction, feeding, recreation or housing of students, the
15 conducting of research or other work of a private institution
16 of higher education, the use by a private institution of
17 higher education in connection with any educational, research
18 or related or incidental activities then being or to be
19 conducted by it, or any combination of the foregoing,
20 including, without limitation, any such property suitable for
21 use as or in connection with any one or more of the following:
22 an academic facility, administrative facility, agricultural
23 facility, assembly hall, athletic facility, auditorium,
24 boating facility, campus, communication facility, computer
25 facility, continuing education facility, classroom, dining
26 hall, dormitory, exhibition hall, fire fighting facility, fire

1 prevention facility, food service and preparation facility,
2 gymnasium, greenhouse, health care facility, hospital,
3 housing, instructional facility, laboratory, library,
4 maintenance facility, medical facility, museum, offices,
5 parking area, physical education facility, recreational
6 facility, research facility, stadium, storage facility,
7 student union, study facility, theatre or utility.

8 (s) The term "cultural facility" means any property
9 located within the State, or any property located outside the
10 State, provided that, if the property is located outside the
11 State, it must be owned, operated, leased or managed by an
12 entity located within the State or an entity affiliated with
13 an entity located within the State, in each case constructed
14 or acquired before or after the effective date of this Act,
15 which is or will be, in whole or in part, suitable for the
16 particular purposes or needs of a cultural institution,
17 including, without limitation, any such property suitable for
18 use as or in connection with any one or more of the following:
19 an administrative facility, aquarium, assembly hall,
20 auditorium, botanical garden, exhibition hall, gallery,
21 greenhouse, library, museum, scientific laboratory, theater or
22 zoological facility, and shall also include, without
23 limitation, books, works of art or music, animal, plant or
24 aquatic life or other items for display, exhibition or
25 performance. The term "cultural facility" includes buildings
26 on the National Register of Historic Places which are owned or

1 operated by nonprofit entities.

2 (t) "Private institution of higher education" means a
3 not-for-profit educational institution which is not owned by
4 the State or any political subdivision, agency,
5 instrumentality, district or municipality thereof, which is
6 authorized by law to provide a program of education beyond the
7 high school level and which:

8 (1) Admits as regular students only individuals having
9 a certificate of graduation from a high school, or the
10 recognized equivalent of such a certificate;

11 (2) Provides an educational program for which it
12 awards a bachelor's degree, or provides an educational
13 program, admission into which is conditioned upon the
14 prior attainment of a bachelor's degree or its equivalent,
15 for which it awards a postgraduate degree, or provides not
16 less than a 2-year program which is acceptable for full
17 credit toward such a degree, or offers a 2-year program in
18 engineering, mathematics, or the physical or biological
19 sciences which is designed to prepare the student to work
20 as a technician and at a semiprofessional level in
21 engineering, scientific, or other technological fields
22 which require the understanding and application of basic
23 engineering, scientific, or mathematical principles or
24 knowledge;

25 (3) Is accredited by a nationally recognized
26 accrediting agency or association or, if not so

1 accredited, is an institution whose credits are accepted,
2 on transfer, by not less than 3 institutions which are so
3 accredited, for credit on the same basis as if transferred
4 from an institution so accredited, and holds an unrevoked
5 certificate of approval under the Private College Act from
6 the Board of Higher Education, or is qualified as a
7 "degree granting institution" under the Academic Degree
8 Act; and

9 (4) Does not discriminate in the admission of students
10 on the basis of race or color. "Private institution of
11 higher education" also includes any "academic
12 institution".

13 (u) The term "academic institution" means any
14 not-for-profit institution which is not owned by the State or
15 any political subdivision, agency, instrumentality, district
16 or municipality thereof, which institution engages in, or
17 facilitates academic, scientific, educational or professional
18 research or learning in a field or fields of study taught at a
19 private institution of higher education. Academic institutions
20 include, without limitation, libraries, archives, academic,
21 scientific, educational or professional societies,
22 institutions, associations or foundations having such
23 purposes.

24 (v) The term "cultural institution" means any
25 not-for-profit institution which is not owned by the State or
26 any political subdivision, agency, instrumentality, district

1 or municipality thereof, which institution engages in the
2 cultural, intellectual, scientific, educational or artistic
3 enrichment of the people of the State. Cultural institutions
4 include, without limitation, aquaria, botanical societies,
5 historical societies, libraries, museums, performing arts
6 associations or societies, scientific societies and zoological
7 societies.

8 (w) The term "affiliate" means, with respect to financing
9 of an agricultural facility or an agribusiness, any lender,
10 any person, firm or corporation controlled by, or under common
11 control with, such lender, and any person, firm or corporation
12 controlling such lender.

13 (x) The term "agricultural facility" means land, any
14 building or other improvement thereon or thereto, and any
15 personal properties deemed necessary or suitable for use,
16 whether or not now in existence, in farming, ranching, the
17 production of agricultural commodities (including, without
18 limitation, the products of aquaculture, hydroponics and
19 silviculture) or the treating, processing or storing of such
20 agricultural commodities when such activities are customarily
21 engaged in by farmers as a part of farming and which land,
22 building, improvement or personal property is located within
23 the State, or is located outside the State, provided that, if
24 such property is located outside the State, it must be owned,
25 operated, leased, or managed by an entity located within the
26 State or an entity affiliated with an entity located within

1 the State.

2 (y) The term "lender" with respect to financing of an
3 agricultural facility or an agribusiness, means any federal or
4 State chartered bank, Federal Land Bank, Production Credit
5 Association, Bank for Cooperatives, federal or State chartered
6 savings and loan association or building and loan association,
7 Small Business Investment Company or any other institution
8 qualified within this State to originate and service loans,
9 including, but without limitation to, insurance companies,
10 credit unions and mortgage loan companies. "Lender" also means
11 a wholly owned subsidiary of a manufacturer, seller or
12 distributor of goods or services that makes loans to
13 businesses or individuals, commonly known as a "captive
14 finance company".

15 (z) The term "agribusiness" means any sole proprietorship,
16 limited partnership, co-partnership, joint venture,
17 corporation or cooperative which operates or will operate a
18 facility located within the State or outside the State,
19 provided that, if any facility is located outside the State,
20 it must be owned, operated, leased, or managed by an entity
21 located within the State or an entity affiliated with an
22 entity located within the State, that is related to the
23 processing of agricultural commodities (including, without
24 limitation, the products of aquaculture, hydroponics and
25 silviculture) or the manufacturing, production or construction
26 of agricultural buildings, structures, equipment, implements,

1 and supplies, or any other facilities or processes used in
2 agricultural production. Agribusiness includes but is not
3 limited to the following:

4 (1) grain handling and processing, including grain
5 storage, drying, treatment, conditioning, mailing and
6 packaging;

7 (2) seed and feed grain development and processing;

8 (3) fruit and vegetable processing, including
9 preparation, canning and packaging;

10 (4) processing of livestock and livestock products,
11 dairy products, poultry and poultry products, fish or
12 apiarian products, including slaughter, shearing,
13 collecting, preparation, canning and packaging;

14 (5) fertilizer and agricultural chemical
15 manufacturing, processing, application and supplying;

16 (6) farm machinery, equipment and implement
17 manufacturing and supplying;

18 (7) manufacturing and supplying of agricultural
19 commodity processing machinery and equipment, including
20 machinery and equipment used in slaughter, treatment,
21 handling, collecting, preparation, canning or packaging of
22 agricultural commodities;

23 (8) farm building and farm structure manufacturing,
24 construction and supplying;

25 (9) construction, manufacturing, implementation,
26 supplying or servicing of irrigation, drainage and soil

1 and water conservation devices or equipment;

2 (10) fuel processing and development facilities that
3 produce fuel from agricultural commodities or byproducts;

4 (11) facilities and equipment for processing and
5 packaging agricultural commodities specifically for
6 export;

7 (12) facilities and equipment for forestry product
8 processing and supplying, including sawmilling operations,
9 wood chip operations, timber harvesting operations, and
10 manufacturing of prefabricated buildings, paper, furniture
11 or other goods from forestry products;

12 (13) facilities and equipment for research and
13 development of products, processes and equipment for the
14 production, processing, preparation or packaging of
15 agricultural commodities and byproducts.

16 (aa) The term "asset" with respect to financing of any
17 agricultural facility or any agribusiness, means, but is not
18 limited to the following: cash crops or feed on hand;
19 livestock held for sale; breeding stock; marketable bonds and
20 securities; securities not readily marketable; accounts
21 receivable; notes receivable; cash invested in growing crops;
22 net cash value of life insurance; machinery and equipment;
23 cars and trucks; farm and other real estate including life
24 estates and personal residence; value of beneficial interests
25 in trusts; government payments or grants; and any other
26 assets.

1 (bb) The term "liability" with respect to financing of any
2 agricultural facility or any agribusiness shall include, but
3 not be limited to the following: accounts payable; notes or
4 other indebtedness owed to any source; taxes; rent; amounts
5 owed on real estate contracts or real estate mortgages;
6 judgments; accrued interest payable; and any other liability.

7 (cc) The term "Predecessor Authorities" means those
8 authorities as described in Section 845-75.

9 (dd) The term "housing project" means a specific work or
10 improvement located within the State or outside the State and
11 undertaken to provide residential dwelling accommodations,
12 including the acquisition, construction or rehabilitation of
13 lands, buildings and community facilities and in connection
14 therewith to provide nonhousing facilities which are part of
15 the housing project, including land, buildings, improvements,
16 equipment and all ancillary facilities for use for offices,
17 stores, retirement homes, hotels, financial institutions,
18 service, health care, education, recreation or research
19 establishments, or any other commercial purpose which are or
20 are to be related to a housing development, provided that any
21 work or improvement located outside the State is owned,
22 operated, leased or managed by an entity located within the
23 State, or any entity affiliated with an entity located within
24 the State.

25 (ee) The term "conservation project" means any project
26 including the acquisition, construction, rehabilitation,

1 maintenance, operation, or upgrade that is intended to create
2 or expand open space or to reduce energy usage through
3 efficiency measures. For the purpose of this definition, "open
4 space" has the definition set forth under Section 10 of the
5 Illinois Open Land Trust Act.

6 (ff) The term "significant presence" means the existence
7 within the State of the national or regional headquarters of
8 an entity or group or such other facility of an entity or group
9 of entities where a significant amount of the business
10 functions are performed for such entity or group of entities.

11 (gg) The term "municipal bond issuer" means the State or
12 any other state or commonwealth of the United States, or any
13 unit of local government, school district, agency or
14 instrumentality, office, department, division, bureau,
15 commission, college or university thereof located in the State
16 or any other state or commonwealth of the United States.

17 (hh) The term "municipal bond program project" means a
18 program for the funding of the purchase of bonds, notes or
19 other obligations issued by or on behalf of a municipal bond
20 issuer.

21 (ii) The term "participating lender" means any trust
22 company, bank, savings bank, credit union, merchant bank,
23 investment bank, broker, investment trust, pension fund,
24 building and loan association, savings and loan association,
25 insurance company, venture capital company, or other
26 institution approved by the Authority which provides a portion

1 of the financing for a project.

2 (jj) The term "loan participation" means any loan in which
3 the Authority co-operates with a participating lender to
4 provide all or a portion of the financing for a project.

5 (kk) The term "PACE Project" means an energy project as
6 defined in Section 5 of the Property Assessed Clean Energy
7 Act.

8 (ll) The term "clean energy" means energy generation that
9 is substantially free (90% or more) of carbon dioxide
10 emissions by design or operations, or that otherwise
11 contributes to the reduction in emissions of environmentally
12 hazardous materials or reduces the volume of environmentally
13 dangerous materials.

14 (mm) The term "clean energy project" means the
15 acquisition, construction, refurbishment, creation,
16 development or redevelopment of any facility, equipment,
17 machinery, real property, or personal property for use by the
18 State or any unit of local government, school district, agency
19 or instrumentality, office, department, division, bureau,
20 commission, college, or university of the State, for use by
21 any person or institution, public or private, for profit or
22 not for profit, or for use in any trade or business, which the
23 Authority determines will aid, assist, or encourage the
24 development or implementation of clean energy in the State, or
25 as otherwise contemplated by Article 850.

26 (nn) The term "Climate Bank" means the Authority in the

1 exercise of those powers conferred on it by this Act related to
2 clean energy or clean water, drinking water, or wastewater
3 treatment.

4 (oo) "equity investment eligible community" and "eligible
5 community" mean the geographic areas throughout Illinois that
6 would most benefit from equitable investments by the State
7 designed to combat discrimination. Specifically, the eligible
8 communities shall be defined as the following areas:

9 (1) R3 Areas as established pursuant to Section 10-40
10 of the Cannabis Regulation and Tax Act, where residents
11 have historically been excluded from economic
12 opportunities, including opportunities in the energy
13 sector; and

14 (2) Environmental justice communities, as defined by
15 the Illinois Power Agency pursuant to the Illinois Power
16 Agency Act, where residents have historically been subject
17 to disproportionate burdens of pollution, including
18 pollution from the energy sector.

19 (pp) "Equity investment eligible person" and "eligible
20 person" mean the persons who would most benefit from equitable
21 investments by the State designed to combat discrimination.
22 Specifically, eligible persons means the following people:

23 (1) persons whose primary residence is in an equity
24 investment eligible community;

25 (2) persons who are graduates of or currently enrolled
26 in the foster care system; or

1 (3) persons who were formerly incarcerated.

2 (qq) "Environmental justice community" means the
3 definition of that term based on existing methodologies and
4 findings used and as may be updated by the Illinois Power
5 Agency and its program administrator in the Illinois Solar for
6 All Program.

7 (Source: P.A. 100-919, eff. 8-17-18; 101-610, eff. 1-1-20.)

8 (20 ILCS 3501/801-40)

9 Sec. 801-40. In addition to the powers otherwise
10 authorized by law and in addition to the foregoing general
11 corporate powers, the Authority shall also have the following
12 additional specific powers to be exercised in furtherance of
13 the purposes of this Act.

14 (a) The Authority shall have power (i) to accept grants,
15 loans or appropriations from the federal government or the
16 State, or any agency or instrumentality thereof, or, in the
17 case of clean energy projects, any not-for-profit
18 philanthropic or other charitable organization, public or
19 private, to be used for the operating expenses of the
20 Authority, or for any purposes of the Authority, including the
21 making of direct loans of such funds with respect to projects,
22 and (ii) to enter into any agreement with the federal
23 government or the State, or any agency or instrumentality
24 thereof, in relationship to such grants, loans or
25 appropriations.

1 (b) The Authority shall have power to procure and enter
2 into contracts for any type of insurance and indemnity
3 agreements covering loss or damage to property from any cause,
4 including loss of use and occupancy, or covering any other
5 insurable risk.

6 (c) The Authority shall have the continuing power to issue
7 bonds for its corporate purposes. Bonds may be issued by the
8 Authority in one or more series and may provide for the payment
9 of any interest deemed necessary on such bonds, of the costs of
10 issuance of such bonds, of any premium on any insurance, or of
11 the cost of any guarantees, letters of credit or other similar
12 documents, may provide for the funding of the reserves deemed
13 necessary in connection with such bonds, and may provide for
14 the refunding or advance refunding of any bonds or for
15 accounts deemed necessary in connection with any purpose of
16 the Authority. The bonds may bear interest payable at any time
17 or times and at any rate or rates, notwithstanding any other
18 provision of law to the contrary, and such rate or rates may be
19 established by an index or formula which may be implemented or
20 established by persons appointed or retained therefor by the
21 Authority, or may bear no interest or may bear interest
22 payable at maturity or upon redemption prior to maturity, may
23 bear such date or dates, may be payable at such time or times
24 and at such place or places, may mature at any time or times
25 not later than 40 years from the date of issuance, may be sold
26 at public or private sale at such time or times and at such

1 price or prices, may be secured by such pledges, reserves,
2 guarantees, letters of credit, insurance contracts or other
3 similar credit support or liquidity instruments, may be
4 executed in such manner, may be subject to redemption prior to
5 maturity, may provide for the registration of the bonds, and
6 may be subject to such other terms and conditions all as may be
7 provided by the resolution or indenture authorizing the
8 issuance of such bonds. The holder or holders of any bonds
9 issued by the Authority may bring suits at law or proceedings
10 in equity to compel the performance and observance by any
11 person or by the Authority or any of its agents or employees of
12 any contract or covenant made with the holders of such bonds
13 and to compel such person or the Authority and any of its
14 agents or employees to perform any duties required to be
15 performed for the benefit of the holders of any such bonds by
16 the provision of the resolution authorizing their issuance,
17 and to enjoin such person or the Authority and any of its
18 agents or employees from taking any action in conflict with
19 any such contract or covenant. Notwithstanding the form and
20 tenor of any such bonds and in the absence of any express
21 recital on the face thereof that it is non-negotiable, all
22 such bonds shall be negotiable instruments. Pending the
23 preparation and execution of any such bonds, temporary bonds
24 may be issued as provided by the resolution. The bonds shall be
25 sold by the Authority in such manner as it shall determine. The
26 bonds may be secured as provided in the authorizing resolution

1 by the receipts, revenues, income and other available funds of
2 the Authority and by any amounts derived by the Authority from
3 the loan agreement or lease agreement with respect to the
4 project or projects; and bonds may be issued as general
5 obligations of the Authority payable from such revenues, funds
6 and obligations of the Authority as the bond resolution shall
7 provide, or may be issued as limited obligations with a claim
8 for payment solely from such revenues, funds and obligations
9 as the bond resolution shall provide. The Authority may grant
10 a specific pledge or assignment of and lien on or security
11 interest in such rights, revenues, income, or amounts and may
12 grant a specific pledge or assignment of and lien on or
13 security interest in any reserves, funds or accounts
14 established in the resolution authorizing the issuance of
15 bonds. Any such pledge, assignment, lien or security interest
16 for the benefit of the holders of the Authority's bonds shall
17 be valid and binding from the time the bonds are issued without
18 any physical delivery or further act, and shall be valid and
19 binding as against and prior to the claims of all other parties
20 having claims against the Authority or any other person
21 irrespective of whether the other parties have notice of the
22 pledge, assignment, lien or security interest. As evidence of
23 such pledge, assignment, lien and security interest, the
24 Authority may execute and deliver a mortgage, trust agreement,
25 indenture or security agreement or an assignment thereof. A
26 remedy for any breach or default of the terms of any such

1 agreement by the Authority may be by mandamus proceedings in
2 any court of competent jurisdiction to compel the performance
3 and compliance therewith, but the agreement may prescribe by
4 whom or on whose behalf such action may be instituted. It is
5 expressly understood that the Authority may, but need not,
6 acquire title to any project with respect to which it
7 exercises its authority.

8 (d) With respect to the powers granted by this Act, the
9 Authority may adopt rules and regulations prescribing the
10 procedures by which persons may apply for assistance under
11 this Act. Nothing herein shall be deemed to preclude the
12 Authority, prior to the filing of any formal application, from
13 conducting preliminary discussions and investigations with
14 respect to the subject matter of any prospective application.

15 (e) The Authority shall have power to acquire by purchase,
16 lease, gift or otherwise any property or rights therein from
17 any person useful for its purposes, whether improved for the
18 purposes of any prospective project, or unimproved. The
19 Authority may also accept any donation of funds for its
20 purposes from any such source. The Authority shall have no
21 independent power of condemnation but may acquire any property
22 or rights therein obtained upon condemnation by any other
23 authority, governmental entity or unit of local government
24 with such power.

25 (f) The Authority shall have power to develop, construct
26 and improve either under its own direction, or through

1 collaboration with any approved applicant, or to acquire
2 through purchase or otherwise, any project, using for such
3 purpose the proceeds derived from the sale of its bonds or from
4 governmental loans or grants, and to hold title in the name of
5 the Authority to such projects.

6 (g) The Authority shall have power to lease pursuant to a
7 lease agreement any project so developed and constructed or
8 acquired to the approved tenant on such terms and conditions
9 as may be appropriate to further the purposes of this Act and
10 to maintain the credit of the Authority. Any such lease may
11 provide for either the Authority or the approved tenant to
12 assume initially, in whole or in part, the costs of
13 maintenance, repair and improvements during the leasehold
14 period. In no case, however, shall the total rentals from any
15 project during any initial leasehold period or the total loan
16 repayments to be made pursuant to any loan agreement, be less
17 than an amount necessary to return over such lease or loan
18 period (1) all costs incurred in connection with the
19 development, construction, acquisition or improvement of the
20 project and for repair, maintenance and improvements thereto
21 during the period of the lease or loan; provided, however,
22 that the rentals or loan repayments need not include costs met
23 through the use of funds other than those obtained by the
24 Authority through the issuance of its bonds or governmental
25 loans; (2) a reasonable percentage additive to be agreed upon
26 by the Authority and the borrower or tenant to cover a properly

1 allocable portion of the Authority's general expenses,
2 including, but not limited to, administrative expenses,
3 salaries and general insurance, and (3) an amount sufficient
4 to pay when due all principal of, interest and premium, if any
5 on, any bonds issued by the Authority with respect to the
6 project. The portion of total rentals payable under clause (3)
7 of this subsection (g) shall be deposited in such special
8 accounts, including all sinking funds, acquisition or
9 construction funds, debt service and other funds as provided
10 by any resolution, mortgage or trust agreement of the
11 Authority pursuant to which any bond is issued.

12 (h) The Authority has the power, upon the termination of
13 any leasehold period of any project, to sell or lease for a
14 further term or terms such project on such terms and
15 conditions as the Authority shall deem reasonable and
16 consistent with the purposes of the Act. The net proceeds from
17 all such sales and the revenues or income from such leases
18 shall be used to satisfy any indebtedness of the Authority
19 with respect to such project and any balance may be used to pay
20 any expenses of the Authority or be used for the further
21 development, construction, acquisition or improvement of
22 projects. In the event any project is vacated by a tenant prior
23 to the termination of the initial leasehold period, the
24 Authority shall sell or lease the facilities of the project on
25 the most advantageous terms available. The net proceeds of any
26 such disposition shall be treated in the same manner as the

1 proceeds from sales or the revenues or income from leases
2 subsequent to the termination of any initial leasehold period.

3 (i) The Authority shall have the power to make loans, or to
4 purchase loan participations in loans made, to persons to
5 finance a project, to enter into loan agreements or agreements
6 with participating lenders with respect thereto, and to accept
7 guarantees from persons of its loans or the resultant
8 evidences of obligations of the Authority.

9 (j) The Authority may fix, determine, charge and collect
10 any premiums, fees, charges, costs and expenses, including,
11 without limitation, any application fees, commitment fees,
12 program fees, financing charges or publication fees from any
13 person in connection with its activities under this Act.

14 (k) In addition to the funds established as provided
15 herein, the Authority shall have the power to create and
16 establish such reserve funds and accounts as may be necessary
17 or desirable to accomplish its purposes under this Act and to
18 deposit its available monies into the funds and accounts.

19 (l) At the request of the governing body of any unit of
20 local government, the Authority is authorized to market such
21 local government's revenue bond offerings by preparing bond
22 issues for sale, advertising for sealed bids, receiving bids
23 at its offices, making the award to the bidder that offers the
24 most favorable terms or arranging for negotiated placements or
25 underwritings of such securities. The Authority may, at its
26 discretion, offer for concurrent sale the revenue bonds of

1 several local governments. Sales by the Authority of revenue
2 bonds under this Section shall in no way imply State guarantee
3 of such debt issue. The Authority may require such financial
4 information from participating local governments as it deems
5 necessary in order to carry out the purposes of this
6 subsection (1).

7 (m) The Authority may make grants to any county to which
8 Division 5-37 of the Counties Code is applicable to assist in
9 the financing of capital development, construction and
10 renovation of new or existing facilities for hospitals and
11 health care facilities under that Act. Such grants may only be
12 made from funds appropriated for such purposes from the Build
13 Illinois Bond Fund.

14 (n) The Authority may establish an urban development
15 action grant program for the purpose of assisting
16 municipalities in Illinois which are experiencing severe
17 economic distress to help stimulate economic development
18 activities needed to aid in economic recovery. The Authority
19 shall determine the types of activities and projects for which
20 the urban development action grants may be used, provided that
21 such projects and activities are broadly defined to include
22 all reasonable projects and activities the primary objectives
23 of which are the development of viable urban communities,
24 including decent housing and a suitable living environment,
25 and expansion of economic opportunity, principally for persons
26 of low and moderate incomes. The Authority shall enter into

1 grant agreements from monies appropriated for such purposes
2 from the Build Illinois Bond Fund. The Authority shall monitor
3 the use of the grants, and shall provide for audits of the
4 funds as well as recovery by the Authority of any funds
5 determined to have been spent in violation of this subsection
6 (n) or any rule or regulation promulgated hereunder. The
7 Authority shall provide technical assistance with regard to
8 the effective use of the urban development action grants. The
9 Authority shall file an annual report to the General Assembly
10 concerning the progress of the grant program.

11 (o) The Authority may establish a Housing Partnership
12 Program whereby the Authority provides zero-interest loans to
13 municipalities for the purpose of assisting in the financing
14 of projects for the rehabilitation of affordable multi-family
15 housing for low and moderate income residents. The Authority
16 may provide such loans only upon a municipality's providing
17 evidence that it has obtained private funding for the
18 rehabilitation project. The Authority shall provide 3 State
19 dollars for every 7 dollars obtained by the municipality from
20 sources other than the State of Illinois. The loans shall be
21 made from monies appropriated for such purpose from the Build
22 Illinois Bond Fund. The total amount of loans available under
23 the Housing Partnership Program shall not exceed \$30,000,000.
24 State loan monies under this subsection shall be used only for
25 the acquisition and rehabilitation of existing buildings
26 containing 4 or more dwelling units. The terms of any loan made

1 by the municipality under this subsection shall require
2 repayment of the loan to the municipality upon any sale or
3 other transfer of the project. In addition, the Authority may
4 use any moneys appropriated for such purpose from the Build
5 Illinois Bond Fund, including funds loaned under this
6 subsection and repaid as principal or interest, and investment
7 income on such funds, to make the loans authorized by
8 subsection (z), without regard to any restrictions or
9 limitations provided in this subsection.

10 (p) The Authority may award grants to universities and
11 research institutions, research consortiums and other
12 not-for-profit entities for the purposes of: remodeling or
13 otherwise physically altering existing laboratory or research
14 facilities, expansion or physical additions to existing
15 laboratory or research facilities, construction of new
16 laboratory or research facilities or acquisition of modern
17 equipment to support laboratory or research operations
18 provided that such grants (i) be used solely in support of
19 project and equipment acquisitions which enhance technology
20 transfer, and (ii) not constitute more than 60 percent of the
21 total project or acquisition cost.

22 (q) Grants may be awarded by the Authority to units of
23 local government for the purpose of developing the appropriate
24 infrastructure or defraying other costs to the local
25 government in support of laboratory or research facilities
26 provided that such grants may not exceed 40% of the cost to the

1 unit of local government.

2 (r) In addition to the powers granted to the Authority
3 under subsection (i), and in all cases supplemental to it, the
4 Authority may establish a direct loan program to make loans
5 to, or may purchase participations in loans made by
6 participating lenders to, individuals, partnerships,
7 corporations, or other business entities for the purpose of
8 financing an industrial project, as defined in Section 801-10
9 of this Act. For the purposes of such program and not by way of
10 limitation on any other program of the Authority, including,
11 without limitation, programs established under subsection (i),
12 the Authority shall have the power to issue bonds, notes, or
13 other evidences of indebtedness including commercial paper for
14 purposes of providing a fund of capital from which it may make
15 such loans. The Authority shall have the power to use any
16 appropriations from the State made especially for the
17 Authority's direct loan program, or moneys at any time held by
18 the Authority under this Act outside the State treasury in the
19 custody of either the Treasurer of the Authority or a trustee
20 or depository appointed by the Authority, for additional
21 capital to make such loans or purchase such loan
22 participations, or for the purposes of reserve funds or
23 pledged funds which secure the Authority's obligations of
24 repayment of any bond, note or other form of indebtedness
25 established for the purpose of providing capital for which it
26 intends to make such loans or purchase such loan

1 participations. For the purpose of obtaining such capital, the
2 Authority may also enter into agreements with financial
3 institutions, participating lenders, and other persons for the
4 purpose of administering a loan participation program, selling
5 loans or developing a secondary market for such loans or loan
6 participations. Loans made under the direct loan program
7 specifically established under this subsection (r), including
8 loans under such program made by participating lenders in
9 which the Authority purchases a participation, may be in an
10 amount not to exceed \$600,000 and shall be made for a portion
11 of an industrial project which does not exceed 50% of the total
12 project. No loan may be made by the Authority unless approved
13 by the affirmative vote of at least 8 members of the board. The
14 Authority shall establish procedures and publish rules which
15 shall provide for the submission, review, and analysis of each
16 direct loan and loan participation application and which shall
17 preserve the ability of each board member and the Executive
18 Director, as applicable, to reach an individual business
19 judgment regarding the propriety of each direct loan or loan
20 participation. The collective discretion of the board to
21 approve or disapprove each loan shall be unencumbered. The
22 Authority may establish and collect such fees and charges,
23 determine and enforce such terms and conditions, and charge
24 such interest rates as it determines to be necessary and
25 appropriate to the successful administration of the direct
26 loan program, including purchasing loan participations. The

1 Authority may require such interests in collateral and such
2 guarantees as it determines are necessary to protect the
3 Authority's interest in the repayment of the principal and
4 interest of each loan and loan participation made under the
5 direct loan program. The restrictions established under this
6 subsection (r) shall not be applicable to any loan or loan
7 participation made under subsection (i) or to any loan or loan
8 participation made under any other Section of this Act.

9 (s) The Authority may guarantee private loans to third
10 parties up to a specified dollar amount in order to promote
11 economic development in this State.

12 (t) The Authority may adopt rules and regulations as may
13 be necessary or advisable to implement the powers conferred by
14 this Act.

15 (u) The Authority shall have the power to issue bonds,
16 notes or other evidences of indebtedness, which may be used to
17 make loans to units of local government which are authorized
18 to enter into loan agreements and other documents and to issue
19 bonds, notes and other evidences of indebtedness for the
20 purpose of financing the protection of storm sewer outfalls,
21 the construction of adequate storm sewer outfalls, and the
22 provision for flood protection of sanitary sewage treatment
23 plans, in counties that have established a stormwater
24 management planning committee in accordance with Section
25 5-1062 of the Counties Code. Any such loan shall be made by the
26 Authority pursuant to the provisions of Section 820-5 to

1 820-60 of this Act. The unit of local government shall pay back
2 to the Authority the principal amount of the loan, plus annual
3 interest as determined by the Authority. The Authority shall
4 have the power, subject to appropriations by the General
5 Assembly, to subsidize or buy down a portion of the interest on
6 such loans, up to 4% per annum.

7 (v) The Authority may accept security interests as
8 provided in Sections 11-3 and 11-3.3 of the Illinois Public
9 Aid Code.

10 (w) Moral Obligation. In the event that the Authority
11 determines that monies of the Authority will not be sufficient
12 for the payment of the principal of and interest on its bonds
13 during the next State fiscal year, the Chairperson, as soon as
14 practicable, shall certify to the Governor the amount required
15 by the Authority to enable it to pay such principal of and
16 interest on the bonds. The Governor shall submit the amount so
17 certified to the General Assembly as soon as practicable, but
18 no later than the end of the current State fiscal year. This
19 subsection shall apply only to any bonds or notes as to which
20 the Authority shall have determined, in the resolution
21 authorizing the issuance of the bonds or notes, that this
22 subsection shall apply. Whenever the Authority makes such a
23 determination, that fact shall be plainly stated on the face
24 of the bonds or notes and that fact shall also be reported to
25 the Governor. In the event of a withdrawal of moneys from a
26 reserve fund established with respect to any issue or issues

1 of bonds of the Authority to pay principal or interest on those
2 bonds, the Chairperson of the Authority, as soon as
3 practicable, shall certify to the Governor the amount required
4 to restore the reserve fund to the level required in the
5 resolution or indenture securing those bonds. The Governor
6 shall submit the amount so certified to the General Assembly
7 as soon as practicable, but no later than the end of the
8 current State fiscal year. The Authority shall obtain written
9 approval from the Governor for any bonds and notes to be issued
10 under this Section. In addition to any other bonds authorized
11 to be issued under Sections 825-60, 825-65(e), 830-25 and
12 845-5, the principal amount of Authority bonds outstanding
13 issued under this Section 801-40(w) or under 20 ILCS 3850/1-80
14 or 30 ILCS 360/2-6(c), which have been assumed by the
15 Authority, shall not exceed \$150,000,000. This subsection (w)
16 shall in no way be applied to any bonds issued by the Authority
17 on behalf of the Illinois Power Agency under Section 825-90 of
18 this Act.

19 (x) The Authority may enter into agreements or contracts
20 with any person necessary or appropriate to place the payment
21 obligations of the Authority under any of its bonds in whole or
22 in part on any interest rate basis, cash flow basis, or other
23 basis desired by the Authority, including without limitation
24 agreements or contracts commonly known as "interest rate swap
25 agreements", "forward payment conversion agreements", and
26 "futures", or agreements or contracts to exchange cash flows

1 or a series of payments, or agreements or contracts, including
2 without limitation agreements or contracts commonly known as
3 "options", "puts", or "calls", to hedge payment, rate spread,
4 or similar exposure; provided that any such agreement or
5 contract shall not constitute an obligation for borrowed money
6 and shall not be taken into account under Section 845-5 of this
7 Act or any other debt limit of the Authority or the State of
8 Illinois.

9 (y) The Authority shall publish summaries of projects and
10 actions approved by the members of the Authority on its
11 website. These summaries shall include, but not be limited to,
12 information regarding the:

- 13 (1) project;
- 14 (2) Board's action or actions;
- 15 (3) purpose of the project;
- 16 (4) Authority's program and contribution;
- 17 (5) volume cap;
- 18 (6) jobs retained;
- 19 (7) projected new jobs;
- 20 (8) construction jobs created;
- 21 (9) estimated sources and uses of funds;
- 22 (10) financing summary;
- 23 (11) project summary;
- 24 (12) business summary;
- 25 (13) ownership or economic disclosure statement;
- 26 (14) professional and financial information;

1 (15) service area; and

2 (16) legislative district.

3 The disclosure of information pursuant to this subsection
4 shall comply with the Freedom of Information Act.

5 (z) Consistent with the findings and declaration of policy
6 set forth in item (j) of Section 801-5 of this Act, the
7 Authority shall have the power to make loans to the Police
8 Officers' Pension Investment Fund authorized by Section
9 22B-120 of the Illinois Pension Code and to make loans to the
10 Firefighters' Pension Investment Fund authorized by Section
11 22C-120 of the Illinois Pension Code. Notwithstanding anything
12 in this Act to the contrary, loans authorized by Section
13 22B-120 and Section 22C-120 of the Illinois Pension Code may
14 be made from any of the Authority's funds, including, but not
15 limited to, funds in its Illinois Housing Partnership Program
16 Fund, its Industrial Project Insurance Fund, or its Illinois
17 Venture Investment Fund.

18 (Source: P.A. 100-919, eff. 8-17-18; 101-610, eff. 1-1-20.)

19 (20 ILCS 3501/Art. 850 heading new)

20 ARTICLE 850

21 GENERAL PROVISIONS

22 (20 ILCS 3501/850-5 new)

23 Sec. 850-5. Climate Bank. The General Assembly designates
24 the Authority as the Climate Bank to aid in all respects with

1 providing financial assistance, programs, and products to
2 finance and otherwise develop and facilitate opportunities to
3 develop clean energy and provide clean water, drinking water,
4 and wastewater treatment in the State. Nothing in this Section
5 shall be deemed to supersede powers and regulatory duties
6 conferred to other State agencies or governmental units.

7 (20 ILCS 3501/850-10 new)

8 Sec. 850-10. Powers and duties.

9 (a) The Authority shall have the powers enumerated in this
10 Act to assist in the development and implementation of clean
11 energy in the State. The powers enumerated in this Article
12 shall be in addition to all other powers of the Authority
13 conferred in this Act, including those related to clean energy
14 and the provision of clean water, drinking water, and
15 wastewater treatment. The powers of the Authority to issue
16 bonds, notes, and other obligations to finance loans
17 administered by the Illinois Environmental Protection Agency
18 under the Public Water Supply Loan Program or the Water
19 Pollution Control Loan Program or other similar programs shall
20 not be limited or otherwise affected by this amendatory Act of
21 the 102nd General Assembly.

22 (b) In its role as the Climate Bank of the State, the
23 Authority shall have the power to: (i) administer programs and
24 funds appropriated by the General Assembly for clean energy
25 projects in eligible communities and environmental justice

1 communities or owned by eligible persons, (ii) support
2 investment in the clean energy and clean water, drinking
3 water, and wastewater treatment, (iii) support and otherwise
4 promote investment in clean energy projects to foster the
5 growth, development, and commercialization of clean energy
6 projects and related enterprises, and (iv) stimulate demand
7 for clean energy and the development of clean energy projects.

8 (c) In addition to, and not in limitation of, any other
9 power of the Authority set forth in this Section or any other
10 provisions of the general statutes, the Authority shall have
11 and may exercise the following powers in furtherance of or in
12 carrying out its clean energy powers and purposes:

13 (1) To enter into joint ventures and invest in and
14 participate with any person, including, without
15 limitation, government entities and private corporations,
16 engaged primarily in the development of clean energy
17 projects, provided that members of the Authority or
18 officers may serve as directors, members, or officers of
19 any such business entity, and such service shall be deemed
20 to be in the discharge of the duties or within the scope of
21 the employment of any such member or officer, or Authority
22 or officers, as the case may be, so long as such member or
23 officer does not receive any compensation or direct or
24 indirect financial benefit as a result of serving in such
25 role.

26 (2) To utilize funding sources, including, but not

1 limited to:

2 (A) funds repurposed from existing programs
3 providing financing support for clean energy projects,
4 provided any transfer of funds from such existing
5 programs shall be subject to approval by the General
6 Assembly and shall be used for expenses of financing,
7 grants, and loans;

8 (B) any federal funds that can be used for clean
9 energy purposes;

10 (C) charitable gifts, grants, and contributions as
11 well as loans from individuals, corporations,
12 university endowment funds, and philanthropic
13 foundations for clean energy projects or for the
14 provision of clean water, drinking water, and
15 wastewater treatment; and

16 (D) earnings and interest derived from financing
17 support activities for clean energy projects financed
18 by the Authority.

19 (3) To enter into contracts with private sources to
20 raise capital.

21 (d) The Authority may finance working capital, refinance
22 outstanding indebtedness of any person, and otherwise assist
23 in the investment of equity from any source, public or
24 private, in connection with clean energy projects or any other
25 projects authorized by this Act.

26 (e) The Authority may assess reasonable fees on its

1 financing activities to cover its reasonable costs and
2 expenses, as determined by the Authority.

3 (f) The Authority shall make information regarding the
4 rates, terms and conditions for all of its financing support
5 transactions available to the public for inspection, including
6 formal annual reviews by both a private auditor and the
7 Comptroller, and providing details to the public on the
8 Internet, provided public disclosure shall be restricted for
9 patentable ideas, trade secrets, and proprietary or
10 confidential commercial or financial information, disclosure
11 of which may cause commercial harm to a nongovernmental
12 recipient of such financing support and for other information
13 exempt from public records disclosure pursuant to Section
14 1-210.

15 (20 ILCS 3501/850-15 new)

16 Sec. 850-15. Purposes; Climate Bank. In its role as the
17 Climate Bank for the State, the Authority shall consider the
18 following purposes:

19 (1) the distribution of the benefits of clean energy
20 in an equitable manner, including by evaluating benefits
21 to eligible communities and equity investment eligible
22 persons;

23 (2) making clean energy accessible to all, especially
24 eligible persons, through financing opportunities and
25 grants for minority-owned businesses, as defined in the

1 Business Enterprise for Minorities, Women, and Persons
2 with Disabilities Act, and for low-income communities,
3 eligible communities, environmental justice communities,
4 and the businesses that serve these communities; and

5 (3) accelerating the investment of private capital
6 into clean energy projects in a manner reflective of the
7 geographic, racial, ethnic, gender, and income-level
8 diversity of the State.

9 Article 10. Energy Community Reinvestment Act

10 Section 10-1. Short title. This Article may be cited as
11 the Energy Community Reinvestment Act. References in this
12 Article to "this Act" mean this Article.

13 Section 10-5. Findings. The General Assembly finds that,
14 as part of putting Illinois on a path to 100% renewable energy,
15 the State of Illinois should ensure a just transition to that
16 goal, providing support for the transition of Illinois'
17 communities and workers impacted by closures or reduced use of
18 fossil fuel power plants, nuclear power plants, or coal mines
19 by allocating new economic development resources for business
20 tax incentives, workforce training, site clean-up and reuse,
21 and local tax revenue replacement.

22 The General Assembly finds and declares that the health,
23 safety, and welfare of the people of this State are dependent

1 upon a healthy economy and vibrant communities; that the
2 closure of fossil fuel power plants, nuclear power plants, and
3 coal mines across this State have a significant impact on
4 their surrounding communities; that the expansion of renewable
5 energy creates job growth and contributes to the health,
6 safety, and welfare of the people of this State; that the
7 continual encouragement, development, growth, and expansion of
8 renewable energy within this State requires a cooperative and
9 continuous partnership between government and the renewable
10 energy sector; and that there are certain areas in this State
11 that have lost, or will lose, jobs due to the closure of fossil
12 fuel power plants, nuclear power plants, and coal mines and
13 need the particular attention of government, labor, and the
14 residents of Illinois to help attract new investment into
15 these areas and directly aid the local community and its
16 residents.

17 Therefore, it is declared to be the purpose of this Act to
18 explore ways of stimulating the growth of new private
19 investment, including renewable energy investment, in this
20 State and to foster job growth in areas impacted by the closure
21 of coal energy plants, coal mines, and nuclear energy plants.

22 Section 10-10. Definitions. As used in this Act, unless
23 the context otherwise requires:

24 "Agencies" or "State agencies" has the same meaning as
25 "State agencies" under Section 1-7 of the Illinois State

1 Auditing Act.

2 "Commission" means the Energy Transition Workforce
3 Commission created in Section 10-15.

4 "Department" means the Department of Commerce and Economic
5 Opportunity.

6 "Displaced energy worker" means an energy worker who has
7 lost employment, or is anticipated by the Department to lose
8 employment within the next 5 years, due to the reduced
9 operation or closure of a fossil fuel power plant, nuclear
10 power plant, or coal mine.

11 "Energy worker" means a person who has been employed
12 full-time for a period of one year or longer, and within the
13 previous 5 years, at a fossil fuel power plant, a nuclear power
14 plant, or a coal mine located within the State of Illinois,
15 whether or not they are employed by the owner of the power
16 plant or mine. Energy workers are considered to be full-time
17 if they work at least 35 hours per week for 45 weeks a year or
18 the 1,820 work-hour equivalent with vacations, paid holidays,
19 and sick time, but not overtime, included in this computation.
20 Classification of an individual as an energy worker continues
21 for 5 years from the latest date of employment or the effective
22 date of this Act, whichever is later.

23 "Environmental justice communities" shall have the meaning
24 set forth in Section 1-56 of the Illinois Power Agency Act and
25 the most recent Commission-approved long-term renewable
26 resources procurement plan of the Illinois Power Agency.

1 "Fossil fuel power plant" means an electric generating
2 facility powered by gas, coal, other fossil fuels, or a
3 combination thereof.

4 "Local labor market area" means an economically integrated
5 area within which individuals reside and find employment
6 within a reasonable distance of their places of residence or
7 can readily change jobs without changing their places of
8 residence.

9 "Low-income" means persons and families whose income does
10 not exceed 80% of area median income, adjusted for family size
11 and revised every 2 years.

12 "Renewable energy enterprise" means a company that is
13 engaged in the production, manufacturing, distribution, or
14 development of renewable energy resources and associated
15 technologies.

16 "Renewable energy project" means a project conducted by a
17 renewable energy enterprise for the purpose of generating
18 renewable energy resources or energy storage.

19 "Renewable energy resources" has the meaning set forth in
20 Section 1-10 of the Illinois Power Agency Act.

21 "Rule" has the meaning set forth in Section 1-70 of the
22 Illinois Administrative Procedure Act.

23 Section 10-15. Energy Transition Workforce Commission.

24 (a) The Energy Transition Workforce Commission is hereby
25 created within the Department of Commerce and Economic

1 Opportunity.

2 (b) The Commission shall consist of the following members:

3 (1) the Director of Commerce and Economic Opportunity;

4 (2) the Director of Labor, or his or her designee, who
5 shall serve as chairperson;

6 (3) 5 members appointed by the Governor, with the
7 advice and consent of the Senate, of which at least one
8 shall be a representative of a local labor organization,
9 at least one shall be a resident of an environmental
10 justice community, at least one shall be a representative
11 of a national labor organization, and at least one shall
12 be a representative of the administrator of workforce
13 training programs created by this Act. Designees shall be
14 appointed within 60 days after a vacancy; and

15 (4) the 3 Regional Administrators selected under
16 Section 5-15 of the Energy Transition Act.

17 (c) Members of the Commission shall serve without
18 compensation, but may be reimbursed for necessary expenses
19 incurred in the performance of their duties from funds
20 appropriated for that purpose. The Department of Commerce and
21 Economic Opportunity shall provide administrative support to
22 the Commission.

23 (d) Within 240 days after the effective date of this Act,
24 the Commission shall produce an Energy Transition Workforce
25 Report regarding the anticipated impact of the energy
26 transition and a comprehensive set of recommendations to

1 address changes to the Illinois workforce during the period of
2 2020 through 2050, or a later year. The report shall contain
3 the following elements, designed to be used for the programs
4 created in this Act:

5 (1) Information related to the impact on current
6 workers, including:

7 (A) a comprehensive accounting of all employees
8 who currently work in fossil fuel energy generation,
9 nuclear energy generation, and coal mining in the
10 State; upon receipt of the employee's written
11 authorization for the employer's release of such
12 information to the Commission, this shall include
13 information on their location, employer, salary
14 ranges, full-time or part-time status, nature of their
15 work, educational attainment, union status, and other
16 factors the Commission finds relevant;

17 (B) the anticipated schedule of closures of fossil
18 fuel power plants, nuclear power plants, and coal
19 mines across the State; when information is
20 unavailable to provide exact data, the report shall
21 include approximations based upon the best available
22 information;

23 (C) an estimate of worker impacts due to scheduled
24 closures, including layoffs, early retirements, salary
25 changes, and other factors the Commission finds
26 relevant; and

1 (D) the likely outcome for workers who are
2 employed by facilities that are anticipated to close
3 or have significant layoffs during their tenure or
4 lifetime.

5 (2) Information regarding impact on communities and
6 local governments, including:

7 (A) changes in the revenue for units of local
8 government in areas that currently or recently have
9 had a closure or reduction in operation of a fossil
10 fuel power plant, nuclear power plant, coal mine, or
11 related industry;

12 (B) environmental impacts in areas that currently
13 or recently have had fossil fuel power plants, coal
14 mines, nuclear power plants, or related industry; and

15 (C) economic impacts of the energy transition,
16 including, but not limited to, the supply chain
17 impacts of the energy transition shift toward new
18 energy sources across the State.

19 (3) Information on emerging industries and State
20 economic development opportunities in regions that have
21 historically been the site of fossil fuel power plants,
22 nuclear power plants, or coal mining.

23 (e) The Department shall periodically review its findings
24 in the developed reports and make modifications to the report
25 and programs based on new findings. The Department shall
26 conduct a comprehensive reevaluation of the report, and

1 publish a modified version, on each of the following years
2 following initial publication: 2023; 2027; 2030; 2035; 2040;
3 and any year thereafter which the Department determines is
4 necessary or prudent.

5 Section 10-20. Energy Transition Community Grants.

6 (a) Subject to appropriation, the Department shall
7 establish an Energy Transition Community Grant Program to
8 award grants to promote economic development in eligible
9 communities.

10 (b) Funds shall be made available from the Energy
11 Transition Assistance Fund to the Department to provide these
12 grants.

13 (c) Communities eligible to receive these grants must meet
14 one or more of the following:

15 (1) the area contains a fossil fuel or nuclear power
16 plant that was retired from service or has significantly
17 reduced service within 6 years before the application for
18 designation or will be retired or have service
19 significantly reduced within 6 years following the
20 application for designation;

21 (2) the area contains a coal mine that was closed or
22 had operations significantly reduced within 6 years before
23 the application for designation or is anticipated to be
24 closed or have operations significantly reduced within 6
25 years following the application for designation; or

1 (3) the area contains a nuclear power plant that was
2 decommissioned, but continued storing nuclear waste before
3 the effective date of this Act.

4 (d) Local units of governments in eligible areas may join
5 with any other local unit of government, economic development
6 organization, local educational institutions, community-based
7 groups, or with any number or combination thereof to apply for
8 the Energy Transition Community Grant.

9 (e) To receive grant funds, an eligible community must
10 submit an application to the Department, using a form
11 developed by the Department.

12 (f) For grants awarded to counties or other entities that
13 are not the city that hosts or has hosted the investor-owned
14 electric generating plant, a resolution of support for the
15 project from the city or cities that hosts or has hosted the
16 investor-owned electric generating plant is required to be
17 submitted with the application.

18 (g) Grants must be used to plan for or address the economic
19 and social impact on the community or region of plant
20 retirement or transition.

21 (h) Project applications shall include community input and
22 consultation with a diverse set of stakeholders, including,
23 but not limited to: Regional Planning Councils, where
24 applicable; economic development organizations; low-income or
25 environmental justice communities; educational institutions;
26 elected and appointed officials; organizations representing

1 workers; and other relevant organizations.

2 (i) Grant costs are authorized to procure third-party
3 vendors for grant writing and implementation costs, including
4 for guidance and opportunities to apply for additional
5 federal, State, local, and private funding resources. If the
6 application is approved for pre-award, one-time reimbursable
7 costs to apply for the Energy Transition Community Grant are
8 authorized up to 3% of the award.

9 Section 10-25. Displaced Energy Workers Bill of Rights.

10 (a) The Department, in collaboration with the Department
11 of Employment Security, shall have the authority to implement
12 the Displaced Energy Workers Bill of Rights, and shall be
13 responsible for the implementation of the Displaced Energy
14 Workers Bill of Rights programs and rights created under this
15 Section. The Department shall provide the following benefits
16 to displaced energy workers listed in paragraphs (1) through
17 (4) of this subsection:

18 (1) Advance notice of power plant or coal mine
19 closure.

20 (A) The Department shall notify all energy workers
21 of the upcoming closure of any qualifying facility as
22 far in advance of the scheduled closing date as it can.
23 The Department shall engage the employer and energy
24 workers no later than within 30 days of a closure or
25 deactivation notice being filed by the plant owner to

1 the Regional Transmission Organization of
2 jurisdiction, within 30 days of the announced closure
3 of a coal mine, within 30 days of a WARN notice being
4 filed with the Department, or within 30 days of an
5 announcement or requirement of cessation of operations
6 of a plant or mine from another authoritative source,
7 whichever is first.

8 (B) In providing the advance notice described in
9 this paragraph (1), the Department shall take
10 reasonable steps to ensure that all displaced energy
11 workers are educated on the various programs available
12 through the Department to assist with the energy
13 transition.

14 (2) Education on programs. The Department shall take
15 reasonable steps to ensure that all displaced energy
16 workers are educated on the various programs available
17 through the Department to assist with the energy
18 transition, including, but not limited to, the Illinois
19 Dislocated Worker and Rapid Response programs. The
20 Department will develop an outreach strategy, workforce
21 toolkit and quick action plan to deploy when closures are
22 announced. This strategy will include identifying any
23 additional resources that may be needed to aid worker
24 transitions that would require contracting services.

25 (3) The Department shall provide information and
26 consultation to displaced energy workers on various

1 employment and educational opportunities available to
2 them, supportive services, and advise workers on which
3 opportunities meet their skills, needs, and preferences.

4 (A) Available services will include reemployment
5 services, training services, work-based learning
6 services, and financial and retirement planning
7 support.

8 (B) The Department will provide skills matching as
9 part of career counseling services to enable
10 assessment of the displaced energy worker's skills and
11 map those skills to emerging occupations in the region
12 or nationally, or both, depending on the displaced
13 worker's preferences.

14 (C) For energy workers who may be interested in
15 entrepreneurial pursuits, the Department will connect
16 these individuals with their area Small Business
17 Development Center, procurement technical assistance
18 centers, and economic development organization to
19 engage in services, including, but not limited to,
20 business consulting, business planning, regulatory
21 compliance, marketing, training, accessing capital,
22 and government bid certification assistance.

23 (4) Financial planning services. Displaced energy
24 workers shall be entitled to services as described in the
25 energy worker programs in this subsection, including
26 financial planning services.

1 (b) Plant owners and the owners of coal mines located in
2 Illinois shall be required to comply with the requirements set
3 out in this subsection (b). The owners shall be required to
4 take the following actions:

5 (1) Provide written notice of deactivation or closure
6 filing with the Regional Transmission Organization of
7 jurisdiction to the Department within 48 hours, if
8 applicable.

9 (2) Provide employment information for energy workers;
10 90 days prior to the closure of an electric generating
11 unit or mine, the owners of the power plant or mine shall
12 provide energy workers information on whether there are
13 employment opportunities provided by their employer.

14 (3) Annually report to the Department on announced
15 closures of qualifying facilities. The report must include
16 information on expected closure date, number of employees,
17 planning processes, services offered for employees (such
18 as training opportunities) leading up to the closure,
19 efforts made to retain employees through other employment
20 opportunities within the company, and any other
21 information that the Department requires in order to
22 implement this Section.

23 (4) Ninety days prior to closure date, provide a final
24 closure report to the Department that includes expected
25 closure date, number of employees and salaries, transition
26 support the company is providing to employee and

1 timelines, including assistance for training
2 opportunities, transportation support or child care
3 resources to attend training, career counseling, resume
4 support, and others. The closure report will be made
5 available to the chief elected official of each municipal
6 and county government within which the employment loss,
7 relocation, or mass layoff occurs. It shall not be made
8 publicly available.

9 (5) Ninety days prior to closure date, provide job
10 descriptions for each employee at the plant or mine to the
11 Department and the entity providing career and training
12 counseling.

13 (6) Ninety days prior to closure date, make available
14 to the Department and the entity providing career and
15 training counseling any industry-related certifications
16 and on-the-job training the employee earned to allow union
17 training programs, community colleges, or other
18 certification programs to award credit for life
19 experiences in order to reduce the amount of time to
20 complete training, certificates, or degrees for the
21 dislocated employee.

22 (7) Maintain responsible retirement account
23 portfolios.

24 Section 10-30. Displaced Energy Worker Dependent
25 Transition Scholarship.

1 (a) Subject to appropriation, the benefits of this Section
2 shall be administered by and paid for out of funds made
3 available to the Illinois Student Assistance Commission.

4 (b) Any natural child, legally adopted child, or stepchild
5 of an eligible displaced energy worker who possesses all
6 necessary entrance requirements shall, upon application and
7 proper proof, be awarded a transition scholarship consisting
8 of the equivalent of one calendar year of full-time
9 enrollment, including summer terms, to the State-supported
10 Illinois institution of higher learning of his or her choice.

11 (c) As used in this Section, "eligible displaced energy
12 worker" means an energy worker who has lost employment due to
13 the reduced operation or closure of a fossil fuel power plant
14 or coal mine.

15 (d) Full-time enrollment means 12 or more semester hours
16 of courses per semester, or 12 or more quarter hours of courses
17 per quarter, or the equivalent thereof per term. Scholarships
18 utilized by dependents enrolled in less than full-time study
19 shall be computed in the proportion which the number of hours
20 so carried bears to full-time enrollment.

21 (e) Scholarships awarded under this Section may be used by
22 a child without regard to his or her age. The holder of a
23 Scholarship awarded under this Section shall be subject to all
24 examinations and academic standards, including the maintenance
25 of minimum grade levels, that are applicable generally to
26 other enrolled students at the Illinois institution of higher

1 learning where the scholarship is being used.

2 (f) An applicant is eligible for a scholarship under this
3 Section when the Commission finds the applicant:

4 (1) is the natural child, legally adopted child, or
5 stepchild of an eligible displaced energy worker; and

6 (2) in the absence of transition scholarship
7 assistance, will be deterred by financial considerations
8 from completing an educational program at the
9 State-supported Illinois institution of higher learning of
10 his or her choice.

11 (g) Funds may be made available from the Energy Transition
12 Assistance Fund to the Commission to provide these grants.

13 (h) The scholarship shall only cover tuition and fees at
14 the rates offered to students residing within the State or in
15 the district, but shall not exceed the cost equivalent of one
16 calendar year of full-time enrollment, including summer terms,
17 at the University of Illinois. The Commission shall determine
18 the grant amount for each student.

19 Section 10-35. Consideration of energy worker employment.

20 (a) All State departments and agencies shall conduct a
21 review of the Department of Commerce and Economic
22 Opportunity's registry of energy workers to determine whether
23 any qualified candidates are displaced energy workers before
24 making a final hiring decision for a position in State
25 employment.

1 (b) The Department of Commerce and Economic Opportunity
2 shall inform all State agencies and departments of the
3 obligations created by this Section and take steps to ensure
4 compliance.

5 (c) Nothing in this Section shall be interpreted to
6 indicate that the State is required to hire displaced energy
7 workers for any position.

8 (d) No part of this Section shall be interpreted to be in
9 conflict with federal or State civil rights or employment law.

10 Section 10-40. Energy Community Reinvestment Report.
11 Beginning 365 days after the effective date of this Act, and at
12 least once each calendar year thereafter, the Department shall
13 create or commission the creation of a report on the energy
14 worker and transition programs created in this Act and publish
15 the report on its website. The report shall, at a minimum,
16 contain information on program metrics, the demographics of
17 participants, program impact, and recommendations for future
18 modifications to the services provided by the Department under
19 these programs.

20 Section 10-70. Administrative review. All final
21 administrative decisions, including, but not limited to,
22 funding allocation and rules issued by the Department under
23 this Act are subject to judicial review under the
24 Administrative Review Law. No action may be commenced under

1 this Section prior to 60 days after the complainant has given
2 notice in writing of the action to the Department.

3 Section 10-90. Repealer. This Act is repealed 24 years
4 after the effective date of this Act.

5 Article 15. Community Energy, Climate, and Jobs Planning Act

6 Section 15-1. Short title. This Article may be cited as
7 the Community Energy, Climate, and Jobs Planning Act.
8 References in this Article to "this Act" mean this Article.

9 Section 15-5. Findings. The General Assembly makes the
10 following findings:

11 (1) The health, welfare, and prosperity of Illinois
12 residents require that Illinois take all steps possible to
13 combat climate change, address harmful environmental
14 impacts deriving from the generation of electricity,
15 maximize quality job creation in the emerging clean energy
16 economy, ensure affordable utility service, equitable and
17 affordable access to transportation, and clean, safe, and
18 affordable housing.

19 (2) The achievement of these goals will depend on
20 strong community engagement to ensure that programs and
21 policy solutions meet the needs of disparate communities.

22 (3) Ensuring that these goals are met without adverse

1 impacts on utility bill affordability, housing
2 affordability, and other essential services will depend on
3 the coordination of policies and programs within local
4 communities.

5 Section 15-10. Definitions. As used in this Act:

6 "Alternative energy improvement" means the installation or
7 upgrade of electrical wiring, outlets, or charging stations to
8 charge a motor vehicle that is fully or partially powered by
9 electricity; photovoltaic, energy storage, or thermal
10 resource; or any combination thereof.

11 "Disadvantaged worker" means an individual who is defined
12 as: (1) being homeless; (2) being a custodial single parent;
13 (3) being a recipient of public assistance; (4) lacking a high
14 school diploma or high school equivalency; (5) having a
15 criminal record or other involvement in the criminal justice
16 system; (6) suffering from chronic unemployment; (7) being
17 previously in the child welfare system; or (8) being a
18 veteran.

19 "Energy efficiency improvement" means equipment, devices,
20 or materials intended to decrease energy consumption or
21 promote a more efficient use of electricity, natural gas,
22 propane, or other forms of energy on property, including, but
23 not limited to:

24 (1) insulation in walls, roofs, floors, foundations,
25 or heating and cooling distribution systems;

1 (2) storm windows and doors, multi-glazed windows and
2 doors, heat-absorbing or heat-reflective glazed and coated
3 window and door systems, and additional glazing,
4 reductions in glass area, and other window and door system
5 modifications that reduce energy consumption;

6 (3) automated energy control systems;

7 (4) high efficiency heating, ventilating, or
8 air-conditioning and distribution system modifications or
9 replacements;

10 (5) caulking, weather-stripping, and air sealing;

11 (6) replacement or modification of lighting fixtures
12 to reduce the energy use of the lighting system;

13 (7) energy controls or recovery systems;

14 (8) day lighting systems;

15 (9) any energy efficiency project, as defined in
16 Section 825-65 of the Illinois Finance Authority Act; and

17 (10) any other installation or modification of
18 equipment, devices, or materials approved as a utility
19 cost-saving measure by the governing body.

20 "Energy project" means the installation or modification of
21 an alternative energy improvement, energy efficiency
22 improvement, or water use improvement, or the acquisition,
23 installation, or improvement of a renewable energy system that
24 is affixed to a stabilized existing property, including new
25 construction.

26 "Environmental justice communities" means the proposed

1 definition of that term based on existing methodologies and
2 findings used by the Illinois Power Agency and its
3 Administrator in its Illinois Solar for All Program.

4 "Equity investment eligible community" or "eligible
5 community" are synonymous and mean the geographic areas
6 throughout Illinois which would most benefit from equitable
7 investments by the State designed to combat discrimination and
8 foster sustainable economic growth. Specifically, eligible
9 communities shall be defined as the following areas:

10 (1) R3 Areas as established pursuant to Section 10-40
11 of the Cannabis Regulation and Tax Act, where residents
12 have historically been excluded from economic
13 opportunities, including opportunities in the energy
14 sector; and

15 (2) Environmental justice communities, as defined by
16 the Illinois Power Agency pursuant to the Illinois Power
17 Agency Act, where residents have historically been subject
18 to disproportionate burdens of pollution, including
19 pollution from the energy sector.

20 "Equity investment eligible person" or "eligible person"
21 are synonymous and mean the persons who would most benefit
22 from equitable investments by the State designed to combat
23 discrimination and foster sustainable economic growth.
24 Specifically, "eligible person" means the following people:

25 (1) a person whose primary residence is in an equity
26 investment eligible community;

1 (2) a person who is a graduate of or currently
2 enrolled in the foster care system; or

3 (3) a person who was formerly incarcerated.

4 "Governing body" means the county board or board of county
5 commissioners of a county, the city council of a municipality,
6 or the board of trustees of a village.

7 "Local Employment Plan" means a bidding option that public
8 agencies may include in requests for proposals to incentivize
9 bidders to voluntarily plan to retain and create high-skilled
10 local manufacturing jobs; invest in preapprenticeship,
11 apprenticeship, and training opportunities; and develop
12 family-sustaining career pathways into clean energy industries
13 for disadvantaged workers in a specified local area. The Local
14 Employment Plan only applies to work that is not financed with
15 federal money.

16 "Local unit of government" means a county, municipality,
17 or village.

18 "Natural climate solutions" means conservation,
19 restoration, or improved land management actions that increase
20 carbon storage or avoid greenhouse gas emissions on natural
21 and working lands.

22 "Nature-based approaches for climate adaptation" means
23 actions that preserve, enhance, or expand functions provided
24 by nature that increase capacity to manage adverse conditions
25 created or exacerbated by climate change. "Nature-based
26 approaches for climate adaptation" includes, but is not

1 limited to, the restoration of native ecosystems, especially
2 floodplains; installation of bioswales, rain gardens, and
3 other green stormwater infrastructure; and practices that
4 increase soil health and reduce urban heat island effects.

5 "Public agency" means the State of Illinois or any of its
6 government bodies and subdivisions, including the various
7 counties, townships, municipalities, school districts,
8 educational service regions, special road districts, public
9 water supply districts, drainage districts, levee districts,
10 sewer districts, housing authorities, and transit agencies.

11 "Renewable energy resource" includes energy and its
12 associated renewable energy credit or renewable energy credits
13 from wind energy, solar thermal energy, geothermal energy,
14 photovoltaic cells and panels, biodiesel, anaerobic digestion,
15 and hydropower that does not involve new construction or
16 significant expansion of hydropower dams. For purposes of this
17 Act, landfill gas produced in the State is considered a
18 renewable energy resource. "Renewable energy resource" does
19 not include the incineration or burning of any solid material.

20 "Renewable energy system" means a fixture, product,
21 device, or interacting group of fixtures, products, or devices
22 on the customer's side of the meter that use one or more
23 renewable energy resources to generate electricity, and
24 specifically includes any renewable energy project, as defined
25 in Section 825-65 of the Illinois Finance Authority Act.

26 "U.S. Employment Plan" means a bidding option that public

1 agencies may include in requests for proposals to incentivize
2 bidders to voluntarily plan to retain and create high-skilled
3 U.S. manufacturing jobs; invest in preapprenticeship,
4 apprenticeship, and training opportunities; and develop
5 family-sustaining career pathways into clean energy industries
6 for disadvantaged workers throughout the U.S. The U.S.
7 Employment Plan only applies to work financed with federal
8 Money.

9 "Water use improvement" means any fixture, product,
10 system, device, or interacting group thereof for or serving
11 any property that has the effect of conserving water resources
12 through improved water management, efficiency, or thermal
13 resource.

14 Section 15-15. Community Energy, Climate, and Jobs Plans;
15 creation.

16 (a) Pursuant to the procedures in Section 15-20, a local
17 unit of government may establish Community Energy, Climate,
18 and Jobs Plans and identify boundaries and areas covered by
19 the Plans.

20 (b) Community Energy, Climate, and Jobs Plans are intended
21 to aid local governments in developing a comprehensive
22 approach to combining different energy, climate, and jobs
23 programs and funding resources to achieve complementary
24 impact. An effective planning process may:

25 (1) help communities discover ways that their local

1 government, businesses, and residents can control their
2 energy use and lower their bills;

3 (2) ensure a cost-effective transition away from
4 fossil fuels in the transportation sector;

5 (3) expand access to workforce development and job
6 training opportunities for disadvantaged workers in the
7 emerging clean energy economy;

8 (4) incentivize the creation and retention of quality
9 Illinois jobs (when federal funds are not involved) in the
10 emerging clean energy economy;

11 (5) incentivize the creation and retention of quality
12 U.S. jobs in the emerging clean energy economy;

13 (6) promote economic development through improvements
14 in community infrastructure, transit, and support for
15 local business;

16 (7) improve the health of Illinois communities,
17 especially eligible communities, by reducing emissions,
18 addressing existing brownfield areas, and promoting the
19 integration of distributed energy resources;

20 (8) enable greater customer engagement, empowerment,
21 and options for energy services, and ultimately reduce
22 utility bills for Illinoisans;

23 (9) bring the benefits of grid modernization and the
24 deployment of distributed energy resources to economically
25 disadvantaged communities and eligible communities
26 throughout Illinois;

1 (10) support existing Illinois policy goals promoting
2 energy efficiency, demand response, and investments in
3 renewable energy resources;

4 (11) enable communities to better respond to extreme
5 heat and cold emergencies;

6 (12) explore opportunities to expand and improve
7 recreational amenities, wildlife habitat, flood
8 mitigation, agricultural production, tourism, and similar
9 co-benefits by deploying natural climate solutions and
10 nature-based approaches for climate adaptation; and

11 (13) ensure eligible persons, minorities, women,
12 people with disabilities, and veterans meaningfully
13 participate in the transition to a clean energy economy.

14 (c) A Community Energy, Climate, and Jobs Plan may include
15 discussion of:

16 (1) the demographics of the community, including
17 information on the mix of residential and commercial areas
18 and populations, ages, languages, education, and workforce
19 training, including an examination of the average utility
20 bills paid within the community by class and zip code, the
21 percentage and locations of individuals requiring energy
22 assistance, and participation of community members in
23 other assistance programs;

24 (2) an examination of the community's energy use, for
25 electricity, natural gas, transportation, and other fuels;

26 (3) the geography of the community, including the

1 amount of green space, brownfield sites, farmland,
2 waterways, flood zones, heat islands, areas for potential
3 development, location of critical infrastructure such as
4 emergency response facilities, health care and education
5 facilities, and public transportation routes;

6 (4) information on economic development opportunities,
7 commercial usage, and employment opportunities;

8 (5) the current status of zero emission vehicles
9 operated by or on behalf of public agencies within the
10 community; and

11 (6) other topics deemed applicable by the community.

12 (d) A Community Energy, Climate, and Jobs Plan may address
13 the following areas:

14 (1) distributed energy resources, including energy
15 efficiency, demand response, dynamic pricing, energy
16 storage, and solar (thermal, rooftop, and community);

17 (2) building codes, both commercial and residential;

18 (3) alternative transportation funding;

19 (4) transit options, including individual car
20 ownership, ridesharing, buses, trains, bicycles, and
21 pedestrian walkways;

22 (5) community assets related to extreme heat and cold
23 emergencies, such as cooling and warming centers;

24 (6) public agency procurements of zero emission,
25 electric vehicles; and

26 (7) networks of natural resources and infrastructure.

1 (e) A Community Energy, Climate, and Jobs Plan may
2 conclude with proposals to:

3 (1) increase the use of electricity as a
4 transportation fuel at multi-unit dwellings;

5 (2) maximize the system-wide benefits of
6 transportation electrification;

7 (3) direct public agencies to implement tools, such as
8 the U.S. Employment Plan or a Local Employment Plan, to
9 incentivize manufacturers in clean energy industries to
10 create and retain quality jobs and invest in training,
11 workforce development, and apprenticeship programs in
12 connection to a major contract;

13 (4) test innovative load management programs or rate
14 structures associated with the use of electric vehicles by
15 residential customers to achieve customer fuel cost
16 savings relative to gasoline or diesel fuels and to
17 optimize grid efficiency;

18 (5) increase the integration of distributed energy
19 resources in the community;

20 (6) significantly expand the percentage of net-zero
21 housing and net-zero buildings in the community;

22 (7) improve utility bill affordability;

23 (8) increase mass transit ridership;

24 (9) decrease vehicle miles traveled;

25 (10) reduce local emissions of greenhouse gases, NO_x,
26 SO_x, particulate matter, and other air pollutants;

1 (11) improve community assets that help residents
2 respond to extreme heat and cold emergencies; and

3 (12) expand opportunities for eligible persons,
4 minorities, women, people with disabilities, and veterans
5 to meaningfully participate in the transition to a clean
6 energy economy.

7 (f) A Community Energy, Climate, and Jobs Plan may be
8 administered by one or more program administrators or the
9 local unit of government.

10 Section 15-20. Community Energy, Climate, and Jobs
11 Planning process.

12 (a) An effective planning process shall engage a diverse
13 set of stakeholders in local communities, including:
14 environmental justice organizations; economic development
15 organizations; faith-based nonprofit organizations;
16 educational institutions; interested residents; health care
17 institutions; tenant organizations; housing institutions,
18 developers, and owners; elected and appointed officials; and
19 representatives reflective of each local community.

20 (b) An effective planning process shall engage individual
21 members of the community to the extent possible to ensure that
22 the Plans receive input from as diverse a set of perspectives
23 as possible.

24 (c) Plan materials and meetings related to the Plan shall
25 be translated into languages that reflect the makeup of the

1 local community.

2 (d) The planning process shall be conducted in an ethical,
3 transparent fashion, and continually review its policies and
4 practices to determine how best to meet its objectives.

5 (e) The Community, Energy, and Climate Plans shall take
6 into account other applicable or relevant economic development
7 plans, such as a Comprehensive Economic Development Strategy,
8 developed by a local unit of government, economic development
9 organization, or Regional Planning Council.

10 Section 15-25. Joint Community Energy, Climate, and Jobs
11 Plans. A local unit of government may join with any other local
12 unit of government, or with any public or private person, or
13 with any number or combination thereof, under the
14 Intergovernmental Cooperation Act, by contract or otherwise as
15 may be permitted by law, for the implementation of a Community
16 Energy, Climate, and Jobs Plan, in whole or in part.

17 Section 15-90. Repealer. This Act is repealed 24 years
18 after the effective date of this Act.

19 Article 20. Illinois Clean Energy
20 Jobs and Justice Fund Act

21 Section 20-1. Short title. This Article may be cited as
22 the Clean Energy Jobs and Justice Fund Act. References in this

1 Article to "this Act" mean this Article.

2 Section 20-5. Purpose. The purpose of this Act is to
3 promote the health, welfare, and prosperity of all the
4 residents of this State by ensuring access to financial
5 products that allow Illinois residents and businesses to
6 invest in clean energy. Furthermore, the Clean Energy Jobs and
7 Justice Fund, is designed to fill the following purposes:

8 (1) ensure that the benefits of the clean energy
9 economy are equitably distributed;

10 (2) make clean energy accessible to all through the
11 provision of innovative financing opportunities and grants
12 for Minority Business Enterprises (MBE) and other
13 contractors of color, and for low-income, environmental
14 justice, and BIPOC communities and the businesses that
15 serve these communities;

16 (3) prioritize the provision of public and private
17 capital for clean energy investment to MBEs and other
18 contractors of color, and to businesses serving
19 low-income, environmental justice, and BIPOC communities;

20 (4) accelerate the flow of private capital into clean
21 energy markets;

22 (5) assist low-income, environmental justice, and
23 BIPOC community utility customers in paying for solar and
24 energy efficiency upgrades through energy cost savings;

25 (6) increase access to no-cost and low-cost loans for

1 MBE and other contractors of color;

2 (7) develop financing products designed to compensate
3 for historical and structural barriers preventing
4 low-income, environmental justice, and BIPOC communities
5 from accessing traditional financing;

6 (8) leverage private investment in clean energy
7 projects and in projects developed by MBEs and other
8 contractors of color; and

9 (9) pursue financial self-sustainability through
10 innovative financing products.

11 Section 20-10. Definitions. As used in this Act:

12 "Black, indigenous, and people of color" or "BIPOC" means
13 people who are members of the groups described in
14 subparagraphs (a) through (e) of paragraph (A) of subsection
15 (1) of Section 2 of the Business Enterprise for Minorities,
16 Women, and Persons with Disabilities Act.

17 "Board" means the Board of Directors of the Clean Energy
18 Jobs and Justice Fund.

19 "Contractor of color" means a business entity that is at
20 least 51% owned by one or more BIPOC persons, or in the case of
21 a corporation, at least 51% of the corporation's stock is
22 owned by one or more BIPOC persons, and the management and
23 daily business operations of which are controlled by one or
24 more of the BIPOC persons who own it. A contractor of color may
25 also be a nonprofit entity with a board of directors composed

1 of at least 51% BIPOC persons or a nonprofit entity certified
2 by the State of Illinois to be minority-led.

3 "Environmental justice communities" means the definition
4 of that term based on existing methodologies and findings used
5 by the Illinois Power Agency and its Administrator of the
6 Illinois Solar for All Program.

7 "Fund" means the Clean Energy Jobs and Justice Fund.

8 "Low-income" means households whose income does not exceed
9 80% of Area Median Income (AMI), adjusted for family size and
10 revised every 5 years.

11 "Low-income community" means a census tract where at least
12 half of households are low-income.

13 "Minority-owned business enterprise" or "MBE" means a
14 business certified as such by an authorized unit of government
15 or other authorized entity in Illinois.

16 "Municipality" means a city, village, or incorporated
17 town.

18 "Person" means any natural person, firm, partnership,
19 corporation, either domestic or foreign, company, association,
20 limited liability company, joint stock company, or association
21 and includes any trustee, receiver, assignee, or personal
22 representative thereof.

23 Section 20-15. Clean Energy Jobs and Justice Fund.

24 (a) Not later than 30 days after the effective date of this
25 Act, there shall be incorporated a nonprofit corporation to be

1 known as the "Clean Energy Jobs and Justice Fund".

2 (b) The Fund shall not be an agency or instrumentality of
3 the State Government.

4 (c) The full faith and credit of the State of Illinois
5 shall not extend to the Fund.

6 (d) The Fund shall:

7 (1) Be an organization described in subsection (c) of
8 Section 501 of the Internal Revenue Code of 1986 and
9 exempt from taxation under subsection (a) of Section 501
10 of that Code;

11 (2) Ensure that no part of the income or assets of the
12 Fund shall inure to the benefit of any director, officer,
13 or employee, except as reasonable compensation for
14 services or reimbursement for expenses; and

15 (3) Not contribute to or otherwise support any
16 political party or candidate for elective office.

17 Section 20-20. Board of Directors.

18 (a) The Fund shall be managed by, and its powers,
19 functions, and duties shall be exercised through, a Board to
20 be composed of 11 members. The initial members of the Board
21 shall be appointed by the Governor with the advice and consent
22 of the Senate within 60 days after the effective date of this
23 Act. Members of the Board shall be broadly representative of
24 the communities that the Fund is designed to serve. Of such
25 members:

1 (1) at least one member shall be selected from each of
2 the following geographic regions in the State: northeast,
3 northwest, central, and southern;

4 (2) at least 2 members shall have experience in
5 providing energy-related services to low-income,
6 environmental justice, or BIPOC communities;

7 (3) at least one member shall own or be employed by an
8 MBE or BIPOC-owned business focused on the deployment of
9 clean energy;

10 (4) at least one member shall be a policy or
11 implementation expert in serving low-income, environmental
12 justice or BIPOC communities or individuals, including
13 environmental justice communities, BIPOC communities,
14 formerly convicted persons, persons who are or were in the
15 child welfare system, displaced energy workers, gender
16 nonconforming and transgender individuals, or youth; and

17 (5) at least one member shall be from a
18 community-based organization with a specific mission to
19 support racially and socioeconomically diverse
20 environmental justice communities.

21 (a-5) The terms of the initial members of the Board shall
22 be as follows:

23 (1) 5 members appointed and confirmed shall have
24 initial 5-year terms;

25 (2) 3 members appointed and confirmed shall have
26 initial 4-year terms; and

1 (3) 3 members appointed and confirmed shall have
2 initial 3-year terms.

3 (b) Subsequent composition and terms.

4 (1) Except for the selection of the initial members of
5 the Board for their initial terms under paragraph (1) of
6 subsection (a) of this Section, the members of the Board
7 shall be elected by the members of the Board.

8 (2) A member of the Board shall be disqualified from
9 voting for any position on the Board for which such member
10 is a candidate.

11 (3) All members elected pursuant to paragraph (2) of
12 subsection (a) of this Section shall have a term of 5
13 years.

14 (c) The members of the Board shall be broadly
15 representative of the communities that the Fund is designed to
16 serve and shall collectively have expertise in environmental
17 justice, energy efficiency, distributed renewable energy,
18 workforce development, finance and investments, clean
19 transportation, and climate resilience. Of such members:

20 (1) not fewer than 2 shall be selected from each of the
21 following geographic regions in the State: northeast,
22 northwest, central, and southern;

23 (2) not fewer than 2 shall be from an MBE or
24 BIPOC-owned business focused on the deployment of clean
25 energy;

26 (3) not fewer than 2 shall be from a community-based

1 organization with a specific mission to support racially
2 and socioeconomically diverse environmental justice
3 communities; and

4 (4) not fewer than 2 shall be from an organization
5 specializing in providing energy-related services to
6 low-income, environmental justice, or BIPOC communities.

7 (5) Members of the Board can fulfill multiple
8 criteria, such as representing the southern region and an
9 MBE or BIPOC-owned business focused on the deployment of
10 clean energy.

11 (d) No officer or employee of the State or any other level
12 of government may be appointed or elected as a member of the
13 Board.

14 (e) Seven members of the Board shall constitute a quorum.

15 (f) The Board shall adopt, and may amend, such bylaws as
16 are necessary for the proper management and functioning of the
17 Fund. Such bylaws shall include designation of officers of the
18 Fund and the duties of such officers.

19 (g) No person who is an employee in any managerial or
20 supervisory capacity, director, officer or agent or who is a
21 member of the immediate family of any such employee, director,
22 officer, or agent of any public utility is eligible to be a
23 director. No director may hold any elective position, be a
24 candidate for any elective position, be a State public
25 official, be employed by the Illinois Commerce Commission, or
26 be employed in a governmental position exempt from the

1 Illinois Personnel Code.

2 (h) No director, nor member of his or her immediate family
3 shall, either directly or indirectly, be employed for
4 compensation as a staff member or consultant of the Fund.

5 (i) The Board shall hold regular meetings at least once
6 every 3 months on such dates and at such places as it may
7 determine. Meetings may be held by teleconference or
8 videoconference. Special meetings may be called by the
9 president or by a majority of the directors upon at least 7
10 days' advance written notice. The act of the majority of the
11 directors, present at a meeting at which a quorum is present,
12 shall be the act of the Board of Directors unless the act of a
13 greater number is required by this Act or bylaws. A summary of
14 the minutes of every Board meeting shall be made available to
15 each public library in the State upon request and to
16 individuals upon request. Board of Directors meeting minutes
17 shall be posted on the Fund's website within 14 days after
18 Board approval of the minutes.

19 (j) A director may not receive any compensation for his or
20 her services but shall be reimbursed for necessary expenses,
21 including travel expenses incurred in the discharge of duties.
22 The Board shall establish standard allowances for mileage,
23 room and meals and the purposes for which such allowances may
24 be made and shall determine the reasonableness and necessity
25 for such reimbursements.

26 (k) In the event of a vacancy on the Board, the Board of

1 Directors shall appoint a temporary member, consistent with
2 the requirements of the Board composition, to serve the
3 remainder of the term for the vacant seat.

4 (1) The Board shall adopt rules for its own management and
5 government, including bylaws and a conflict of interest
6 policy.

7 (m) The Board of Directors of the Fund shall adopt written
8 procedures for:

9 (1) adopting an annual budget and plan of operations,
10 including a requirement of Board approval before the
11 budget or plan may take effect;

12 (2) hiring, dismissing, promoting, and compensating
13 employees of the Fund, including an affirmative action
14 policy and a requirement of Board approval before a
15 position may be created or a vacancy filled;

16 (3) acquiring real and personal property and personal
17 services, including a requirement of Board approval for
18 any non-budgeted expenditure in excess of \$5,000;

19 (4) contracting for financial, legal, bond
20 underwriting and other professional services, including
21 requirements that the Fund (i) solicit proposals at least
22 once every 3 years for each such service that it uses, and
23 (ii) ensure equitable contracting with diverse suppliers;

24 (5) issuing and retiring bonds, bond anticipation
25 notes, and other obligations of the Fund; and

26 (6) awarding loans, grants and other financial

1 assistance, including (i) eligibility criteria, the
2 application process and the role played by the Fund's
3 staff and Board of Directors, and (ii) ensuring racial
4 equity in the awarding of loans, grants, and other
5 financial assistance.

6 (n) The Board shall develop a robust set of metrics to
7 measure the degree to which the program is meeting the
8 purposes set forth in Section 20-5 of this Act, and especially
9 measuring adherence to the racial equity purposes set forth
10 there, and a reporting format and schedule to be adhered to by
11 the Fund officers and staff. These metrics and reports shall
12 be posted quarterly on the Fund's website.

13 (o) The Board of Directors has the responsibility to make
14 program adjustments necessary to ensure that the Clean Energy
15 Jobs and Justice Fund is meeting the purposes set forth in this
16 Act. Fund officers and staff and the Board of Directors are
17 responsible for ensuring capital providers and Fund officers
18 and staff, partners, and financial institutions are held to
19 state and federal standards for ethics and predatory lending
20 practices and shall immediately remove any offending products
21 and sponsoring organizations from Fund participation.

22 (p) The Board shall issue annually a report reviewing the
23 activities of the Fund in detail and shall provide a copy of
24 such report to the joint standing committees of the General
25 Assembly having cognizance of matters relating to energy and
26 commerce. The report shall be published on the Fund's website

1 within 3 days after its submission to the General Assembly.

2 Section 20-25. Powers and duties.

3 (a) The Fund shall endeavor to perform the following
4 actions, but is not limited to these specified actions:

5 (1) Develop programs to finance and otherwise support
6 clean energy investment and projects as determined by the
7 Fund in keeping with the purposes of this Act.

8 (2) Support financing or other expenditures that
9 promote investment in clean energy sources in order to (i)
10 foster the development and commercialization of clean
11 energy projects, including projects serving low-income,
12 environmental justice, and BIPOC communities, and (ii)
13 support project development by MBE and other contractors
14 of color.

15 (3) Prioritize the provision of public and private
16 capital for clean energy investment to MBEs and other
17 contractors of color, and to clean energy investment in
18 low-income, environmental justice, and BIPOC communities.

19 (4) Provide access to grants, no-cost, and low-cost
20 loans to MBEs and other contractors of color, including
21 those participating in the Clean Energy Primes Contractor
22 Accelerator Program.

23 (5) Provide financial assistance in the form of
24 grants, loans, loan guarantees or debt and equity
25 investments, as approved in accordance with written

1 procedures.

2 (6) Assume or take title to any real property, convey
3 or dispose of its assets and pledge its revenues to secure
4 any borrowing, convey or dispose of its assets and pledge
5 its revenues to secure any borrowing, for the purpose of
6 developing, acquiring, constructing, refinancing,
7 rehabilitating or improving its assets or supporting its
8 programs, provided each such borrowing or mortgage, unless
9 otherwise provided by the Board or the Fund, shall be a
10 special obligation of the Fund, which obligation may be in
11 the form of bonds, bond anticipation notes, or other
12 obligations that evidence an indebtedness to the extent
13 permitted under this Act to fund, refinance and refund the
14 same and provide for the rights of holders thereof, and to
15 secure the same by pledge of revenues, notes and mortgages
16 of others, and which shall be payable solely from the
17 assets, revenues and other resources of the Fund and such
18 bonds may be secured by a special capital reserve fund
19 contributed to by the State.

20 (7) Contract with community-based organizations to
21 design and implement program marketing, communications,
22 and outreach to potential users of the Fund's products,
23 particularly potential users in low-income, environmental
24 justice, and BIPOC communities. These contracts shall
25 include funding to ensure that the contracted
26 community-based organizations provide materials and

1 outreach support, including payments for time and
2 expenses, to other community organizations, professional
3 organizations, and subcontractors that have an interest in
4 the Fund's financial products.

5 (8) Collect the following data and perform monthly and
6 quarterly reporting to the Board in accordance with the
7 reporting format and schedule developed by the Board of
8 Directors:

9 (A) baseline data on capital sources or providers,
10 loan recipients, projects funded, loan terms, and
11 other relevant financial data;

12 (B) diversity and equity data, including race,
13 gender, socioeconomic, and geographic region; and

14 (C) program administration and servicing data.

15 These reports shall be published to the Fund's website
16 monthly and quarterly. Reports published to the
17 website may be anonymized to protect the data of
18 individual program participants.

19 (9) Have the purposes as provided by resolution of the
20 Fund's Board of Directors, which purposes shall be
21 consistent with this Section and Section 20-5 of this Act.
22 No further action is required for the establishment of the
23 Fund, except the adoption of a resolution for the Fund.

24 (b) In addition to, and not in limitation of, any other
25 power of the Fund set forth in this Section or any other
26 provision of the general statutes, the Fund shall have and may

1 exercise the following powers in furtherance of or in carrying
2 out its purposes:

3 (1) have perpetual succession as a body corporate and
4 to adopt bylaws, policies, and procedures for the
5 regulation of its affairs and the conduct of its business;

6 (2) make and enter into all contracts and agreements
7 that are necessary or incidental to the conduct of its
8 business;

9 (3) invest in, acquire, lease, purchase, own, manage,
10 hold, sell, and dispose of real or personal property or
11 any interest therein;

12 (4) borrow money or guarantee a return to investors or
13 lenders;

14 (5) hold patents, copyrights, trademarks, marketing
15 rights, licenses, or other rights in intellectual
16 property;

17 (6) employ such assistants, agents, and employees as
18 may be necessary or desirable; establish all necessary or
19 appropriate personnel practices and policies, including
20 those relating to hiring, promotion, compensation and
21 retirement, and engage consultants, attorneys, financial
22 advisers, appraisers, and other professional advisers as
23 may be necessary or desirable;

24 (7) invest any funds not needed for immediate use or
25 disbursement pursuant to investment policies adopted by
26 the Fund's Board of Directors;

1 (8) procure insurance against any loss or liability
2 with respect to its property or business of such types, in
3 such amounts and from such insurers as it deems desirable;

4 (9) enter into joint ventures and invest in, and
5 participate with any person, including, without
6 limitation, government entities and private corporations,
7 in the formation, ownership, management and operation of
8 business entities, including stock and nonstock
9 corporations, limited liability companies and general or
10 limited partnerships, formed to advance the purposes of
11 the Fund, provided members of the Board of Directors or
12 officers or employees of the Fund may serve as directors,
13 members or officers of any such business entity, and such
14 service shall be deemed to be in the discharge of the
15 duties or within the scope of the employment of any such
16 director, officer or employee, as the case may be, so long
17 as such director, officer or employee does not receive any
18 compensation or financial benefit as a result of serving
19 in such role; and

20 (10) all other acts necessary or convenient to carry
21 out the purposes of this Act.

22 (c) Before making any loan, loan guarantee, or such other
23 form of financing support or risk management for a clean
24 energy project, the Fund shall develop standards to govern the
25 administration of the Fund through rules, policies, and
26 procedures that specify borrower eligibility, terms, and

1 conditions of support, and other relevant criteria, standards,
2 or procedures.

3 (d) Funding sources specifically authorized include, but
4 are not limited to:

5 (1) funds repurposed from existing programs providing
6 financing support for clean energy projects, provided any
7 transfer of funds from such existing programs shall be
8 subject to approval by the General Assembly and shall be
9 used for expenses of financing, grants, and loans;

10 (2) any federal funds that can be used for the
11 purposes specified in this Act;

12 (3) charitable gifts, grants, contributions, as well
13 as loans from individuals, corporations, university
14 endowment funds, and philanthropic foundations; and

15 (4) earnings and interest derived from financing
16 support activities for clean energy projects backed by the
17 Fund.

18 (e) The Fund may enter into agreements with private
19 sources to raise capital.

20 (f) The Fund may assess reasonable fees on its financing
21 activities to cover its reasonable costs and expenses, as
22 determined by the Board.

23 (g) The Fund shall make information regarding the rates,
24 terms and conditions for all of its financing support
25 transactions available to the public for inspection, including
26 formal annual reviews by both a private auditor conducted

1 pursuant this Section and the Comptroller, and provide details
2 to the public on the Internet, provided public disclosure
3 shall be restricted for patentable ideas, trade secrets,
4 proprietary or confidential commercial or financial
5 information, disclosure of which may cause commercial harm to
6 a nongovernmental recipient of such financing support and for
7 other information exempt from public records disclosure.

8 (h) The powers enumerated in this Section shall be
9 interpreted broadly to effectuate the purposes established in
10 this Section and shall not be construed as a limitation of
11 powers.

12 Section 20-30. Primary responsibilities in early program
13 development.

14 (a) Consistent with the goals of this Act, the Fund has the
15 authority to pursue a broad range of financial products and
16 services. In early development of products and services
17 offered, the Fund should consider the following programs as
18 its initial set of investment initiatives:

19 (1) a solar lease, power-purchase agreement, or
20 loan-to-own product specifically designed to complement
21 and grow the Illinois Solar for All Program;

22 (2) direct capitalization of contractors of color
23 participating in or graduating from the workforce and
24 business development programs established in the Energy
25 Transition Act;

1 (3) providing direct capitalization of community-based
2 projects in environmental justice communities through
3 upfront grants. Project applications should provide a
4 community benefit, align with environmental justice
5 communities, be in support of this Act's contractor and
6 workforce development goals, and support upfront planning,
7 development, and start up costs that often are not covered
8 prior to applying for program incentives and other loan
9 products;

10 (4) providing loan loss reserve products to secure
11 stable and low-interest financing for individual projects
12 and portfolios consistent with the goals of this Act that
13 would be otherwise unable to receive financing; and

14 (5) offering financing and administrative services for
15 municipal utilities and rural electric cooperatives to
16 create their own version of the on-bill Equitable Energy
17 Upgrade Program such as the Pay As You Save program
18 developed by the Energy Efficiency Institute.

19 Section 20-35. Executive director and fund management.

20 (a) The executive director hired by the Board shall have
21 the same qualifications as a director pursuant to subsections
22 (d), (g), and (h) of Section 20-20 of this Act. The executive
23 director may not be a candidate for the Board of Directors
24 while serving as executive director. The executive director
25 must have 5 or more years of experience in equitable and

1 inclusive financing serving racially and socioeconomically
2 diverse communities.

3 (b) To hire the executive director, the Board shall adhere
4 to any applicable State or federal law prohibiting
5 discrimination in employment.

6 (c) The Board shall require all applicants for the
7 position of executive director of the Fund to file a financial
8 statement consistent with requirements established by the
9 Board. The Board shall require the executive director to file
10 a current statement annually.

11 (d) The Fund shall be administered by the executive
12 director and the staff and overseen by the Board of Directors.
13 Fund officers and staff shall receive training in how to best
14 provide services and support to low-income, environmental
15 justice, and BIPOC communities and on supporting borrowers
16 with loan applications, loan underwriting, and loan services.

17 Section 20-40. Dissolution. The Fund may dissolve or be
18 dissolved under the General Not for Profit Corporation Act.

19 Section 20-90. Repealer. This Act is repealed 24 years
20 after the effective date of this Act.

21 Article 90.

22 Section 90-1. Legislative findings. The General Assembly

1 finds and declares:

2 (1) The overall objectives of regulation of the
3 electric utility industry in this State, as expressed by
4 the General Assembly in the Illinois Power Agency Act and
5 the Public Utilities Act, include the provision of
6 adequate, efficient, reliable, environmentally safe, and
7 least-cost utility services at prices that accurately
8 reflect the long-term cost of such services and that are
9 equitable to all citizens.

10 (2) For many years, a significant portion of the
11 electricity consumed by consumers and businesses in this
12 State, particularly in the downstate region, has been
13 produced by large coal-fueled electric generating stations
14 located in the downstate region. However, in recent years,
15 the prices for electric generating capacity and energy
16 available to coal-fueled electric generating stations
17 located in the downstate region of this State have been
18 insufficient to enable many electric generating facilities
19 located within the downstate region to remain in
20 operation, and have placed other electric generating
21 stations at risk of closure. Changes in environmental
22 regulations and, significantly, increasing concerns about
23 the effects of carbon emissions on the climate, have also
24 contributed to the retirement of coal-fueled generating
25 stations in the downstate region. As a result, the vast
26 majority of the coal-fueled generation located in

1 Illinois, and particularly in the downstate region, has
2 recently been retired or will be retired by no later than
3 the end of 2027.

4 (3) Reliable electric service at all times is
5 essential to the functioning of a modern economy and of
6 society in general. The health, welfare, and prosperity of
7 Illinois citizens, including the attractiveness of the
8 State of Illinois to business and industry, requires the
9 availability of sufficient electric generating capacity,
10 including energy storage capacity, to meet the demands of
11 consumers and businesses in this State at all times.
12 However, to a significant extent, electricity, when
13 generated, cannot be stored for future use in any
14 significant amount relative to the total amount of
15 electricity that existing generating facilities can
16 produce. Rather, for the most part, electricity must be
17 produced instantaneously at the time and in the amount
18 that it is demanded by residential and business consumers.
19 The development of energy storage facilities provides some
20 opportunity to store some amounts of electricity for use
21 at later times; but energy storage facilities with
22 sufficient capacity to deliver electricity to meet the
23 demands of consumers in this State, 24 hours per day, 7
24 days per week on every day of the year, have not yet been
25 built.

26 (4) Both the Midcontinent Independent System Operator,

1 Inc., which is the independent transmission system
2 operator for downstate Illinois, and its Independent
3 Market Monitor, have expressed concerns about the
4 sufficiency of electric generating resources in downstate
5 Illinois over the next several years, due primarily to the
6 announced and anticipated retirements of coal-fueled
7 electric generating facilities and concerns about how
8 quickly and extensively new wind and solar generating
9 facilities will be placed into service. Concerns have also
10 been expressed, based on the intermittent nature of wind
11 and solar generating facilities, as to whether the grid
12 can operate reliably without sufficient dispatchable
13 generation resources or significant additions of energy
14 storage facilities to balance the output of renewable
15 generating facilities. The General Assembly believes that
16 the State cannot afford to find itself in a situation of
17 insufficient electric generating resources to meet the
18 needs of Illinois residential and business consumers 24
19 hours a day, 7 days a week. Thus, consistent with the
20 overall objectives of the regulation of the electric
21 utility industry in this State and the interests of the
22 State in protecting the health and welfare of its
23 residents, regulation should ensure that sufficient
24 generating resources, including energy storage resources,
25 are available to enable the electric utility grid to meet
26 the demands of Illinois electricity consumers at all

1 times.

2 (5) Through previous enactments beginning in 2007, the
3 General Assembly has provided financial incentives for the
4 construction and operation of wind, solar, and other types
5 of renewable energy facilities to serve load in Illinois.
6 In such enactments, the General Assembly has recognized
7 that providing opportunities to enter into long-term
8 contracts for the purchase of renewable energy credits
9 from renewable energy facilities creates incentives, and
10 in fact is necessary, for the construction and operation
11 of such resources. Developers typically cannot,
12 financially, develop new, large-scale renewable energy
13 generating resources without having secured long-term
14 contracts for the renewable energy credits that the new
15 facilities will produce.

16 (6) The permitting and siting of new wind and solar
17 generating facilities in Illinois are subject to local
18 governmental control, and in many areas of this State,
19 there has been strong opposition to the siting and
20 construction of new utility-scale wind and solar
21 generating facilities, which in turn has resulted in the
22 denial of, or withdrawal of requests for, necessary
23 approvals for some projects and the enactment of local
24 zoning ordinances imposing requirements and restrictions
25 that increase the costs and reduce the economic
26 attractiveness of such projects. This has resulted in

1 delay or cancellation of a number of renewable energy
2 projects. This experience demonstrates the advantages of
3 targeting the installation of new utility-scale renewable
4 energy facilities at sites that are already suitable for
5 installation of such facilities and can be readily
6 permitted.

7 (7) In light of the intermittent nature of many types
8 of renewable energy facilities, such as wind and solar
9 generation, the installation and operation of electricity
10 storage facilities in conjunction with the installation
11 and operation of renewable generation facilities can
12 enhance the value of renewable energy resources to the
13 electric grid.

14 (8) The sites of many of the large coal-fueled
15 electric generating stations located in the downstate
16 region of this State that have recently been retired or
17 announced for retirement, or are at risk of retirement,
18 have existing infrastructure and other characteristics
19 which make them suitable potential sites for development
20 of new renewable energy generating facilities and
21 electricity storage facilities. This infrastructure and
22 other characteristics include large amounts of available
23 land situated at a suitable distance from populated areas,
24 suitable levels of exposure to sunlight, and high voltage
25 interconnections to nearby bulk electric system
26 transmission grid facilities at strategic locations.

1 Development of these generating plant sites for
2 large-scale renewable energy generating facilities,
3 particularly photovoltaic facilities which require large
4 amounts of space, and electricity storage facilities, can
5 help advance this State's objective of increasing the
6 portion of the State's total electricity usage that is
7 supplied by zero emission resources, and reducing the
8 proportion of the electricity produced in this State that
9 is produced by carbon-emitting resources, while supporting
10 the reliability of electric service in the downstate
11 region. Accordingly, the General Assembly finds that it is
12 in the public interest to encourage the redevelopment of
13 the sites of retired and still-operating coal-fueled
14 electric generating stations as locations for renewable
15 energy generating facilities and electricity storage
16 facilities.

17 (9) Many, if not all, of the coal-fueled electric
18 generating plants in this State that have recently been
19 retired or announced for retirement, or are at near-term
20 risk of retirement, were at one time owned, at whole or in
21 part, by a public utility as defined in Section 3-105 of
22 the Public Utilities Act and were thereby devoted to
23 public service and the public use in Illinois, with their
24 costs paid for by rates paid by public utility ratepayers
25 in Illinois. The General Assembly finds that it is
26 appropriate to provide incentives to the owners of the

1 sites of coal-fueled electric generating facilities in
2 this State that were once owned by public utilities, to
3 repurpose those sites in a manner that continues to
4 benefit the public by providing for the generation of
5 carbon-free, non-emitting electricity and reliable bulk
6 electric service.

7 (10) The General Assembly finds it is appropriate for
8 the State of Illinois to establish a program to provide
9 incentives for the installation and operation of new
10 renewable energy facilities, along with energy storage
11 facilities, at the sites of retired and at-risk
12 coal-fueled electric generating facilities in this State,
13 to help expedite the transition of this State's electric
14 generation fleet to lower-emitting resources while
15 ensuring the availability of sufficient electric energy
16 resources to meet the demands of residential and business
17 electricity consumers in this State.

18 (11) In light of the foregoing findings, the purpose
19 of the program established in subsection (c-5) of Section
20 1-75 of the Illinois Power Agency Act is to incentivize
21 and support conversion and development of unused (or to be
22 unused) sites of recently retired and soon to-be-retired
23 coal-fueled power plants in this State to productive new
24 uses as sites for the generation and provision of
25 electricity from renewable energy facilities and energy
26 storage facilities, thereby contributing to the State's

1 efforts to reduce carbon emissions from facilities in this
2 State and increase the production of the State's
3 electricity needs from clean energy resources. The
4 provisions of this Act also will support the reliability
5 of the bulk power grid in this State by incentivizing and
6 supporting installation of new generating facilities and
7 energy storage facilities at locations on the grid where
8 synchronous generation was formerly located.

9 Section 90-3. The Illinois Administrative Procedure Act is
10 amended by adding 5-45.9 as follows:

11 (5 ILCS 100/5-45.9 new)

12 Sec. 5-45.9. Emergency rulemaking; Multi-Year Integrated
13 Grid Plans. To provide for the expeditious and timely
14 implementation of Section 16-105.17 of the Public Utilities
15 Act, emergency rules implementing Section 16-105.17 of the
16 Public Utilities Act may be adopted in accordance with Section
17 5-45 by the Illinois Commerce Commission. The adoption of
18 emergency rules authorized by Section 5-45 and this Section is
19 deemed to be necessary for the public interest, safety, and
20 welfare.

21 This Section is repealed one year after the effective date
22 of this amendatory Act of the 102nd General Assembly.

23 Section 90-5. The Illinois Governmental Ethics Act is

1 amended by adding Section 1-121 and by changing Sections
2 4A-102 and 4A-103 as follows:

3 (5 ILCS 420/1-121 new)

4 Sec. 1-121. Public utility. "Public utility" has the
5 meaning provided in Section 3-105 of the Public Utilities Act.

6 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

7 Sec. 4A-102. The statement of economic interests required
8 by this Article shall include the economic interests of the
9 person making the statement as provided in this Section. The
10 interest (if constructively controlled by the person making
11 the statement) of a spouse or any other party, shall be
12 considered to be the same as the interest of the person making
13 the statement. Campaign receipts shall not be included in this
14 statement.

15 (a) The following interests shall be listed by all
16 persons required to file:

17 (1) The name, address and type of practice of any
18 professional organization or individual professional
19 practice in which the person making the statement was
20 an officer, director, associate, partner or
21 proprietor, or served in any advisory capacity, from
22 which income in excess of \$1200 was derived during the
23 preceding calendar year;

24 (2) The nature of professional services (other

1 than services rendered to the unit or units of
2 government in relation to which the person is required
3 to file) and the nature of the entity to which they
4 were rendered if fees exceeding \$5,000 were received
5 during the preceding calendar year from the entity for
6 professional services rendered by the person making
7 the statement.

8 (3) The identity (including the address or legal
9 description of real estate) of any capital asset from
10 which a capital gain of \$5,000 or more was realized in
11 the preceding calendar year.

12 (4) The name of any unit of government which has
13 employed the person making the statement during the
14 preceding calendar year other than the unit or units
15 of government in relation to which the person is
16 required to file.

17 (5) The name of any entity from which a gift or
18 gifts, or honorarium or honoraria, valued singly or in
19 the aggregate in excess of \$500, was received during
20 the preceding calendar year.

21 (b) The following interests shall also be listed by
22 persons listed in items (a) through (f), item (l), item
23 (n), and item (p) of Section 4A-101:

24 (1) The name and instrument of ownership in any
25 entity doing business in the State of Illinois, in
26 which an ownership interest held by the person at the

1 date of filing is in excess of \$5,000 fair market value
2 or from which dividends of in excess of \$1,200 were
3 derived during the preceding calendar year. (In the
4 case of real estate, location thereof shall be listed
5 by street address, or if none, then by legal
6 description). No time or demand deposit in a financial
7 institution, nor any debt instrument need be listed;

8 (2) Except for professional service entities, the
9 name of any entity and any position held therein from
10 which income of in excess of \$1,200 was derived during
11 the preceding calendar year, if the entity does
12 business in the State of Illinois. No time or demand
13 deposit in a financial institution, nor any debt
14 instrument need be listed.

15 (3) The identity of any compensated lobbyist with
16 whom the person making the statement maintains a close
17 economic association, including the name of the
18 lobbyist and specifying the legislative matter or
19 matters which are the object of the lobbying activity,
20 and describing the general type of economic activity
21 of the client or principal on whose behalf that person
22 is lobbying.

23 (c) The following interests shall also be listed by
24 persons listed in items (a) through (c) and item (e) of
25 Section 4A-101.5:

26 (1) The name and instrument of ownership in any

1 entity doing business with a unit of local government
2 in relation to which the person is required to file if
3 the ownership interest of the person filing is greater
4 than \$5,000 fair market value as of the date of filing
5 or if dividends in excess of \$1,200 were received from
6 the entity during the preceding calendar year. (In the
7 case of real estate, location thereof shall be listed
8 by street address, or if none, then by legal
9 description). No time or demand deposit in a financial
10 institution, nor any debt instrument need be listed.

11 (2) Except for professional service entities, the
12 name of any entity and any position held therein from
13 which income in excess of \$1,200 was derived during
14 the preceding calendar year if the entity does
15 business with a unit of local government in relation
16 to which the person is required to file. No time or
17 demand deposit in a financial institution, nor any
18 debt instrument need be listed.

19 (3) The name of any entity and the nature of the
20 governmental action requested by any entity which has
21 applied to a unit of local government in relation to
22 which the person must file for any license, franchise
23 or permit for annexation, zoning or rezoning of real
24 estate during the preceding calendar year if the
25 ownership interest of the person filing is in excess
26 of \$5,000 fair market value at the time of filing or if

1 income or dividends in excess of \$1,200 were received
2 by the person filing from the entity during the
3 preceding calendar year.

4 (d) The following interest shall also be listed by
5 persons listed in items (a) through (f) of Section 4A-101:
6 the name of any spouse or immediate family member living
7 with such person employed by a public utility in this
8 State and the name of the public utility that employs such
9 person.

10 For the purposes of this Section, the unit of local
11 government in relation to which a person is required to file
12 under item (e) of Section 4A-101.5 shall be the unit of local
13 government that contributes to the pension fund of which such
14 person is a member of the board.

15 (Source: P.A. 101-221, eff. 8-9-19.)

16 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

17 Sec. 4A-103. The statement of economic interests required
18 by this Article to be filed with the Secretary of State or
19 county clerk shall be ~~filled in by typewriting or hand~~
20 ~~printing, shall be~~ verified, dated, and signed by the person
21 making the statement and shall contain substantially the
22 following:

23 STATEMENT OF ECONOMIC INTERESTS

1 INSTRUCTIONS:

2 You may find the following documents helpful to you in
3 completing this form:

4 (1) federal income tax returns, including any related
5 schedules, attachments, and forms; and

6 (2) investment and brokerage statements.

7 To complete this form, you do not need to disclose
8 specific amounts or values or report interests relating either
9 to political committees registered with the Illinois State
10 Board of Elections or to political committees, principal
11 campaign committees, or authorized committees registered with
12 the Federal Election Commission.

13 The information you disclose will be available to the
14 public.

15 You must answer all 6 questions. Certain questions will
16 ask you to report any applicable assets or debts held in, or
17 payable to, your name; held jointly by, or payable to, you with
18 your spouse; or held jointly by, or payable to, you with your
19 minor child. If you have any concerns about whether an
20 interest should be reported, please consult your department's
21 ethics officer, if applicable.

22 Please ensure that the information you provide is complete
23 and accurate. If you need more space than the form allows,
24 please attach additional pages for your response. If you are
25 subject to the State Officials and Employees Ethics Act, your
26 ethics officer must review your statement of economic

1 interests before you file it. Failure to complete the
2 statement in good faith and within the prescribed deadline may
3 subject you to fines, imprisonment, or both.

4 BASIC INFORMATION:

5 Name:.....

6 Job title:

7 Office, department, or agency that requires you to file this
8 form:.....

9 Other offices, departments, or agencies that require you to
10 file a Statement of Economic Interests form:

11 Full mailing address:.....

12 Preferred e-mail address (optional):

13 QUESTIONS:

14 1. If you have any single asset that was worth more than
15 \$10,000 as of the end of the preceding calendar year and is
16 held in, or payable to, your name, held jointly by, or payable
17 to, you with your spouse, or held jointly by, or payable to,
18 you with your minor child, list such assets below. In the case
19 of investment real estate, list the city and state where the
20 investment real estate is located. If you do not have any such
21 assets, list "none" below.

22

23

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1
 2

3 2. Excluding the position for which you are required to
 4 file this form, list the source of any income in excess of
 5 \$7,500 required to be reported during the preceding calendar
 6 year. If you sold an asset that produced more than \$7,500 in
 7 capital gains in the preceding calendar year, list the name of
 8 the asset and the transaction date on which the sale or
 9 transfer took place. If you had no such sources of income or
 10 assets, list "none" below.

<u>Source of Income / Name of</u>	<u>Date Sold (if applicable)</u>
<u>Asset</u>	
.....
.....
.....

16 3. Excluding debts incurred on terms available to the
 17 general public, such as mortgages, student loans, and credit
 18 card debts, if you owed any single debt in the preceding
 19 calendar year exceeding \$10,000, list the creditor of the debt
 20 below. If you had no such debts, list "none" below.

21 List the creditor for all applicable debts owed by you,
 22 owed jointly by you with your spouse, or owed jointly by you
 23 with your minor child. In addition to the types of debts listed
 24 above, you do not need to report any debts to or from financial
 25 institutions or government agencies, such as debts secured by

1 automobiles, household furniture or appliances, as long as the
 2 debt was made on terms available to the general public, debts
 3 to members of your family, or debts to or from a political
 4 committee registered with the Illinois State Board of
 5 Elections or any political committee, principal campaign
 6 committee, or authorized committee registered with the Federal
 7 Election Commission.

8
 9
 10
 11

12 4. List the name of each unit of government of which you or
 13 your spouse were an employee, contractor, or office holder
 14 during the preceding calendar year other than the unit or
 15 units of government in relation to which the person is
 16 required to file and the title of the position or nature of the
 17 contractual services.

<u>Name of Unit of Government</u>	<u>Title or Nature of Services</u>
19 20
21 22

22 5. If you maintain an economic relationship with a
 23 lobbyist or if a member of your family is known to you to be a
 24 lobbyist registered with any unit of government in the State
 25 of Illinois, list the name of the lobbyist below and identify

1 the nature of your relationship with the lobbyist. If you do
 2 not have an economic relationship with a lobbyist or a family
 3 member known to you to be a lobbyist registered with any unit
 4 of government in the State of Illinois, list "none" below.

<u>Name of Lobbyist</u>	<u>Relationship to Filer</u>
.....
.....
.....

9 6. List the name of each person, organization, or entity
 10 that was the source of a gift or gifts, or honorarium or
 11 honoraria, valued singly or in the aggregate in excess of \$500
 12 received during the preceding calendar year and the type of
 13 gift or gifts, or honorarium or honoraria, excluding any gift
 14 or gifts from a member of your family that was not known to be
 15 a lobbyist registered with any unit of government in the State
 16 of Illinois. If you had no such gifts, list "none" below.

.....
.....
.....

20 7. List the name of any spouse or immediate family member
 21 living with the person making this statement employed by a
 22 public utility in this State and the name of the public utility
 23 that employs the relative.

<u>Name and Relation</u>	<u>Public Utility</u>
.....

1

2

3 VERIFICATION:

4 "I declare that this statement of economic interests

5 (including any attachments) has been examined by me and to the

6 best of my knowledge and belief is a true, correct and complete

7 statement of my economic interests as required by the Illinois

8 Governmental Ethics Act. I understand that the penalty for

9 willfully filing a false or incomplete statement is a fine not

10 to exceed \$2,500 or imprisonment in a penal institution other

11 than the penitentiary not to exceed one year, or both fine and

12 imprisonment."

13 Printed Name of Filer:

14 Date:.....

15 Signature:

16 If this statement of economic interests requires ethics

17 officer review prior to filing, the applicable ethics officer

18 must complete the following:

19 CERTIFICATION OF ETHICS OFFICER REVIEW:

20 "In accordance with law, as Ethics Officer, I reviewed

21 this statement of economic interests prior to its filing."

22 Printed Name of Ethics Officer:

1 Date:.....

2 Signature:

3 Preferred e-mail address (optional):

4 ~~STATEMENT OF ECONOMIC INTEREST~~

5 ~~(TYPE OR HAND PRINT)~~

6

7 ~~(name)~~

8

9 ~~(each office or position of employment for which this~~
10 ~~statement is filed)~~

11

12 ~~(full mailing address)~~

13 ~~GENERAL DIRECTIONS:~~

14 ~~The interest (if constructively controlled by the person~~
15 ~~making the statement) of a spouse or any other party, shall be~~
16 ~~considered to be the same as the interest of the person making~~
17 ~~the statement.~~

18 ~~Campaign receipts shall not be included in this statement.~~

19 ~~If additional space is needed, please attach supplemental~~
20 ~~listing.~~

21 ~~1. List the name and instrument of ownership in any entity~~
22 ~~doing business in the State of Illinois, in which the~~
23 ~~ownership interest held by the person at the date of filing is~~
24 ~~in excess of \$5,000 fair market value or from which dividends~~
25 ~~in excess of \$1,200 were derived during the preceding calendar~~
26 ~~year. (In the case of real estate, location thereof shall be~~

1 ~~listed by street address, or if none, then by legal~~
 2 ~~description.) No time or demand deposit in a financial~~
 3 ~~institution, nor any debt instrument need be listed.~~

Business Entity	Instrument of Ownership
.....
.....
.....
.....

9 ~~2. List the name, address and type of practice of any~~
 10 ~~professional organization in which the person making the~~
 11 ~~statement was an officer, director, associate, partner or~~
 12 ~~proprietor or served in any advisory capacity, from which~~
 13 ~~income in excess of \$1,200 was derived during the preceding~~
 14 ~~calendar year.~~

Name	Address	Type of Practice
.....
.....
.....

19 ~~3. List the nature of professional services rendered~~
 20 ~~(other than to the State of Illinois) to each entity from which~~
 21 ~~income exceeding \$5,000 was received for professional services~~
 22 ~~rendered during the preceding calendar year by the person~~
 23 ~~making the statement.~~

.....
.....

26 ~~4. List the identity (including the address or legal~~

1 ~~description of real estate) of any capital asset from which a~~
2 ~~capital gain of \$5,000 or more was realized during the~~
3 ~~preceding calendar year.~~

4
5

6 ~~5. List the identity of any compensated lobbyist with whom~~
7 ~~the person making the statement maintains a close economic~~
8 ~~association, including the name of the lobbyist and specifying~~
9 ~~the legislative matter or matters which are the object of the~~
10 ~~lobbying activity, and describing the general type of economic~~
11 ~~activity of the client or principal on whose behalf that~~
12 ~~person is lobbying.~~

Lobbyist	Legislative Matter	Client or Principal
.....
.....

16 ~~6. List the name of any entity doing business in the State~~
17 ~~of Illinois from which income in excess of \$1,200 was derived~~
18 ~~during the preceding calendar year other than for professional~~
19 ~~services and the title or description of any position held in~~
20 ~~that entity. (In the case of real estate, location thereof~~
21 ~~shall be listed by street address, or if none, then by legal~~
22 ~~description). No time or demand deposit in a financial~~
23 ~~institution nor any debt instrument need be listed.~~

Entity	Position Held
.....
.....

1
2

3 ~~7. List the name of any unit of government which employed~~
4 ~~the person making the statement during the preceding calendar~~
5 ~~year other than the unit or units of government in relation to~~
6 ~~which the person is required to file.~~

7
8

9
10

11 ~~8. List the name of any entity from which a gift or gifts,~~
12 ~~or honorarium or honoraria, valued singly or in the aggregate~~
13 ~~in excess of \$500, was received during the preceding calendar~~
14 ~~year.~~

15
16

17 VERIFICATION:

18 "I declare that this statement of economic interests
19 (including any accompanying schedules and statements) has been
20 examined by me and to the best of my knowledge and belief is a
21 true, correct and complete statement of my economic interests
22 as required by the Illinois Governmental Ethics Act. I
23 understand that the penalty for willfully filing a false or
24 incomplete statement shall be a fine not to exceed \$1,000 or
25 imprisonment in a penal institution other than the
26 penitentiary not to exceed one year, or both fine and
imprisonment."

.....
.....

(date of filing) (signature of person making the statement)

(Source: P.A. 95-173, eff. 1-1-08.)

1 Section 90-10. The State Officials and Employees Ethics
2 Act is amended by changing Section 5-50 as follows:

3 (5 ILCS 430/5-50)

4 Sec. 5-50. Ex parte communications; special government
5 agents.

6 (a) This Section applies to ex parte communications made
7 to any agency listed in subsection (e).

8 (b) "Ex parte communication" means any written or oral
9 communication by any person that imparts or requests material
10 information or makes a material argument regarding potential
11 action concerning regulatory, quasi-adjudicatory, investment,
12 or licensing matters pending before or under consideration by
13 the agency. "Ex parte communication" does not include the
14 following: (i) statements by a person publicly made in a
15 public forum; (ii) statements regarding matters of procedure
16 and practice, such as format, the number of copies required,
17 the manner of filing, and the status of a matter; and (iii)
18 statements made by a State employee of the agency to the agency
19 head or other employees of that agency.

20 (b-5) An ex parte communication received by an agency,
21 agency head, or other agency employee from an interested party
22 or his or her official representative or attorney shall
23 promptly be memorialized and made a part of the record.

24 (c) An ex parte communication received by any agency,

1 agency head, or other agency employee, other than an ex parte
2 communication described in subsection (b-5), shall immediately
3 be reported to that agency's ethics officer by the recipient
4 of the communication and by any other employee of that agency
5 who responds to the communication. The ethics officer shall
6 require that the ex parte communication be promptly made a
7 part of the record. The ethics officer shall promptly file the
8 ex parte communication with the Executive Ethics Commission,
9 including all written communications, all written responses to
10 the communications, and a memorandum prepared by the ethics
11 officer stating the nature and substance of all oral
12 communications, the identity and job title of the person to
13 whom each communication was made, all responses made, the
14 identity and job title of the person making each response, the
15 identity of each person from whom the written or oral ex parte
16 communication was received, the individual or entity
17 represented by that person, any action the person requested or
18 recommended, and any other pertinent information. The
19 disclosure shall also contain the date of any ex parte
20 communication.

21 (d) "Interested party" means a person or entity whose
22 rights, privileges, or interests are the subject of or are
23 directly affected by a regulatory, quasi-adjudicatory,
24 investment, or licensing matter. For purposes of an ex parte
25 communication received by either the Illinois Commerce
26 Commission or the Illinois Power Agency, "interested party"

1 also includes: (1) an organization comprised of 2 or more
2 businesses, persons, nonprofit entities, or any combination
3 thereof, that are working in concert to advance public policy
4 advocated by the organization, or (2) any party selling
5 renewable energy resources procured by the Illinois Power
6 Agency pursuant to Section 16-111.5 of the Public Utilities
7 Act and Section 1-75 of the Illinois Power Agency Act.

8 (e) This Section applies to the following agencies:

9 Executive Ethics Commission

10 Illinois Commerce Commission

11 Illinois Power Agency

12 Educational Labor Relations Board

13 State Board of Elections

14 Illinois Gaming Board

15 Health Facilities and Services Review Board

16 Illinois Workers' Compensation Commission

17 Illinois Labor Relations Board

18 Illinois Liquor Control Commission

19 Pollution Control Board

20 Property Tax Appeal Board

21 Illinois Racing Board

22 Illinois Purchased Care Review Board

23 Department of State Police Merit Board

24 Motor Vehicle Review Board

25 Prisoner Review Board

26 Civil Service Commission

1 Personnel Review Board for the Treasurer
2 Merit Commission for the Secretary of State
3 Merit Commission for the Office of the Comptroller
4 Court of Claims
5 Board of Review of the Department of Employment Security
6 Department of Insurance
7 Department of Professional Regulation and licensing boards
8 under the Department
9 Department of Public Health and licensing boards under the
10 Department
11 Office of Banks and Real Estate and licensing boards under
12 the Office
13 State Employees Retirement System Board of Trustees
14 Judges Retirement System Board of Trustees
15 General Assembly Retirement System Board of Trustees
16 Illinois Board of Investment
17 State Universities Retirement System Board of Trustees
18 Teachers Retirement System Officers Board of Trustees

19 (f) Any person who fails to (i) report an ex parte
20 communication to an ethics officer, (ii) make information part
21 of the record, or (iii) make a filing with the Executive Ethics
22 Commission as required by this Section or as required by
23 Section 5-165 of the Illinois Administrative Procedure Act
24 violates this Act.

25 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

1 Section 90-15. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois
3 is amended by adding Section 605-1075 as follows:

4 (20 ILCS 605/605-1075 new)

5 Sec. 605-1075. Energy Transition Assistance Fund.

6 (a) The General Assembly hereby declares that management
7 of several economic development programs requires a
8 consolidated funding source to improve resource efficiency.
9 The General Assembly specifically recognizes that properly
10 servicing communities and workers impacted by the energy
11 transition requires that the Department of Commerce and
12 Economic Opportunity have access to the resources required for
13 the execution of the programs for workforce and contractor
14 development, just transition investments and community
15 support, and the implementation and administration of energy
16 and justice efforts by the State.

17 (b) The Department shall be responsible for the
18 administration of the Energy Transition Assistance Fund and
19 shall allocate funding on the basis of priorities established
20 in this Section. Each year, the Department shall determine the
21 available amount of resources in the Fund that can be
22 allocated to the programs identified in this Section, and
23 allocate the funding accordingly. The Department shall, to the
24 extent practical, consider both the short-term and long-term
25 costs of the programs and allocate funding so that the

1 Department is able to cover both the short-term and long-term
2 costs of these programs using projected revenue.

3 The available funding for each year shall be allocated
4 from the Fund in the following order of priority:

5 (1) for costs related to the Clean Jobs Workforce
6 Network Program, up to \$21,000,000 annually prior to June
7 1, 2023 and \$24,333,333 annually thereafter;

8 (2) for costs related to the Clean Energy Contractor
9 Incubator Program, up to \$21,000,000 annually;

10 (3) for costs related to the Clean Energy Primes
11 Contractor Accelerator Program, up to \$9,000,000 annually;

12 (4) for costs related to the Barrier Reduction
13 Program, up to \$21,000,000 annually;

14 (5) for costs related to the Jobs and Environmental
15 Justice Grant Program, up to \$34,000,000 annually;

16 (6) for costs related to the Returning Residents Clean
17 Jobs Training Program, up to \$6,000,000 annually;

18 (7) for costs related to Energy Transition Navigators,
19 up to \$6,000,000 annually;

20 (8) for costs related to the Illinois Climate Works
21 Preapprenticeship Program, up to \$10,000,000 annually;

22 (9) for costs related to Energy Transition Community
23 Support Grants, up to \$40,000,000 annually;

24 (10) for costs related to the Displaced Energy Worker
25 Dependent Scholarship, upon request by the Illinois
26 Student Assistance Commission, up to \$1,100,000 annually;

1 (11) up to \$10,000,000 annually shall be transferred
2 to the Public Utilities Fund for use by the Illinois
3 Commerce Commission for costs of administering the changes
4 made to the Public Utilities Act by this amendatory Act of
5 the 102nd General Assembly;

6 (12) up to \$4,000,000 annually shall be transferred to
7 the Illinois Power Agency Operations Fund for use by the
8 Illinois Power Agency; and

9 (13) for costs related to the Clean Energy Jobs and
10 Justice Fund, up to \$1,000,000 annually.

11 The Department is authorized to utilize up to 10% of the
12 Energy Transition Assistance Fund for administrative and
13 operational expenses to implement the requirements of this
14 Act.

15 (c) Within 30 days after the effective date of this
16 amendatory Act of the 102nd General Assembly, each electric
17 utility serving more than 500,000 customers in the State shall
18 report to the Department its total kilowatt-hours of energy
19 delivered during the 12 months ending on the immediately
20 preceding May 31. By October 31, 2021 and each October 31
21 thereafter, each electric utility serving more than 500,000
22 customers in the State shall report to the Department its
23 total kilowatt-hours of energy delivered during the 12 months
24 ending on the immediately preceding May 31.

25 (d) The Department shall, within 60 days after the
26 effective date of this amendatory Act of the 102nd General

1 Assembly:

2 (1) determine the amount necessary, but not more than
3 \$180,000,000, to meet the funding needs of the programs
4 reliant upon the Energy Transition Assistance Fund as a
5 revenue source for the period between the effective date
6 of this amendatory Act of the 102nd General Assembly and
7 December 31, 2021;

8 (2) determine, based on the kilowatt-hour deliveries
9 for the 12 months ending May 31, 2021 reported by the
10 electric utilities under subsection (c), the total energy
11 transition assistance charge to be allocated to each
12 electric utility for the period between the effective date
13 of this amendatory Act of the 102nd General Assembly and
14 December 31, 2021; and

15 (3) report the total energy transition assistance
16 charge applicable until December 31, 2021 to each electric
17 utility serving more than 500,000 customers in the State
18 and the Illinois Commerce Commission for purposes of
19 filing the tariff pursuant to Section 16-108.30 of the
20 Public Utilities Act.

21 (e) The Department shall by November 30, 2021, and each
22 November 30 thereafter:

23 (1) determine the amount necessary, but not more than
24 \$180,000,000, to meet the funding needs of the programs
25 reliant upon the Energy Transition Assistance Fund as a
26 revenue source for the immediately following calendar

1 year;

2 (2) determine, based on the kilowatt-hour deliveries
3 for the 12 months ending on the immediately preceding May
4 31 reported to it by the electric utilities under
5 subsection (c), the total energy transition assistance
6 charge to be allocated to each electric utility for the
7 immediately following calendar year; and

8 (3) report the energy transition assistance charge
9 applicable for the immediately following calendar year to
10 each electric utility serving more than 500,000 customers
11 in the State and the Illinois Commerce Commission for
12 purposes of filing the tariff pursuant to Section
13 16-108.30 of the Public Utilities Act.

14 (f) The energy transition assistance charge may not exceed
15 \$180,000,000 annually. If, at the end of the calendar year,
16 any surplus remains in the Energy Transition Assistance Fund,
17 the Department may allocate the surplus from the fund in the
18 following order of priority:

19 (1) for costs related to the development of the
20 Stretch Energy Codes and other standards at the Capital
21 Development Board, up to \$500,000 annually, at the request
22 of the Board;

23 (2) up to \$7,000,000 annually shall be transferred to
24 the Energy Efficiency Trust Fund and Clean Air Act Permit
25 Fund for use by the Environmental Protection Agency for
26 costs related to energy efficiency and weatherization, and

1 costs of implementation, administration, and enforcement
2 of the Clean Air Act; and

3 (3) for costs related to State fleet electrification
4 at the Department of Central Management Services, up to
5 \$10,000,000 annually, at the request of the Department.

6 Section 90-20. The Electric Vehicle Act is amended by
7 changing Section 15 and by adding Sections 40, 45, 50, 55, and
8 60 as follows:

9 (20 ILCS 627/15)

10 Sec. 15. Electric Vehicle Coordinator. The Governor, with
11 the advice and consent of the Senate, shall appoint a person
12 within the Illinois Environmental Protection Agency ~~Department~~
13 ~~of Commerce and Economic Opportunity~~ to serve as the Electric
14 Vehicle Coordinator for the State of Illinois. This person may
15 be an existing employee with other duties. The Coordinator
16 shall act as a point person for electric vehicle-related and
17 electric vehicle charging-related ~~electric vehicle related~~
18 policies and activities in Illinois, including, but not
19 limited to, the issuance of electric vehicle rebates for
20 consumers and electric vehicle charging rebates for
21 organizations and companies.

22 (Source: P.A. 97-89, eff. 7-11-11.)

23 (20 ILCS 627/40 new)

1 Sec. 40. Rulemaking; resources. The Agency shall adopt
2 rules as necessary and dedicate sufficient resources to
3 implement Sections 45 and 55.

4 (20 ILCS 627/45 new)

5 Sec. 45. Beneficial electrification.

6 (a) It is the intent of the General Assembly to decrease
7 reliance on fossil fuels, reduce pollution from the
8 transportation sector, increase access to electrification for
9 all consumers, and ensure that electric vehicle adoption and
10 increased electricity usage and demand do not place
11 significant additional burdens on the electric system and
12 create benefits for Illinois residents.

13 (1) Illinois should increase the adoption of electric
14 vehicles in the State to 1,000,000 by 2030.

15 (2) Illinois should strive to be the best state in the
16 nation in which to drive and manufacture electric
17 vehicles.

18 (3) Widespread adoption of electric vehicles is
19 necessary to electrify the transportation sector,
20 diversify the transportation fuel mix, drive economic
21 development, and protect air quality.

22 (4) Accelerating the adoption of electric vehicles
23 will drive the decarbonization of Illinois' transportation
24 sector.

25 (5) Expanded infrastructure investment will help

1 Illinois more rapidly decarbonize the transportation
2 sector.

3 (6) Statewide adoption of electric vehicles requires
4 increasing access to electrification for all consumers.

5 (7) Widespread adoption of electric vehicles requires
6 increasing public access to charging equipment throughout
7 Illinois, especially in low-income and environmental
8 justice communities, where levels of air pollution burden
9 tend to be higher.

10 (8) Widespread adoption of electric vehicles and
11 charging equipment has the potential to provide customers
12 with fuel cost savings and electric utility customers with
13 cost-saving benefits.

14 (9) Widespread adoption of electric vehicles can
15 improve an electric utility's electric system efficiency
16 and operational flexibility, including the ability of the
17 electric utility to integrate renewable energy resources
18 and make use of off-peak generation resources that support
19 the operation of charging equipment.

20 (10) Widespread adoption of electric vehicles should
21 stimulate innovation, competition, and increased choices
22 in charging equipment and networks and should also attract
23 private capital investments and create high-quality jobs
24 in Illinois.

25 (b) As used in this Section:

26 "Agency" means the Environmental Protection Agency.

1 "Beneficial electrification programs" means programs that
2 lower carbon dioxide emissions, replace fossil fuel use,
3 create cost savings, improve electric grid operations, reduce
4 increases to peak demand, improve electric usage load shape,
5 and align electric usage with times of renewable generation.
6 All beneficial electrification programs shall provide for
7 incentives such that customers are induced to use electricity
8 at times of low overall system usage or at times when
9 generation from renewable energy sources is high. "Beneficial
10 electrification programs" include a portfolio of the
11 following:

12 (1) time-of-use electric rates;

13 (2) hourly pricing electric rates;

14 (3) optimized charging programs or programs that
15 encourage charging at times beneficial to the electric
16 grid;

17 (4) optional demand-response programs specifically
18 related to electrification efforts;

19 (5) incentives for electrification and associated
20 infrastructure tied to using electricity at off-peak
21 times;

22 (6) incentives for electrification and associated
23 infrastructure targeted to medium-duty and heavy-duty
24 vehicles used by transit agencies;

25 (7) incentives for electrification and associated
26 infrastructure targeted to school buses;

1 (8) incentives for electrification and associated
2 infrastructure for medium-duty and heavy-duty government
3 and private fleet vehicles;

4 (9) low-income programs that provide access to
5 electric vehicles for communities where car ownership or
6 new car ownership is not common;

7 (10) incentives for electrification in eligible
8 communities;

9 (11) incentives or programs to enable quicker adoption
10 of electric vehicles by developing public charging
11 stations in dense areas, workplaces, and low-income
12 communities;

13 (12) incentives or programs to develop electric
14 vehicle infrastructure that minimizes range anxiety,
15 filling the gaps in deployment, particularly in rural
16 areas and along highway corridors;

17 (13) incentives to encourage the development of
18 electrification and renewable energy generation in close
19 proximity in order to reduce grid congestion;

20 (14) offer support to low-income communities who are
21 experiencing financial and accessibility barriers such
22 that electric vehicle ownership is not an option; and

23 (15) other such programs as defined by the Commission.

24 "Black, indigenous, and people of color" or "BIPOC" means
25 people who are members of the groups described in
26 subparagraphs (a) through (e) of paragraph (A) of subsection

1 (1) of Section 2 of the Business Enterprise for Minorities,
2 Women, and Persons with Disabilities Act.

3 "Commission" means the Illinois Commerce Commission.

4 "Coordinator" means the Electric Vehicle Coordinator.

5 "Electric vehicle" means a vehicle that is exclusively
6 powered by and refueled by electricity, must be plugged in to
7 charge, and is licensed to drive on public roadways. "Electric
8 vehicle" does not include electric motorcycles or hybrid
9 electric vehicles and extended-range electric vehicles that
10 are also equipped with conventional fueled propulsion or
11 auxiliary engines.

12 "Electric vehicle charging station" means a station that
13 delivers electricity from a source outside an electric vehicle
14 into one or more electric vehicles.

15 "Environmental justice communities" means the definition
16 of that term based on existing methodologies and findings,
17 used and as may be updated by the Illinois Power Agency and its
18 program administrator in the Illinois Solar for All Program.

19 "Equity investment eligible community" or "eligible
20 community" means the geographic areas throughout Illinois
21 which would most benefit from equitable investments by the
22 State designed to combat discrimination and foster sustainable
23 economic growth. Specifically, "eligible community" means the
24 following areas:

25 (1) areas where residents have been historically
26 excluded from economic opportunities, including

1 opportunities in the energy sector, as defined pursuant to
2 Section 10-40 of the Cannabis Regulation and Tax Act; and

3 (2) areas where residents have been historically
4 subject to disproportionate burdens of pollution,
5 including pollution from the energy sector, as established
6 by environmental justice communities as defined by the
7 Illinois Power Agency pursuant to Illinois Power Agency
8 Act, excluding any racial or ethnic indicators.

9 "Equity investment eligible person" or "eligible person"
10 means the persons who would most benefit from equitable
11 investments by the State designed to combat discrimination and
12 foster sustainable economic growth. Specifically, "eligible
13 person" means the following people:

14 (1) persons whose primary residence is in an equity
15 investment eligible community;

16 (2) persons who are graduates of or currently enrolled
17 in the foster care system; or

18 (3) persons who were formerly incarcerated.

19 "Low-income" means persons and families whose income does
20 not exceed 80% of the state median income for the current State
21 fiscal year as established by the U.S. Department of Health
22 and Human Services.

23 "Make-ready infrastructure" means the electrical and
24 construction work necessary between the distribution circuit
25 to the connection point of charging equipment.

26 "Optimized charging programs" mean programs whereby owners

1 of electric vehicles can set their vehicles to be charged
2 based on the electric system's current demand, retail or
3 wholesale market rates, incentives, the carbon or other
4 pollution intensity of the electric generation mix, the
5 provision of grid services, efficient use of the electric
6 grid, or the availability of clean energy generation.
7 Optimized charging programs may be operated by utilities as
8 well as third parties.

9 (c) The Commission shall initiate a workshop process no
10 later than November 30, 2021 for the purpose of soliciting
11 input on the design of beneficial electrification programs
12 that the utility shall offer. The workshop shall be
13 coordinated by the Staff of the Commission, or a facilitator
14 retained by Staff, and shall be organized and facilitated in a
15 manner that encourages representation from diverse
16 stakeholders, including stakeholders representing
17 environmental justice and low-income communities, and ensures
18 equitable opportunities for participation, without requiring
19 formal intervention or representation by an attorney.

20 The stakeholder workshop process shall take into
21 consideration the benefits of electric vehicle adoption and
22 barriers to adoption, including:

23 (1) the benefit of lower bills for customers who do
24 not charge electric vehicles;

25 (2) benefits to the distribution system from electric
26 vehicle usage;

1 (3) the avoidance and reduction in capacity costs from
2 optimized charging and off-peak charging;

3 (4) energy price and cost reductions;

4 (5) environmental benefits, including greenhouse gas
5 emission and other pollution reductions;

6 (6) current barriers to mass-market adoption,
7 including cost of ownership and availability of charging
8 stations;

9 (7) current barriers to increasing access among
10 populations that have limited access to electric vehicle
11 ownership, communities significantly impacted by
12 transportation-related pollution, and market segments that
13 create disproportionate pollution impacts;

14 (8) benefits of and incentives for medium-duty and
15 heavy-duty fleet vehicle electrification;

16 (9) opportunities for eligible communities to benefit
17 from electrification;

18 (10) geographic areas and market segments that should
19 be prioritized for electrification infrastructure
20 investment.

21 The workshops shall consider barriers, incentives,
22 enabling rate structures, and other opportunities for the bill
23 reduction and environmental benefits described in this
24 subsection.

25 The workshop process shall conclude no later than February
26 28, 2022. Following the workshop, the Staff of the Commission,

1 or the facilitator retained by the Staff, shall prepare and
2 submit a report, no later than March 31, 2022, to the
3 Commission that includes, but is not limited to,
4 recommendations for transportation electrification investment
5 or incentives in the following areas:

6 (i) publicly accessible Level 2 and fast-charging
7 stations, with a focus on bringing access to
8 transportation electrification in densely populated areas
9 and workplaces within eligible communities;

10 (ii) medium-duty and heavy-duty charging
11 infrastructure used by government and private fleet
12 vehicles that serve or travel through environmental
13 justice or eligible communities;

14 (iii) medium-duty and heavy-duty charging
15 infrastructure used in school bus operations, whether
16 private or public, that primarily serve governmental or
17 educational institutions, and also serve or travel through
18 environmental justice or eligible communities;

19 (iv) public transit medium-duty and heavy-duty
20 charging infrastructure, developed in consultation with
21 public transportation agencies; and

22 (v) publicly accessible Level 2 and fast-charging
23 stations targeted to fill gaps in deployment, particularly
24 in rural areas and along State highway corridors.

25 The report must also identify the participants in the
26 process, program designs proposed during the process,

1 estimates of the costs and benefits of proposed programs, any
2 material issues that remained unresolved at the conclusions of
3 such process, and any recommendations for workshop process
4 improvements. The report shall be used by the Commission to
5 inform and evaluate the cost effectiveness and achievement of
6 goals within the submitted Beneficial Electrification Plans.

7 (d) No later than July 1, 2022, electric utilities serving
8 greater than 500,000 customers in the State shall file a
9 Beneficial Electrification Plan with the Illinois Commerce
10 Commission for programs that start no later than January 1,
11 2023. The plan shall take into consideration recommendations
12 from the workshop report described in this Section. Within 45
13 days after the filing of the Beneficial Electrification Plan,
14 the Commission shall, with reasonable notice, open an
15 investigation to consider whether the plan meets the
16 objectives and contains the information required by this
17 Section. The Commission shall determine if the proposed plan
18 is cost-beneficial and in the public interest. When
19 considering if the plan is in the public interest and
20 determining appropriate levels of cost recovery for
21 investments and expenditures related to programs proposed by
22 an electric utility, the Commission shall consider whether the
23 investments and other expenditures are designed and reasonably
24 expected to:

25 (1) maximize total energy cost savings and rate
26 reductions so that nonparticipants can benefit;

1 (2) address environmental justice interests by
2 ensuring there are significant opportunities for residents
3 and businesses in eligible communities to directly
4 participate in and benefit from beneficial electrification
5 programs;

6 (3) support at least a 40% investment of make-ready
7 infrastructure incentives to facilitate the rapid
8 deployment of charging equipment in or serving
9 environmental justice, low-income, and eligible
10 communities; however, nothing in this subsection is
11 intended to require a specific amount of spending in a
12 particular geographic area;

13 (4) support at least a 5% investment target in
14 electrifying medium-duty and heavy-duty school bus and
15 diesel public transportation vehicles located in or
16 serving environmental justice, low-income, and eligible
17 communities in order to provide those communities and
18 businesses with greater economic investment,
19 transportation opportunities, and a cleaner environment so
20 they can directly benefit from transportation
21 electrification efforts; however, nothing in this
22 subsection is intended to require a specific amount of
23 spending in a particular geographic area;

24 (5) stimulate innovation, competition, private
25 investment, and increased consumer choices in electric
26 vehicle charging equipment and networks;

1 (6) contribute to the reduction of carbon emissions
2 and meeting air quality standards, including improving air
3 quality in eligible communities who disproportionately
4 suffer from emissions from the medium-duty and heavy-duty
5 transportation sector;

6 (7) support the efficient and cost-effective use of
7 the electric grid in a manner that supports electric
8 vehicle charging operations; and

9 (8) provide resources to support private investment in
10 charging equipment for uses in public and private charging
11 applications, including residential, multi-family, fleet,
12 transit, community, and corridor applications.

13 The plan shall be determined to be cost-beneficial if the
14 total cost of beneficial electrification expenditures is less
15 than the net present value of increased electricity costs
16 (defined as marginal avoided energy, avoided capacity, and
17 avoided transmission and distribution system costs) avoided by
18 programs under the plan, the net present value of reductions
19 in other customer energy costs, net revenue from all electric
20 charging in the service territory, and the societal value of
21 reduced carbon emissions and surface-level pollutants,
22 particularly in environmental justice communities. The
23 calculation of costs and benefits should be based on net
24 impacts, including the impact on customer rates.

25 The Commission shall approve, approve with modifications,
26 or reject the plan within 270 days from the date of filing. The

1 Commission may approve the plan if it finds that the plan will
2 achieve the goals described in this Section and contains the
3 information described in this Section. Proceedings under this
4 Section shall proceed according to the rules provided by
5 Article IX of the Public Utilities Act. Information contained
6 in the approved plan shall be considered part of the record in
7 any Commission proceeding under Section 16-107.6 of the Public
8 Utilities Act, provided that a final order has not been
9 entered prior to the initial filing date. The Beneficial
10 Electrification Plan shall specifically address, at a minimum,
11 the following:

12 (i) make-ready investments to facilitate the rapid
13 deployment of charging equipment throughout the State,
14 facilitate the electrification of public transit and other
15 vehicle fleets in the light-duty, medium-duty, and
16 heavy-duty sectors, and align with Agency-issued rebates
17 for charging equipment;

18 (ii) the development and implementation of beneficial
19 electrification programs, including time-of-use rates and
20 their benefit for electric vehicle users and for all
21 customers, optimized charging programs to achieve savings
22 identified, and new contracts and compensation for
23 services in those programs, through signals that allow
24 electric vehicle charging to respond to local system
25 conditions, manage critical peak periods, serve as a
26 demand response or peak resource, and maximize renewable

1 energy use and integration into the grid;

2 (iii) optional commercial tariffs utilizing
3 alternatives to traditional demand-based rate structures
4 to facilitate charging for light duty, heavy duty, and
5 fleet electric vehicles;

6 (iv) financial and other challenges to electric
7 vehicle usage in low-income communities, and strategies
8 for overcoming those challenges, particularly in
9 communities and for people for whom car ownership is not
10 an option;

11 (v) methods of minimizing ratepayer impacts and
12 exempting or minimizing, to the extent possible,
13 low-income ratepayers from the costs associated with
14 facilitating the expansion of electric vehicle charging;

15 (vi) plans to increase access to Level 3 Public
16 Electric Vehicle Charging Infrastructure to serve vehicles
17 that need quicker charging times and vehicles of persons
18 who have no other access to charging infrastructure,
19 regardless of whether those projects participate in
20 optimized charging programs;

21 (vii) whether to establish charging standards for type
22 of plugs eligible for investment or incentive programs,
23 and if so, what standards;

24 (viii) opportunities for coordination and cohesion
25 with electric vehicle and electric vehicle charging
26 equipment incentives established by any agency,

1 department, board, or commission of the State, any other
2 unit of government in the State, any national programs, or
3 any unit of the federal government;

4 (ix) ideas for the development of online tools,
5 applications, and data sharing that provide essential
6 information to those charging electric vehicles, and
7 enable an automated charging response to price signals,
8 emission signals, real-time renewable generation
9 production, and other Commission-approved or
10 customer-desired indicators of beneficial charging times;
11 and

12 (x) customer education, outreach, and incentive
13 programs that increase awareness of the programs and the
14 benefits of transportation electrification, including
15 direct outreach to eligible communities;

16 (e) Proceedings under this Section shall proceed according
17 to the rules provided by Article IX of the Public Utilities
18 Act. Information contained in the approved plan shall be
19 considered part of the record in any Commission proceeding
20 under Section 16-107.6 of the Public Utilities Act, provided
21 that a final order has not been entered prior to the initial
22 filing date.

23 (f) The utility shall file an update to the plan on July 1,
24 2024 and every 3 years thereafter. This update shall describe
25 transportation investments made during the prior plan period,
26 investments planned for the following 24 months, and updates

1 to the information required by this Section. Beginning with
2 the first update, the utility shall develop the plan in
3 conjunction with the distribution system planning process
4 described in Section 16-105.17, including incorporation of
5 stakeholder feedback from that process.

6 (g) Within 35 days after the utility files its report, the
7 Commission shall, upon its own initiative, open an
8 investigation regarding the utility's plan update to
9 investigate whether the objectives described in this Section
10 are being achieved. The Commission shall determine whether
11 investment targets should be increased based on achievement of
12 spending goals outlined in the Beneficial Electrification Plan
13 and consistency with outcomes directed in the plan stakeholder
14 workshop report. If the Commission finds, after notice and
15 hearing, that the utility's plan is materially deficient, the
16 Commission shall issue an order requiring the utility to
17 devise a corrective action plan, subject to Commission
18 approval, to bring the plan into compliance with the goals of
19 this Section. The Commission's order shall be entered within
20 270 days after the utility files its annual report. The
21 contents of a plan filed under this Section shall be available
22 for evidence in Commission proceedings. However, omission from
23 an approved plan shall not render any future utility
24 expenditure to be considered unreasonable or imprudent. The
25 Commission may, upon sufficient evidence, allow expenditures
26 that were not part of any particular distribution plan. The

1 Commission shall consider revenues from electric vehicles in
2 the utility's service territory in evaluating the retail rate
3 impact. The retail rate impact from the development of
4 electric vehicle infrastructure shall not exceed 1% per year
5 of the total annual revenue requirements of the utility.

6 (h) In meeting the requirements of this Section, the
7 utility shall demonstrate efforts to increase the use of
8 contractors and electric vehicle charging station installers
9 that meet multiple workforce equity actions, including, but
10 not limited to:

11 (1) the business is headquartered in or the person
12 resides in an eligible community;

13 (2) the business is majority owned by eligible person
14 or the contractor is an eligible person;

15 (3) the business or person is certified by another
16 municipal, State, federal, or other certification for
17 disadvantaged businesses;

18 (4) the business or person meets the eligibility
19 criteria for a certification program such as:

20 (A) certified under Section 2 of the Business
21 Enterprise for Minorities, Women, and Persons with
22 Disabilities Act;

23 (B) certified by another municipal, State,
24 federal, or other certification for disadvantaged
25 businesses;

26 (C) submits an affidavit showing that the vendor

1 meets the eligibility criteria for a certification
2 program such as those in items (A) and (B); or

3 (D) if the vendor is a nonprofit, meets any of the
4 criteria in those in item (A), (B), or (C) with the
5 exception that the nonprofit is not required to meet
6 any criteria related to being a for-profit entity, or
7 is controlled by a board of directors that consists of
8 51% or greater individuals who are equity investment
9 eligible persons; or

10 (E) ensuring that program implementation
11 contractors and electric vehicle charging station
12 installers pay employees working on electric vehicle
13 charging installations at or above the prevailing wage
14 rate when such a wage rate has been published by the
15 Department of Labor and pay employees working on
16 energy efficiency programs at or above the median wage
17 rate for a similar job description in the nearest
18 metropolitan area when there is no applicable
19 published prevailing wage rate.

20 If necessary, utilities may conduct surveys to establish
21 the median wage rate for a given job description. Utilities
22 shall establish reporting procedures for vendors that ensure
23 compliance with this subsection, but are structured to avoid,
24 wherever possible, placing an undue administrative burden on
25 vendors.

26 (i) Program data collection.

1 (1) In order to ensure that the benefits provided to
2 Illinois residents and business by the clean energy
3 economy are equitably distributed across the State, it is
4 necessary to accurately measure the applicants and
5 recipients of this Program. The purpose of this paragraph
6 is to require the implementing utilities to collect all
7 data from Program applicants and beneficiaries to track
8 and improve equitable distribution of benefits across
9 Illinois communities. The further purpose is to measure
10 any potential impact of racial discrimination on the
11 distribution of benefits and provide the utilities the
12 information necessary to correct any discrimination
13 through methods consistent with State and federal law.

14 (2) The implementing utilities shall collect
15 demographic and geographic data for each applicant and
16 each person or business awarded benefits or contracts
17 under this Program.

18 (3) The implementing utilities shall collect the
19 following information from applicants and Program or
20 procurement beneficiaries where applicable:

21 (A) demographic information, including racial or
22 ethnic identity for real persons employed, contracted,
23 or subcontracted through the program;

24 (B) demographic information, including racial or
25 ethnic identity of business owners;

26 (C) geographic location of the residency of real

1 persons or geographic location of the headquarters for
2 businesses; and

3 (D) any other information necessary for the
4 purpose of achieving the purpose of this paragraph.

5 (4) The utility shall publish, at least annually,
6 aggregated information on the demographics of program and
7 procurement applicants and beneficiaries. The utilities
8 shall protect personal and confidential business
9 information as necessary.

10 (5) The utilities shall conduct a regular review
11 process to confirm the accuracy of reported data.

12 (6) On a quarterly basis, utilities shall collect data
13 necessary to ensure compliance with this Section and shall
14 communicate progress toward compliance to program
15 implementation contractors and electric vehicle charging
16 station installation vendors.

17 (7) Utilities filing Beneficial Electrification Plans
18 under this Section shall report annually to the Illinois
19 Commerce Commission and the General Assembly on how
20 hiring, contracting, job training, and other practices
21 related to its Beneficial electrification programs enhance
22 the diversity of vendors working on such programs. These
23 reports must include data on vendor and employee
24 diversity.

25 (j) The provisions of this Section are severable under
26 Section 1.31 of the Statute on Statutes.

1 (20 ILCS 627/55 new)

2 Sec. 55. Charging rebate program.

3 (a) In order to substantially offset the installation
4 costs of electric vehicle charging infrastructure, beginning
5 July 1, 2022, and continuing as long as funds are available,
6 the Agency shall issue rebates, consistent with the
7 Commission-approved Beneficial Electrification Plans in
8 accordance with Section 45, to public and private
9 organizations and companies to install and maintain Level 2 or
10 Level 3 charging stations.

11 (b) The Agency shall award rebates or grants that fund up
12 to 80% of the cost of the installation of charging stations.
13 The Agency shall award additional incentives per port for
14 every charging station installed in an eligible community and
15 every charging station located to support eligible persons. In
16 order to be eligible to receive a rebate or grant, the
17 organization or company must submit an application to the
18 Agency and commit to paying the prevailing wage for the
19 installation project. The Agency shall by rule provide
20 application and other programmatic details and requirements,
21 including additional incentives for eligible communities. The
22 Agency may determine per port or project caps based on a review
23 of best practices and stakeholder engagement. The Agency shall
24 accept applications on a rolling basis and shall award rebates
25 or grants within 60 days of each application. The Agency may

1 not award rebates or grants to an organization or company that
2 does not pay the prevailing wage for the installation of a
3 charging station for which it seeks a rebate or grant.

4 (20 ILCS 627/60 new)

5 Sec. 60. Study on loss infrastructure funds and
6 replacement options. The Illinois Department of Transportation
7 shall conduct a study to be delivered to the members of the
8 Illinois General Assembly and made available to the public no
9 later than September 30, 2022. The study shall consider how
10 the proliferation of electric vehicles will adversely affect
11 resources needed for transportation infrastructure and take
12 into consideration any relevant federal actions. The study
13 shall identify the potential revenue loss and offer multiple
14 options for replacing those lost revenues. The Illinois
15 Department of Transportation shall collaborate with
16 organizations representing businesses involved in designing
17 and building transportation infrastructure, organized labor,
18 the general business community, and users of the system. In
19 addition, the Illinois Department of Transportation may
20 collaborate with other state agencies, including but not
21 limited to the Illinois Secretary of State and the Illinois
22 Department of Revenue.

23 This Section is repealed on January 1, 2024.

24 Section 90-23. The Illinois Enterprise Zone Act is amended

1 by changing Section 5.5 as follows:

2 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

3 Sec. 5.5. High Impact Business.

4 (a) In order to respond to unique opportunities to assist
5 in the encouragement, development, growth, and expansion of
6 the private sector through large scale investment and
7 development projects, the Department is authorized to receive
8 and approve applications for the designation of "High Impact
9 Businesses" in Illinois subject to the following conditions:

10 (1) such applications may be submitted at any time
11 during the year;

12 (2) such business is not located, at the time of
13 designation, in an enterprise zone designated pursuant to
14 this Act;

15 (3) the business intends to do one or more of the
16 following:

17 (A) the business intends to make a minimum
18 investment of \$12,000,000 which will be placed in
19 service in qualified property and intends to create
20 500 full-time equivalent jobs at a designated location
21 in Illinois or intends to make a minimum investment of
22 \$30,000,000 which will be placed in service in
23 qualified property and intends to retain 1,500
24 full-time retained jobs at a designated location in
25 Illinois. The business must certify in writing that

1 the investments would not be placed in service in
2 qualified property and the job creation or job
3 retention would not occur without the tax credits and
4 exemptions set forth in subsection (b) of this
5 Section. The terms "placed in service" and "qualified
6 property" have the same meanings as described in
7 subsection (h) of Section 201 of the Illinois Income
8 Tax Act; or

9 (B) the business intends to establish a new
10 electric generating facility at a designated location
11 in Illinois. "New electric generating facility", for
12 purposes of this Section, means a newly-constructed
13 electric generation plant or a newly-constructed
14 generation capacity expansion at an existing electric
15 generation plant, including the transmission lines and
16 associated equipment that transfers electricity from
17 points of supply to points of delivery, and for which
18 such new foundation construction commenced not sooner
19 than July 1, 2001. Such facility shall be designed to
20 provide baseload electric generation and shall operate
21 on a continuous basis throughout the year; and (i)
22 shall have an aggregate rated generating capacity of
23 at least 1,000 megawatts for all new units at one site
24 if it uses natural gas as its primary fuel and
25 foundation construction of the facility is commenced
26 on or before December 31, 2004, or shall have an

1 aggregate rated generating capacity of at least 400
2 megawatts for all new units at one site if it uses coal
3 or gases derived from coal as its primary fuel and
4 shall support the creation of at least 150 new
5 Illinois coal mining jobs, or (ii) shall be funded
6 through a federal Department of Energy grant before
7 December 31, 2010 and shall support the creation of
8 Illinois coal-mining jobs, or (iii) shall use coal
9 gasification or integrated gasification-combined cycle
10 units that generate electricity or chemicals, or both,
11 and shall support the creation of Illinois coal-mining
12 jobs. The business must certify in writing that the
13 investments necessary to establish a new electric
14 generating facility would not be placed in service and
15 the job creation in the case of a coal-fueled plant
16 would not occur without the tax credits and exemptions
17 set forth in subsection (b-5) of this Section. The
18 term "placed in service" has the same meaning as
19 described in subsection (h) of Section 201 of the
20 Illinois Income Tax Act; or

21 (B-5) the business intends to establish a new
22 gasification facility at a designated location in
23 Illinois. As used in this Section, "new gasification
24 facility" means a newly constructed coal gasification
25 facility that generates chemical feedstocks or
26 transportation fuels derived from coal (which may

1 include, but are not limited to, methane, methanol,
2 and nitrogen fertilizer), that supports the creation
3 or retention of Illinois coal-mining jobs, and that
4 qualifies for financial assistance from the Department
5 before December 31, 2010. A new gasification facility
6 does not include a pilot project located within
7 Jefferson County or within a county adjacent to
8 Jefferson County for synthetic natural gas from coal;
9 or

10 (C) the business intends to establish production
11 operations at a new coal mine, re-establish production
12 operations at a closed coal mine, or expand production
13 at an existing coal mine at a designated location in
14 Illinois not sooner than July 1, 2001; provided that
15 the production operations result in the creation of
16 150 new Illinois coal mining jobs as described in
17 subdivision (a)(3)(B) of this Section, and further
18 provided that the coal extracted from such mine is
19 utilized as the predominant source for a new electric
20 generating facility. The business must certify in
21 writing that the investments necessary to establish a
22 new, expanded, or reopened coal mine would not be
23 placed in service and the job creation would not occur
24 without the tax credits and exemptions set forth in
25 subsection (b-5) of this Section. The term "placed in
26 service" has the same meaning as described in

1 subsection (h) of Section 201 of the Illinois Income
2 Tax Act; or

3 (D) the business intends to construct new
4 transmission facilities or upgrade existing
5 transmission facilities at designated locations in
6 Illinois, for which construction commenced not sooner
7 than July 1, 2001. For the purposes of this Section,
8 "transmission facilities" means transmission lines
9 with a voltage rating of 115 kilovolts or above,
10 including associated equipment, that transfer
11 electricity from points of supply to points of
12 delivery and that transmit a majority of the
13 electricity generated by a new electric generating
14 facility designated as a High Impact Business in
15 accordance with this Section. The business must
16 certify in writing that the investments necessary to
17 construct new transmission facilities or upgrade
18 existing transmission facilities would not be placed
19 in service without the tax credits and exemptions set
20 forth in subsection (b-5) of this Section. The term
21 "placed in service" has the same meaning as described
22 in subsection (h) of Section 201 of the Illinois
23 Income Tax Act; or

24 (E) the business intends to establish a new wind
25 power facility at a designated location in Illinois.
26 For purposes of this Section, "new wind power

1 facility" means a newly constructed electric
2 generation facility, or a newly constructed expansion
3 of an existing electric generation facility, placed in
4 service on or after July 1, 2009, that generates
5 electricity using wind energy devices, and such
6 facility shall be deemed to include all associated
7 transmission lines, substations, and other equipment
8 related to the generation of electricity from wind
9 energy devices. For purposes of this Section, "wind
10 energy device" means any device, with a nameplate
11 capacity of at least 0.5 megawatts, that is used in the
12 process of converting kinetic energy from the wind to
13 generate electricity; or

14 (E-5) the business intends to establish a new
15 utility-scale solar facility at a designated location
16 in Illinois. For purposes of this Section, "new
17 utility-scale solar power facility" means a newly
18 constructed electric generation facility, or a newly
19 constructed expansion of an existing electric
20 generation facility, placed in service on or after
21 July 1, 2021, that (i) generates electricity using
22 photovoltaic cells and (ii) has a nameplate capacity
23 that is greater than 5,000 kilowatts, and such
24 facility shall be deemed to include all associated
25 transmission lines, substations, energy storage
26 facilities, and other equipment related to the

1 generation and storage of electricity from
2 photovoltaic cells; or

3 (F) the business commits to (i) make a minimum
4 investment of \$500,000,000, which will be placed in
5 service in a qualified property, (ii) create 125
6 full-time equivalent jobs at a designated location in
7 Illinois, (iii) establish a fertilizer plant at a
8 designated location in Illinois that complies with the
9 set-back standards as described in Table 1: Initial
10 Isolation and Protective Action Distances in the 2012
11 Emergency Response Guidebook published by the United
12 States Department of Transportation, (iv) pay a
13 prevailing wage for employees at that location who are
14 engaged in construction activities, and (v) secure an
15 appropriate level of general liability insurance to
16 protect against catastrophic failure of the fertilizer
17 plant or any of its constituent systems; in addition,
18 the business must agree to enter into a construction
19 project labor agreement including provisions
20 establishing wages, benefits, and other compensation
21 for employees performing work under the project labor
22 agreement at that location; for the purposes of this
23 Section, "fertilizer plant" means a newly constructed
24 or upgraded plant utilizing gas used in the production
25 of anhydrous ammonia and downstream nitrogen
26 fertilizer products for resale; for the purposes of

1 this Section, "prevailing wage" means the hourly cash
2 wages plus fringe benefits for training and
3 apprenticeship programs approved by the U.S.
4 Department of Labor, Bureau of Apprenticeship and
5 Training, health and welfare, insurance, vacations and
6 pensions paid generally, in the locality in which the
7 work is being performed, to employees engaged in work
8 of a similar character on public works; this paragraph
9 (F) applies only to businesses that submit an
10 application to the Department within 60 days after
11 July 25, 2013 (the effective date of Public Act
12 98-109) ~~this amendatory Act of the 98th General~~
13 ~~Assembly~~; and

14 (4) no later than 90 days after an application is
15 submitted, the Department shall notify the applicant of
16 the Department's determination of the qualification of the
17 proposed High Impact Business under this Section.

18 (b) Businesses designated as High Impact Businesses
19 pursuant to subdivision (a)(3)(A) of this Section shall
20 qualify for the credits and exemptions described in the
21 following Acts: Section 9-222 and Section 9-222.1A of the
22 Public Utilities Act, subsection (h) of Section 201 of the
23 Illinois Income Tax Act, and Section 1d of the Retailers'
24 Occupation Tax Act; provided that these credits and exemptions
25 described in these Acts shall not be authorized until the
26 minimum investments set forth in subdivision (a)(3)(A) of this

1 Section have been placed in service in qualified properties
2 and, in the case of the exemptions described in the Public
3 Utilities Act and Section 1d of the Retailers' Occupation Tax
4 Act, the minimum full-time equivalent jobs or full-time
5 retained jobs set forth in subdivision (a)(3)(A) of this
6 Section have been created or retained. Businesses designated
7 as High Impact Businesses under this Section shall also
8 qualify for the exemption described in Section 51 of the
9 Retailers' Occupation Tax Act. The credit provided in
10 subsection (h) of Section 201 of the Illinois Income Tax Act
11 shall be applicable to investments in qualified property as
12 set forth in subdivision (a)(3)(A) of this Section.

13 (b-5) Businesses designated as High Impact Businesses
14 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),
15 and (a)(3)(D) of this Section shall qualify for the credits
16 and exemptions described in the following Acts: Section 51 of
17 the Retailers' Occupation Tax Act, Section 9-222 and Section
18 9-222.1A of the Public Utilities Act, and subsection (h) of
19 Section 201 of the Illinois Income Tax Act; however, the
20 credits and exemptions authorized under Section 9-222 and
21 Section 9-222.1A of the Public Utilities Act, and subsection
22 (h) of Section 201 of the Illinois Income Tax Act shall not be
23 authorized until the new electric generating facility, the new
24 gasification facility, the new transmission facility, or the
25 new, expanded, or reopened coal mine is operational, except
26 that a new electric generating facility whose primary fuel

1 source is natural gas is eligible only for the exemption under
2 Section 51 of the Retailers' Occupation Tax Act.

3 (b-6) Businesses designated as High Impact Businesses
4 pursuant to subdivision (a)(3)(E) of this Section shall
5 qualify for the exemptions described in Section 51 of the
6 Retailers' Occupation Tax Act; any business so designated as a
7 High Impact Business being, for purposes of this Section, a
8 "Wind Energy Business".

9 (b-7) Beginning on January 1, 2021, businesses designated
10 as High Impact Businesses by the Department shall qualify for
11 the High Impact Business construction jobs credit under
12 subsection (h-5) of Section 201 of the Illinois Income Tax Act
13 if the business meets the criteria set forth in subsection (i)
14 of this Section. The total aggregate amount of credits awarded
15 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9
16 ~~this amendatory Act of the 101st General Assembly~~) shall not
17 exceed \$20,000,000 in any State fiscal year.

18 (c) High Impact Businesses located in federally designated
19 foreign trade zones or sub-zones are also eligible for
20 additional credits, exemptions and deductions as described in
21 the following Acts: Section 9-221 and Section 9-222.1 of the
22 Public Utilities Act; and subsection (g) of Section 201, and
23 Section 203 of the Illinois Income Tax Act.

24 (d) Except for businesses contemplated under subdivision
25 (a)(3)(E) of this Section, existing Illinois businesses which
26 apply for designation as a High Impact Business must provide

1 the Department with the prospective plan for which 1,500
2 full-time retained jobs would be eliminated in the event that
3 the business is not designated.

4 (e) Except for new wind power facilities contemplated
5 under subdivision (a)(3)(E) of this Section, new proposed
6 facilities which apply for designation as High Impact Business
7 must provide the Department with proof of alternative
8 non-Illinois sites which would receive the proposed investment
9 and job creation in the event that the business is not
10 designated as a High Impact Business.

11 (f) Except for businesses contemplated under subdivision
12 (a)(3)(E) of this Section, in the event that a business is
13 designated a High Impact Business and it is later determined
14 after reasonable notice and an opportunity for a hearing as
15 provided under the Illinois Administrative Procedure Act, that
16 the business would have placed in service in qualified
17 property the investments and created or retained the requisite
18 number of jobs without the benefits of the High Impact
19 Business designation, the Department shall be required to
20 immediately revoke the designation and notify the Director of
21 the Department of Revenue who shall begin proceedings to
22 recover all wrongfully exempted State taxes with interest. The
23 business shall also be ineligible for all State funded
24 Department programs for a period of 10 years.

25 (g) The Department shall revoke a High Impact Business
26 designation if the participating business fails to comply with

1 the terms and conditions of the designation. However, the
2 penalties for new wind power facilities or Wind Energy
3 Businesses for failure to comply with any of the terms or
4 conditions of the Illinois Prevailing Wage Act shall be only
5 those penalties identified in the Illinois Prevailing Wage
6 Act, and the Department shall not revoke a High Impact
7 Business designation as a result of the failure to comply with
8 any of the terms or conditions of the Illinois Prevailing Wage
9 Act in relation to a new wind power facility or a Wind Energy
10 Business.

11 (h) Prior to designating a business, the Department shall
12 provide the members of the General Assembly and Commission on
13 Government Forecasting and Accountability with a report
14 setting forth the terms and conditions of the designation and
15 guarantees that have been received by the Department in
16 relation to the proposed business being designated.

17 (i) High Impact Business construction jobs credit.
18 Beginning on January 1, 2021, a High Impact Business may
19 receive a tax credit against the tax imposed under subsections
20 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
21 amount equal to 50% of the amount of the incremental income tax
22 attributable to High Impact Business construction jobs credit
23 employees employed in the course of completing a High Impact
24 Business construction jobs project. However, the High Impact
25 Business construction jobs credit may equal 75% of the amount
26 of the incremental income tax attributable to High Impact

1 Business construction jobs credit employees if the High Impact
2 Business construction jobs credit project is located in an
3 underserved area.

4 The Department shall certify to the Department of Revenue:

5 (1) the identity of taxpayers that are eligible for the High
6 Impact Business construction jobs credit; and (2) the amount
7 of High Impact Business construction jobs credits that are
8 claimed pursuant to subsection (h-5) of Section 201 of the
9 Illinois Income Tax Act in each taxable year. Any business
10 entity that receives a High Impact Business construction jobs
11 credit shall maintain a certified payroll pursuant to
12 subsection (j) of this Section.

13 As used in this subsection (i):

14 "High Impact Business construction jobs credit" means an
15 amount equal to 50% (or 75% if the High Impact Business
16 construction project is located in an underserved area) of the
17 incremental income tax attributable to High Impact Business
18 construction job employees. The total aggregate amount of
19 credits awarded under the Blue Collar Jobs Act (Article 20 of
20 Public Act 101-9 ~~this amendatory Act of the 101st General~~
21 ~~Assembly~~) shall not exceed \$20,000,000 in any State fiscal
22 year

23 "High Impact Business construction job employee" means a
24 laborer or worker who is employed by an Illinois contractor or
25 subcontractor in the actual construction work on the site of a
26 High Impact Business construction job project.

1 "High Impact Business construction jobs project" means
2 building a structure or building or making improvements of any
3 kind to real property, undertaken and commissioned by a
4 business that was designated as a High Impact Business by the
5 Department. The term "High Impact Business construction jobs
6 project" does not include the routine operation, routine
7 repair, or routine maintenance of existing structures,
8 buildings, or real property.

9 "Incremental income tax" means the total amount withheld
10 during the taxable year from the compensation of High Impact
11 Business construction job employees.

12 "Underserved area" means a geographic area that meets one
13 or more of the following conditions:

14 (1) the area has a poverty rate of at least 20%
15 according to the latest federal decennial census;

16 (2) 75% or more of the children in the area
17 participate in the federal free lunch program according to
18 reported statistics from the State Board of Education;

19 (3) at least 20% of the households in the area receive
20 assistance under the Supplemental Nutrition Assistance
21 Program (SNAP); or

22 (4) the area has an average unemployment rate, as
23 determined by the Illinois Department of Employment
24 Security, that is more than 120% of the national
25 unemployment average, as determined by the U.S. Department
26 of Labor, for a period of at least 2 consecutive calendar

1 years preceding the date of the application.

2 (j) Each contractor and subcontractor who is engaged in
3 and executing a High Impact Business Construction jobs
4 project, as defined under subsection (i) of this Section, for
5 a business that is entitled to a credit pursuant to subsection
6 (i) of this Section shall:

7 (1) make and keep, for a period of 5 years from the
8 date of the last payment made on or after June 5, 2021 (the
9 effective date of Public Act 101-9) ~~this amendatory Act of~~
10 ~~the 101st General Assembly~~ on a contract or subcontract
11 for a High Impact Business Construction Jobs Project,
12 records for all laborers and other workers employed by the
13 contractor or subcontractor on the project; the records
14 shall include:

15 (A) the worker's name;

16 (B) the worker's address;

17 (C) the worker's telephone number, if available;

18 (D) the worker's social security number;

19 (E) the worker's classification or
20 classifications;

21 (F) the worker's gross and net wages paid in each
22 pay period;

23 (G) the worker's number of hours worked each day;

24 (H) the worker's starting and ending times of work
25 each day;

26 (I) the worker's hourly wage rate; and

1 (J) the worker's hourly overtime wage rate;

2 (2) no later than the 15th day of each calendar month,

3 provide a certified payroll for the immediately preceding

4 month to the taxpayer in charge of the High Impact

5 Business construction jobs project; within 5 business days

6 after receiving the certified payroll, the taxpayer shall

7 file the certified payroll with the Department of Labor

8 and the Department of Commerce and Economic Opportunity; a

9 certified payroll must be filed for only those calendar

10 months during which construction on a High Impact Business

11 construction jobs project has occurred; the certified

12 payroll shall consist of a complete copy of the records

13 identified in paragraph (1) of this subsection (j), but

14 may exclude the starting and ending times of work each

15 day; the certified payroll shall be accompanied by a

16 statement signed by the contractor or subcontractor or an

17 officer, employee, or agent of the contractor or

18 subcontractor which avers that:

19 (A) he or she has examined the certified payroll

20 records required to be submitted by the Act and such

21 records are true and accurate; and

22 (B) the contractor or subcontractor is aware that

23 filing a certified payroll that he or she knows to be

24 false is a Class A misdemeanor.

25 A general contractor is not prohibited from relying on a

26 certified payroll of a lower-tier subcontractor, provided the

1 general contractor does not knowingly rely upon a
2 subcontractor's false certification.

3 Any contractor or subcontractor subject to this
4 subsection, and any officer, employee, or agent of such
5 contractor or subcontractor whose duty as an officer,
6 employee, or agent it is to file a certified payroll under this
7 subsection, who willfully fails to file such a certified
8 payroll on or before the date such certified payroll is
9 required by this paragraph to be filed and any person who
10 willfully files a false certified payroll that is false as to
11 any material fact is in violation of this Act and guilty of a
12 Class A misdemeanor.

13 The taxpayer in charge of the project shall keep the
14 records submitted in accordance with this subsection on or
15 after June 5, 2021 (the effective date of Public Act 101-9)
16 ~~this amendatory Act of the 101st General Assembly~~ for a period
17 of 5 years from the date of the last payment for work on a
18 contract or subcontract for the High Impact Business
19 construction jobs project.

20 The records submitted in accordance with this subsection
21 shall be considered public records, except an employee's
22 address, telephone number, and social security number, and
23 made available in accordance with the Freedom of Information
24 Act. The Department of Labor shall accept any reasonable
25 submissions by the contractor that meet the requirements of
26 this subsection (j) and shall share the information with the

1 Department in order to comply with the awarding of a High
2 Impact Business construction jobs credit. A contractor,
3 subcontractor, or public body may retain records required
4 under this Section in paper or electronic format.

5 (k) Upon 7 business days' notice, each contractor and
6 subcontractor shall make available for inspection and copying
7 at a location within this State during reasonable hours, the
8 records identified in this subsection (j) to the taxpayer in
9 charge of the High Impact Business construction jobs project,
10 its officers and agents, the Director of the Department of
11 Labor and his or her deputies and agents, and to federal,
12 State, or local law enforcement agencies and prosecutors.

13 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

14 Section 90-24. The Department of Labor Law of the Civil
15 Administrative Code of Illinois is amended by changing Section
16 1505-215 and by adding Section 1505-220 as follows:

17 (20 ILCS 1505/1505-215)

18 Sec. 1505-215. Bureau on Apprenticeship Programs and Clean
19 Energy Jobs ; ~~Advisory Board.~~

20 (a) For purposes of this Section:

21 "Clean energy jobs" means jobs in the clean energy sector.
22 "Clean energy jobs" includes constructing, development,
23 planning, administrative, sales, and other support functions
24 within these industries.

1 "Clean energy sector" means solar energy, wind energy,
2 energy efficiency, solar thermal, green hydrogen, geothermal,
3 and electric vehicle industries and other renewable energy
4 industries, industries achieving emission reductions, and
5 related industries that manufacture, develop, build, maintain,
6 or provide ancillary services to renewable energy resources or
7 energy efficiency products or services, including the
8 manufacture and installation of healthier building materials
9 that contain fewer hazardous chemicals.

10 (b) There is created within the Department of Labor a
11 Bureau on Apprenticeship Programs and Clean Energy Jobs. This
12 Bureau shall work to increase minority participation in active
13 apprentice programs in Illinois that are approved by the
14 United States Department of Labor and in clean energy jobs in
15 Illinois. The Bureau shall identify barriers to minorities
16 gaining access to construction careers and careers in clean
17 energy jobs and make recommendations to the Governor and the
18 General Assembly for policies to remove those barriers. The
19 Department may hire staff to perform outreach in promoting
20 diversity in active apprenticeship programs approved by the
21 United States Department of Labor and compile reports and
22 diversity, equity, and inclusion plans for clean energy sector
23 jobs. The Bureau and the Department shall coordinate with the
24 Department of Commerce and Economic Opportunity, Energy
25 Workforce Advisory Council, and the Energy Transition
26 Navigators in its efforts to compile information and remove

1 barriers to participation in clean energy jobs.

2 (c) The Bureau shall annually compile racial and gender
3 workforce diversity information from contractors receiving
4 State or other public funds and by labor unions with members
5 working on projects receiving State or other public funds that
6 are not otherwise subject to subsection (d).

7 (d) The Bureau shall compile racial and gender workforce
8 diversity information from certified transcripts of payroll
9 reports filed in the preceding year pursuant to the Prevailing
10 Wage Act for all clean energy sector construction projects.
11 The Bureau shall also compile racial and gender workforce
12 diversity information from all corporations, nonprofits,
13 developers, contractors, and other entities receiving State or
14 other public funds for projects in the clean energy sector.
15 The Bureau shall work with the Department of Commerce and
16 Economic Opportunity, the Illinois Power Agency, the Illinois
17 Commerce Commission, and other agencies, as necessary, to
18 receive and share data and reporting on racial and gender
19 workforce diversity, demographic data, and any other data
20 necessary to achieve the goals of this Section. The Bureau
21 shall work with the Department of Commerce and Economic
22 Opportunity to review the workforce recruiting and hiring
23 database developed in accordance with subsection (c-25) of
24 Section 1-75 of the Illinois Power Agency Act to verify
25 equitable recruiting and hiring practices by contractors and
26 employers in clean energy jobs.

1 (e) By April 15, 2022 and every April 15 thereafter, the
2 Bureau shall publish and make available on the Department's
3 website a report summarizing the racial and gender diversity
4 of the workforce on all clean energy sector projects by
5 county. The report shall use a consistent structure for
6 information requests and presentation, with an easy-to-use
7 table of contents, to enable comparable year-over-year
8 solicitation and benchmarking of data. The development of the
9 report structure shall be open to a public review and comment
10 period. That report shall compare the race, ethnicity, and
11 gender of the workers on clean energy projects to the general
12 population of the county in which the project is located. The
13 report shall also disaggregate such data to compare the race,
14 ethnicity, and gender of workers employed by union and
15 nonunion contractors and compare the race, ethnicity, and
16 gender of workers who reside in Illinois and those who reside
17 outside of Illinois. The report shall also include the race,
18 ethnicity, and gender of the workers by prevailing wage
19 classification.

20 (f) If the race, ethnicity, and gender of the workforce on
21 a clean energy sector project does not meet or exceed that of
22 the general population of the county in which the project is
23 located or, in the case of a project in which any of the
24 workers are represented by a union, the geographic
25 jurisdiction of that union, the Bureau shall request a written
26 explanation from the contractors that employed workers on such

1 project and any unions representing those workers, as
2 applicable. If deemed necessary by the Bureau, the contractors
3 and any unions representing workers on such project shall be
4 required by the Bureau to develop a plan to increase
5 diversity, equity, and inclusion on future clean energy sector
6 projects in that county or, in the case of a union, the
7 geographic jurisdiction covered by the union. The plan should
8 include: (i) areas of work and clean energy jobs each entity
9 will actively seek more participation in during the next year;
10 (ii) an outline of the plan to alert and encourage potential
11 workers to seek clean energy jobs; (iii) an explanation of the
12 challenges faced in finding quality workers and suggestions
13 for what the Bureau could do to aid in identifying potential
14 workers; (iv) a list of certifications, if any, the entity
15 requires for workers to obtain clean energy jobs; (v) the
16 point of contact for any potential worker seeking a clean
17 energy job or other opportunity with the entity; and (vi) any
18 success stories to encourage other entities to emulate the
19 best practices.

20 The Bureau and all entities subject to the requirements of
21 subsection (d) shall hold an annual workshop open to the
22 public in 2022 and every year thereafter on the state of racial
23 and gender workforce diversity in the clean energy sector in
24 order to collaboratively seek solutions to structural
25 impediments to achieving diversity, equity, and inclusion
26 goals, including testimony from each participating entity,

1 subject matter experts, and advocates.

2 (g) The Bureau shall publish each annual report prepared
3 and filed pursuant to subsection (d) on the Department of
4 Labor's website for at least 5 years.

5 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
6 revised 10-22-20.)

7 (20 ILCS 1505/1505-220 new)

8 Sec. 1505-220. Small Clean Energy Contractor Prevailing
9 Wage Act Assistance. The General Assembly finds that small
10 clean energy businesses, especially those in or serving
11 underserved or historically disinvested communities, need
12 assistance and resources to help them comply with the
13 Prevailing Wage Act. Therefore, the Department of Labor shall
14 develop and administer a statewide program to assist small
15 clean energy contractors in administering and complying with
16 the Prevailing Wage Act requirements. This Program shall
17 provide training and ongoing technical assistance pertaining
18 to compliance with the Prevailing Wage Act, including
19 certified payroll reporting requirements. Ongoing assistance
20 shall include, but is not limited to, answering contractor
21 questions, recommending tools and process improvements,
22 establishing an account with and utilizing the Certified
23 Transcript of Payroll Portal and alerting businesses when
24 certified payroll reports are incomplete or incorrect,
25 building administrative expertise within individual

1 businesses, and any other assistance businesses identify as
2 needed based on verbal or other input. All Program training,
3 technical assistance, materials, services, and systems shall
4 be structured to accommodate and address real-world
5 circumstances encountered by small clean energy contractors;
6 shall be developed, refined, and adjusted as necessary in
7 consultation with such contractors; and shall be administered
8 to serve businesses that operate in languages other than
9 English and do so at a level of service equivalent to that
10 offered to businesses that operate in English. The Department
11 may enter into agreements with contractors with experience in
12 supporting small businesses in underserved or historically
13 disinvested communities to implement portions or all of the
14 program, ensuring such capacity is developed in northern,
15 central, and southern Illinois regions. The Department shall
16 communicate and market program services to small clean energy
17 contractors statewide, and may do so in coordination with the
18 Department of Commerce and Economic Opportunity.

19 Section 90-25. The Energy Efficient Building Act is
20 amended by changing Sections 10, 15, 20, 30, 40, and 45 and by
21 adding Section 55 as follows:

22 (20 ILCS 3125/10)

23 Sec. 10. Definitions.

24 "Board" means the Capital Development Board.

1 "Building" includes both residential buildings and
2 commercial buildings.

3 "Code" means the latest published edition of the
4 International Code Council's International Energy Conservation
5 Code as adopted by the Board, including any published
6 supplements adopted by the Board and any amendments and
7 adaptations to the Code that are made by the Board.

8 "Commercial building" means any building except a building
9 that is a residential building, as defined in this Section.

10 "Department" means the Department of Commerce and Economic
11 Opportunity.

12 "Municipality" means any city, village, or incorporated
13 town.

14 "Residential building" means (i) a detached one-family or
15 2-family dwelling or (ii) any building that is 3 stories or
16 less in height above grade that contains multiple dwelling
17 units, in which the occupants reside on a primarily permanent
18 basis, such as a townhouse, a row house, an apartment house, a
19 convent, a monastery, a rectory, a fraternity or sorority
20 house, a dormitory, and a rooming house; provided, however,
21 that when applied to a building located within the boundaries
22 of a municipality having a population of 1,000,000 or more,
23 the term "residential building" means a building containing
24 one or more dwelling units, not exceeding 4 stories above
25 grade, where occupants are primarily permanent.

26 "Site energy index" means a scalar published by the

1 Pacific Northwest National Laboratories representing the ratio
2 of the site energy performance of an evaluated code compared
3 to the site energy performance of the 2006 International
4 Energy Conservation Code. A "site energy index" includes only
5 conservation measures and excludes net energy credit for any
6 on-site or off-site energy production.

7 (Source: P.A. 101-144, eff. 7-26-19.)

8 (20 ILCS 3125/15)

9 Sec. 15. Energy Efficient Building Code. The Board, in
10 consultation with the Department, shall adopt the Code as
11 minimum requirements for commercial buildings, applying to the
12 construction of, renovations to, and additions to all
13 commercial buildings in the State. The Board, in consultation
14 with the Department, shall also adopt the Code as the minimum
15 and maximum requirements for residential buildings, applying
16 to the construction of, renovations to, and additions to all
17 residential buildings in the State, except as provided for in
18 Section 45 of this Act. The Board may appropriately adapt the
19 International Energy Conservation Code to apply to the
20 particular economy, population distribution, geography, and
21 climate of the State and construction therein, consistent with
22 the public policy objectives of this Act.

23 (Source: P.A. 96-778, eff. 8-28-09.)

24 (20 ILCS 3125/20)

1 Sec. 20. Applicability.

2 (a) The Board shall review and adopt the Code within one
3 year after its publication. The Code shall take effect within
4 6 months after it is adopted by the Board, except that,
5 beginning January 1, 2012, the Code adopted in 2012 shall take
6 effect on January 1, 2013. Except as otherwise provided in
7 this Act, the Code shall apply to (i) any new building or
8 structure in this State for which a building permit
9 application is received by a municipality or county and (ii)
10 beginning on the effective date of this amendatory Act of the
11 100th General Assembly, each State facility specified in
12 Section 4.01 of the Capital Development Board Act. In the case
13 of any addition, alteration, renovation, or repair to an
14 existing residential or commercial structure, the Code adopted
15 under this Act applies only to the portions of that structure
16 that are being added, altered, renovated, or repaired. The
17 changes made to this Section by this amendatory Act of the 97th
18 General Assembly shall in no way invalidate or otherwise
19 affect contracts entered into on or before the effective date
20 of this amendatory Act of the 97th General Assembly.

21 (b) The following buildings shall be exempt from the Code:

22 (1) Buildings otherwise exempt from the provisions of
23 a locally adopted building code and buildings that do not
24 contain a conditioned space.

25 (2) Buildings that do not use either electricity or
26 fossil fuel for comfort conditioning. For purposes of

1 determining whether this exemption applies, a building
2 will be presumed to be heated by electricity, even in the
3 absence of equipment used for electric comfort heating,
4 whenever the building is provided with electrical service
5 in excess of 100 amps, unless the code enforcement
6 official determines that this electrical service is
7 necessary for purposes other than providing electric
8 comfort heating.

9 (3) Historic buildings. This exemption shall apply to
10 those buildings that are listed on the National Register
11 of Historic Places or the Illinois Register of Historic
12 Places, and to those buildings that have been designated
13 as historically significant by a local governing body that
14 is authorized to make such designations.

15 (4) (Blank).

16 (5) Other buildings specified as exempt by the
17 International Energy Conservation Code.

18 (c) Additions, alterations, renovations, or repairs to an
19 existing building, building system, or portion thereof shall
20 conform to the provisions of the Code as they relate to new
21 construction without requiring the unaltered portion of the
22 existing building or building system to comply with the Code.
23 The following need not comply with the Code, provided that the
24 energy use of the building is not increased: (i) storm windows
25 installed over existing fenestration, (ii) glass-only
26 replacements in an existing sash and frame, (iii) existing

1 ceiling, wall, or floor cavities exposed during construction,
2 provided that these cavities are filled with insulation, and
3 (iv) construction where the existing roof, wall, or floor is
4 not exposed.

5 (d) A unit of local government that does not regulate
6 energy efficient building standards is not required to adopt,
7 enforce, or administer the Code; however, any energy efficient
8 building standards adopted by a unit of local government must
9 comply with this Act. If a unit of local government does not
10 regulate energy efficient building standards, any
11 construction, renovation, or addition to buildings or
12 structures is subject to the provisions contained in this Act.
13 (Source: P.A. 100-729, eff. 8-3-18.)

14 (20 ILCS 3125/30)

15 Sec. 30. Enforcement. The Board, in consultation with the
16 Department, shall determine procedures for compliance with the
17 Code. These procedures may include but need not be limited to
18 certification by a national, State, or local accredited energy
19 conservation program or inspections from private
20 Code-certified inspectors using the Code. For purposes of the
21 Illinois Stretch Energy Code under Section 55, the Board shall
22 allow and encourage, as an alternative compliance mechanism,
23 project certification by a nationally recognized nonprofit
24 certification organization specializing in high-performance
25 passive buildings and offering climate-specific building

1 energy standards that require equal or better energy
2 performance than the Illinois Stretch Energy Code.

3 (Source: P.A. 93-936, eff. 8-13-04.)

4 (20 ILCS 3125/40)

5 Sec. 40. Input from interested parties. When developing
6 Code adaptations, rules, and procedures for compliance with
7 the Code, the Capital Development Board shall seek input from
8 representatives from the building trades, design
9 professionals, construction professionals, code
10 administrators, and other interested entities affected. Any
11 board or group that the Capital Development Board seeks input
12 from must include the following:

13 (i) a representative from a group that represents
14 environmental justice;

15 (ii) a representative of a nonprofit or professional
16 association advocating for the environment;

17 (iii) an energy-efficiency advocate with technical
18 expertise in single-family residential buildings;

19 (iv) an energy-efficiency advocate with technical
20 expertise in commercial buildings; and

21 (v) an energy-efficiency advocate with technical expertise
22 in multifamily buildings, such as an affordable housing
23 developer.

24 (Source: P.A. 99-639, eff. 7-28-16.)

1 (20 ILCS 3125/45)

2 Sec. 45. Home rule.

3 (a) (Blank). ~~No unit of local government, including any~~
4 ~~home rule unit, may regulate energy efficient building~~
5 ~~standards for commercial buildings in a manner that is less~~
6 ~~stringent than the provisions contained in this Act.~~

7 (b) No unit of local government, including any home rule
8 unit, may regulate energy efficient building standards for
9 residential buildings in a manner that is either less or more
10 stringent than the standards established pursuant to this Act;
11 provided, however, that the following entities may regulate
12 energy efficient building standards for residential or
13 commercial buildings in a manner that is more stringent than
14 the provisions contained in this Act: (i) a unit of local
15 government, including a home rule unit, that has, on or before
16 May 15, 2009, adopted or incorporated by reference energy
17 efficient building standards for residential or commercial
18 buildings that are equivalent to or more stringent than the
19 2006 International Energy Conservation Code, (ii) a unit of
20 local government, including a home rule unit, that has, on or
21 before May 15, 2009, provided to the Capital Development
22 Board, as required by Section 10.18 of the Capital Development
23 Board Act, an identification of an energy efficient building
24 code or amendment that is equivalent to or more stringent than
25 the 2006 International Energy Conservation Code, (ii-5) a
26 municipality that has adopted the Illinois Stretch Energy

1 Code, and (iii) a municipality with a population of 1,000,000
2 or more.

3 (c) No unit of local government, including any home rule
4 unit or unit of local government that is subject to State
5 regulation under the Code as provided in Section 15 of this
6 Act, may hereafter enact any annexation ordinance or
7 resolution, or require or enter into any annexation agreement,
8 that imposes energy efficient building standards for
9 residential or commercial buildings that are either less or
10 more stringent than the energy efficiency standards in effect,
11 at the time of construction, throughout the unit of local
12 government, except for the Illinois Stretch Energy Code.

13 (d) This Section is a denial and limitation of home rule
14 powers and functions under subsection (i) of Section 6 of
15 Article VII of the Illinois Constitution on the concurrent
16 exercise by home rule units of powers and functions exercised
17 by the State. Nothing in this Section, however, prevents a
18 unit of local government from adopting an energy efficiency
19 code or standards for commercial buildings that are more
20 stringent than the Code under this Act.

21 (e) A unit of local government requiring the Illinois
22 Stretch Energy Code must do so with the adoption of the Code by
23 its governing body.

24 (Source: P.A. 99-639, eff. 7-28-16.)

1 Sec. 55. Illinois Stretch Energy Code.

2 (a) The Board, in consultation with the Department, shall
3 create and adopt the Illinois Stretch Energy Code, to allow
4 municipalities and projects authorized or funded by the Board
5 to achieve more energy efficiency in buildings than the
6 Illinois Energy Conservation Code through a consistent pathway
7 across the State. The Illinois Stretch Energy Code shall be
8 available for adoption by any municipality and shall set
9 minimum energy efficiency requirements, taking the place of
10 the Illinois Energy Conservation Code within any municipality
11 that adopts the Illinois Stretch Energy Code.

12 (b) The Illinois Stretch Energy Code shall have separate
13 components for commercial and residential buildings, which may
14 be adopted by the municipality jointly or separately.

15 (c) The Illinois Stretch Energy Code shall apply to all
16 projects to which an energy conservation code is applicable
17 that are authorized or funded in any part by the Board after
18 January 1, 2023.

19 (d) Development of the Illinois Stretch Energy Code shall
20 be completed and available for adoption by municipalities by
21 December 31, 2023.

22 (e) Consistent with the requirements under paragraph (2.5)
23 of subsection (g) of Section 8-103B of the Public Utilities
24 Act and under paragraph (2) of subsection (j) of Section 8-104
25 of the Public Utilities Act, municipalities may adopt the
26 Illinois Stretch Energy Code and may use utility programs to

1 support compliance with the Illinois Stretch Energy Code. The
2 amount of savings from such utility efforts that may be
3 counted toward achievement of their annual savings goals shall
4 be based on reasonable estimates of the increase in savings
5 resulting from the utility efforts, relative to reasonable
6 approximations of what would have occurred absent the utility
7 involvement.

8 (f) The Illinois Stretch Energy Code's residential
9 components shall:

10 (1) apply to residential buildings as defined under
11 Section 10;

12 (2) set performance targets using a site energy index
13 with reductions relative to the 2006 International Energy
14 Conservation Code; and

15 (3) include stretch energy codes with site energy
16 index standards and adoption dates as follows: by no later
17 than December 31, 2022, the Board shall create and adopt a
18 stretch energy code with a site energy index no greater
19 than 0.50 of the 2006 International Energy Conservation
20 Code; by no later than December 31, 2025, the Board shall
21 create and adopt a stretch energy code with a site energy
22 index no greater than 0.40 of the 2006 International
23 Energy Conservation Code, unless the Board identifies
24 unanticipated burdens associated with the stretch energy
25 code adopted in 2022, in which case the Board may adopt a
26 stretch energy code with a site energy index no greater

1 than 0.42 of the 2006 International Energy Conservation
2 Code, provided that the more relaxed standard has a site
3 energy index that is at least 0.05 more restrictive than
4 the 2024 International Energy Conservation Code; by no
5 later than December 31, 2028, the Board shall create and
6 adopt a stretch energy code with a site energy index no
7 greater than 0.33 of the 2006 International Energy
8 Conservation Code, unless the Board identifies
9 unanticipated burdens associated with the stretch energy
10 code adopted in 2025, in which case the Board may adopt a
11 stretch energy code with a site energy index no greater
12 than 0.35 of the 2006 International Energy Conservation
13 Code, but only if that more relaxed standard has a site
14 energy index that is at least 0.05 more restrictive than
15 the 2027 International Energy Conservation Code; and by no
16 later than December 31, 2031, the Board shall create and
17 adopt a stretch energy code with a site energy index no
18 greater than 0.25 of the 2006 International Energy
19 Conservation Code.

20 (g) The Illinois Stretch Energy Code's commercial
21 components shall:

22 (1) apply to commercial buildings as defined under
23 Section 10;

24 (2) set performance targets using a site energy index
25 with reductions relative to the 2006 International Energy
26 Conservation Code; and

1 (3) include stretch energy codes with site energy
2 index standards and adoption dates as follows: by no later
3 than December 31, 2022, the Board shall create and adopt a
4 stretch energy code with a site energy index no greater
5 than 0.60 of the 2006 International Energy Conservation
6 Code; by no later than December 31, 2025, the Board shall
7 create and adopt a stretch energy code with a site energy
8 index no greater than 0.50 of the 2006 International
9 Energy Conservation Code; by no later than December 31,
10 2028, the Board shall create and adopt a stretch energy
11 code with a site energy index no greater than 0.44 of the
12 2006 International Energy Conservation Code; and by no
13 later than December 31, 2031, the Board shall create and
14 adopt a stretch energy code with a site energy index no
15 greater than 0.39 of the 2006 International Energy
16 Conservation Code.

17 (h) The process for the creation of the Illinois Stretch
18 Energy Code includes:

19 (1) within 60 days after the effective date of this
20 amendatory Act of the 102nd General Assembly, the Capital
21 Development Board shall meet with the Illinois Energy Code
22 Advisory Council to advise and provide technical
23 assistance and recommendations to the Capital Development
24 Board for the Illinois Stretch Energy Code, which shall:

25 (A) advise the Capital Development Board on
26 creation of interim performance targets, code

1 requirements, and an implementation plan for the
2 Illinois Stretch Energy Code;

3 (B) recommend amendments to proposed rules issued
4 by the Capital Development Board;

5 (C) recommend complementary programs or policies;

6 (D) complete recommendations and development for
7 the Illinois Stretch Energy Code elements and
8 requirements by July 31, 2022;

9 (2) As part of its deliberations, the Illinois Energy
10 Code Advisory Council shall actively solicit input from
11 other energy code stakeholders and interested parties.

12 Section 90-30. The Illinois Power Agency Act is amended by
13 changing Sections 1-5, 1-10, 1-20, 1-35, 1-56, 1-70, 1-75,
14 1-92, and 1-125 and by adding Section 1-128 as follows:

15 (20 ILCS 3855/1-5)

16 Sec. 1-5. Legislative declarations and findings. The
17 General Assembly finds and declares:

18 (1) The health, welfare, and prosperity of all
19 Illinois residents ~~citizens~~ require the provision of
20 adequate, reliable, affordable, efficient, and
21 environmentally sustainable electric service at the lowest
22 total cost over time, taking into account any benefits of
23 price stability.

24 (1.5) To provide the highest quality of life for the

1 residents of Illinois and to provide for a clean and
2 healthy environment, it is the policy of this State to
3 rapidly transition to 100% clean energy by 2050.

4 (2) (Blank).

5 (3) (Blank).

6 (4) It is necessary to improve the process of
7 procuring electricity to serve Illinois residents, to
8 promote investment in energy efficiency and
9 demand-response measures, and to maintain and support
10 development of clean coal technologies, generation
11 resources that operate at all hours of the day and under
12 all weather conditions, zero emission facilities, and
13 renewable resources.

14 (5) Procuring a diverse electricity supply portfolio
15 will ensure the lowest total cost over time for adequate,
16 reliable, efficient, and environmentally sustainable
17 electric service.

18 (6) Including renewable resources and zero emission
19 credits from zero emission facilities in that portfolio
20 will reduce long-term direct and indirect costs to
21 consumers by decreasing environmental impacts and by
22 avoiding or delaying the need for new generation,
23 transmission, and distribution infrastructure. Developing
24 new renewable energy resources in Illinois, including
25 brownfield solar projects and community solar projects,
26 will help to diversify Illinois electricity supply, avoid

1 and reduce pollution, reduce peak demand, and enhance
2 public health and well-being of Illinois residents.

3 (7) Developing community solar projects in Illinois
4 will help to expand access to renewable energy resources
5 to more Illinois residents.

6 (8) Developing brownfield solar projects in Illinois
7 will help return blighted or contaminated land to
8 productive use while enhancing public health and the
9 well-being of Illinois residents, including those in
10 environmental justice communities.

11 (9) Energy efficiency, demand-response measures, zero
12 emission energy, and renewable energy are resources
13 currently underused in Illinois. These resources should be
14 used, when cost effective, to reduce costs to consumers,
15 improve reliability, and improve environmental quality and
16 public health.

17 (10) The State should encourage the use of advanced
18 clean coal technologies that capture and sequester carbon
19 dioxide emissions to advance environmental protection
20 goals and to demonstrate the viability of coal and
21 coal-derived fuels in a carbon-constrained economy.

22 (10.5) The State should encourage the development of
23 interregional high voltage direct current (HVDC)
24 transmission lines that benefit Illinois. All ratepayers
25 in the State served by the regional transmission
26 organization where the HVDC converter station is

1 interconnected benefit from the long-term price stability
2 and market access provided by interregional HVDC
3 transmission facilities. The benefits to Illinois include:
4 reduction in wholesale power prices; access to lower-cost
5 markets; enabling the integration of additional renewable
6 generating units within the State through near
7 instantaneous dispatchability and the provision of
8 ancillary services; creating good-paying union jobs in
9 Illinois; and, enhancing grid reliability and climate
10 resilience via HVDC facilities that are installed
11 underground.

12 (10.6) The health, welfare, and safety of the people
13 of the State are advanced by developing new HVDC
14 transmission lines predominantly along transportation
15 rights-of-way, with an HVDC converter station that is
16 located in the service territory of a public utility as
17 defined in Section 3-105 of the Public Utilities Act
18 servng more than 3,000,000 retail customers, and with a
19 project labor agreement as defined in Section 1-10 of this
20 Act.

21 (11) The General Assembly enacted Public Act 96-0795
22 to reform the State's purchasing processes, recognizing
23 that government procurement is susceptible to abuse if
24 structural and procedural safeguards are not in place to
25 ensure independence, insulation, oversight, and
26 transparency.

1 (12) The principles that underlie the procurement
2 reform legislation apply also in the context of power
3 purchasing.

4 (13) To ensure that the benefits of installing
5 renewable resources are available to all Illinois
6 residents and located across the State, subject to
7 appropriation, it is necessary for the Agency to provide
8 public information and educational resources on how
9 residents can benefit from the expansion of renewable
10 energy in Illinois and participate in the Illinois Solar
11 for All Program established in Section 1-56, the
12 Adjustable Block program established in Section 1-75, the
13 job training programs established by paragraph (1) of
14 subsection (a) of Section 16-108.12 of the Public
15 Utilities Act, and the programs and resources established
16 by the Energy Transition Act.

17 The General Assembly therefore finds that it is necessary
18 to create the Illinois Power Agency and that the goals and
19 objectives of that Agency are to accomplish each of the
20 following:

21 (A) Develop electricity procurement plans to ensure
22 adequate, reliable, affordable, efficient, and
23 environmentally sustainable electric service at the lowest
24 total cost over time, taking into account any benefits of
25 price stability, for electric utilities that on December
26 31, 2005 provided electric service to at least 100,000

1 customers in Illinois and for small multi-jurisdictional
2 electric utilities that (i) on December 31, 2005 served
3 less than 100,000 customers in Illinois and (ii) request a
4 procurement plan for their Illinois jurisdictional load.
5 The procurement plan shall be updated on an annual basis
6 and shall include renewable energy resources and,
7 beginning with the delivery year commencing June 1, 2017,
8 zero emission credits from zero emission facilities
9 sufficient to achieve the standards specified in this Act.

10 (B) Conduct the competitive procurement processes
11 identified in this Act.

12 (C) Develop electric generation and co-generation
13 facilities that use indigenous coal or renewable
14 resources, or both, financed with bonds issued by the
15 Illinois Finance Authority.

16 (D) Supply electricity from the Agency's facilities at
17 cost to one or more of the following: municipal electric
18 systems, governmental aggregators, or rural electric
19 cooperatives in Illinois.

20 (E) Ensure that the process of power procurement is
21 conducted in an ethical and transparent fashion, immune
22 from improper influence.

23 (F) Continue to review its policies and practices to
24 determine how best to meet its mission of providing the
25 lowest cost power to the greatest number of people, at any
26 given point in time, in accordance with applicable law.

1 (G) Operate in a structurally insulated, independent,
2 and transparent fashion so that nothing impedes the
3 Agency's mission to secure power at the best prices the
4 market will bear, provided that the Agency meets all
5 applicable legal requirements.

6 (H) Implement renewable energy procurement and
7 training programs throughout the State to diversify
8 Illinois electricity supply, improve reliability, avoid
9 and reduce pollution, reduce peak demand, and enhance
10 public health and well-being of Illinois residents,
11 including low-income residents.

12 (Source: P.A. 99-906, eff. 6-1-17.)

13 (20 ILCS 3855/1-10)

14 Sec. 1-10. Definitions.

15 "Agency" means the Illinois Power Agency.

16 "Agency loan agreement" means any agreement pursuant to
17 which the Illinois Finance Authority agrees to loan the
18 proceeds of revenue bonds issued with respect to a project to
19 the Agency upon terms providing for loan repayment
20 installments at least sufficient to pay when due all principal
21 of, interest and premium, if any, on those revenue bonds, and
22 providing for maintenance, insurance, and other matters in
23 respect of the project.

24 "Authority" means the Illinois Finance Authority.

25 "Brownfield site photovoltaic project" means photovoltaics

1 that are either:

2 (1) interconnected to an electric utility as defined
3 in this Section, a municipal utility as defined in this
4 Section, a public utility as defined in Section 3-105 of
5 the Public Utilities Act, or an electric cooperative~~7~~ as
6 defined in Section 3-119 of the Public Utilities Act~~7~~ and
7 ~~(2)~~ located at a site that is regulated by any of the
8 following entities under the following programs:

9 (A) the United States Environmental Protection
10 Agency under the federal Comprehensive Environmental
11 Response, Compensation, and Liability Act of 1980, as
12 amended;

13 (B) the United States Environmental Protection
14 Agency under the Corrective Action Program of the
15 federal Resource Conservation and Recovery Act, as
16 amended;

17 (C) the Illinois Environmental Protection Agency
18 under the Illinois Site Remediation Program; or

19 (D) the Illinois Environmental Protection Agency
20 under the Illinois Solid Waste Program; or~~7~~

21 (2) located at the site of a coal mine that has
22 permanently ceased coal production, permanently halted any
23 re-mining operations, and is no longer accepting any coal
24 combustion residues; has both completed all clean-up and
25 remediation obligations under the federal Surface Mining
26 and Reclamation Act of 1977 and all applicable Illinois

1 rules and any other clean-up, remediation, or ongoing
2 monitoring to safeguard the health and well-being of the
3 people of the State of Illinois, as well as demonstrated
4 compliance with all applicable federal and State
5 environmental rules and regulations, including, but not
6 limited, to 35 Ill. Adm. Code Part 845 and any rules for
7 historic fill of coal combustion residuals, including any
8 rules finalized in Subdocket A of Illinois Pollution
9 Control Board docket R2020-019.

10 "Clean coal facility" means an electric generating
11 facility that uses primarily coal as a feedstock and that
12 captures and sequesters carbon dioxide emissions at the
13 following levels: at least 50% of the total carbon dioxide
14 emissions that the facility would otherwise emit if, at the
15 time construction commences, the facility is scheduled to
16 commence operation before 2016, at least 70% of the total
17 carbon dioxide emissions that the facility would otherwise
18 emit if, at the time construction commences, the facility is
19 scheduled to commence operation during 2016 or 2017, and at
20 least 90% of the total carbon dioxide emissions that the
21 facility would otherwise emit if, at the time construction
22 commences, the facility is scheduled to commence operation
23 after 2017. The power block of the clean coal facility shall
24 not exceed allowable emission rates for sulfur dioxide,
25 nitrogen oxides, carbon monoxide, particulates and mercury for
26 a natural gas-fired combined-cycle facility the same size as

1 and in the same location as the clean coal facility at the time
2 the clean coal facility obtains an approved air permit. All
3 coal used by a clean coal facility shall have high volatile
4 bituminous rank and greater than 1.7 pounds of sulfur per
5 million btu content, unless the clean coal facility does not
6 use gasification technology and was operating as a
7 conventional coal-fired electric generating facility on June
8 1, 2009 (the effective date of Public Act 95-1027).

9 "Clean coal SNG brownfield facility" means a facility that
10 (1) has commenced construction by July 1, 2015 on an urban
11 brownfield site in a municipality with at least 1,000,000
12 residents; (2) uses a gasification process to produce
13 substitute natural gas; (3) uses coal as at least 50% of the
14 total feedstock over the term of any sourcing agreement with a
15 utility and the remainder of the feedstock may be either
16 petroleum coke or coal, with all such coal having a high
17 bituminous rank and greater than 1.7 pounds of sulfur per
18 million Btu content unless the facility reasonably determines
19 that it is necessary to use additional petroleum coke to
20 deliver additional consumer savings, in which case the
21 facility shall use coal for at least 35% of the total feedstock
22 over the term of any sourcing agreement; and (4) captures and
23 sequesters at least 85% of the total carbon dioxide emissions
24 that the facility would otherwise emit.

25 "Clean coal SNG facility" means a facility that uses a
26 gasification process to produce substitute natural gas, that

1 sequesters at least 90% of the total carbon dioxide emissions
2 that the facility would otherwise emit, that uses at least 90%
3 coal as a feedstock, with all such coal having a high
4 bituminous rank and greater than 1.7 pounds of sulfur per
5 million btu content, and that has a valid and effective permit
6 to construct emission sources and air pollution control
7 equipment and approval with respect to the federal regulations
8 for Prevention of Significant Deterioration of Air Quality
9 (PSD) for the plant pursuant to the federal Clean Air Act;
10 provided, however, a clean coal SNG brownfield facility shall
11 not be a clean coal SNG facility.

12 "Clean energy" means energy generation that is 90% or
13 greater free of carbon dioxide emissions.

14 "Commission" means the Illinois Commerce Commission.

15 "Community renewable generation project" means an electric
16 generating facility that:

17 (1) is powered by wind, solar thermal energy,
18 photovoltaic cells or panels, biodiesel, crops and
19 untreated and unadulterated organic waste biomass, ~~tree~~
20 ~~waste,~~ and hydropower that does not involve new
21 construction or significant expansion of hydropower dams;

22 (2) is interconnected at the distribution system level
23 of an electric utility as defined in this Section, a
24 municipal utility as defined in this Section that owns or
25 operates electric distribution facilities, a public
26 utility as defined in Section 3-105 of the Public

1 Utilities Act, or an electric cooperative, as defined in
2 Section 3-119 of the Public Utilities Act;

3 (3) credits the value of electricity generated by the
4 facility to the subscribers of the facility; and

5 (4) is limited in nameplate capacity to less than or
6 equal to 5,000 ~~2,000~~ kilowatts.

7 "Costs incurred in connection with the development and
8 construction of a facility" means:

9 (1) the cost of acquisition of all real property,
10 fixtures, and improvements in connection therewith and
11 equipment, personal property, and other property, rights,
12 and easements acquired that are deemed necessary for the
13 operation and maintenance of the facility;

14 (2) financing costs with respect to bonds, notes, and
15 other evidences of indebtedness of the Agency;

16 (3) all origination, commitment, utilization,
17 facility, placement, underwriting, syndication, credit
18 enhancement, and rating agency fees;

19 (4) engineering, design, procurement, consulting,
20 legal, accounting, title insurance, survey, appraisal,
21 escrow, trustee, collateral agency, interest rate hedging,
22 interest rate swap, capitalized interest, contingency, as
23 required by lenders, and other financing costs, and other
24 expenses for professional services; and

25 (5) the costs of plans, specifications, site study and
26 investigation, installation, surveys, other Agency costs

1 and estimates of costs, and other expenses necessary or
2 incidental to determining the feasibility of any project,
3 together with such other expenses as may be necessary or
4 incidental to the financing, insuring, acquisition, and
5 construction of a specific project and starting up,
6 commissioning, and placing that project in operation.

7 "Delivery services" has the same definition as found in
8 Section 16-102 of the Public Utilities Act.

9 "Delivery year" means the consecutive 12-month period
10 beginning June 1 of a given year and ending May 31 of the
11 following year.

12 "Department" means the Department of Commerce and Economic
13 Opportunity.

14 "Director" means the Director of the Illinois Power
15 Agency.

16 "Demand-response" means measures that decrease peak
17 electricity demand or shift demand from peak to off-peak
18 periods.

19 "Distributed renewable energy generation device" means a
20 device that is:

21 (1) powered by wind, solar thermal energy,
22 photovoltaic cells or panels, biodiesel, crops and
23 untreated and unadulterated organic waste biomass, tree
24 waste, and hydropower that does not involve new
25 construction or significant expansion of hydropower dams,
26 waste heat to power systems, or qualified combined heat

1 and power systems;

2 (2) interconnected at the distribution system level of
3 either an electric utility as defined in this Section, a
4 municipal utility as defined in this Section that owns or
5 operates electric distribution facilities, or a rural
6 electric cooperative as defined in Section 3-119 of the
7 Public Utilities Act;

8 (3) located on the customer side of the customer's
9 electric meter and is primarily used to offset that
10 customer's electricity load; and

11 (4) (blank). ~~limited in nameplate capacity to less~~
12 ~~than or equal to 2,000 kilowatts.~~

13 "Energy efficiency" means measures that reduce the amount
14 of electricity or natural gas consumed in order to achieve a
15 given end use. "Energy efficiency" includes voltage
16 optimization measures that optimize the voltage at points on
17 the electric distribution voltage system and thereby reduce
18 electricity consumption by electric customers' end use
19 devices. "Energy efficiency" also includes measures that
20 reduce the total Btus of electricity, natural gas, and other
21 fuels needed to meet the end use or uses.

22 "Electric utility" has the same definition as found in
23 Section 16-102 of the Public Utilities Act.

24 "Equitable Energy Future Certification" and "EEFC" are
25 synonymous and mean a certification provided to an applicant
26 by the Illinois Power Agency where an applicant commits that a

1 project will meet one or more of the following criteria: (i)
2 more than 50% of the work on the project have or will be
3 performed by eligible persons; or (ii) more than 50% of the
4 work on the project have or will be done by equity eligible
5 contractors. The Agency will establish Equitable Energy Future
6 Certification standards for entities where certification by
7 individual project is infeasible, which can include
8 certification of a portfolio of projects if an entity can
9 demonstrate consistent EEFC eligibility across that portfolio.

10 "Equity investment eligible community" or "eligible
11 community" are synonymous and mean the geographic areas
12 throughout Illinois which would most benefit from equitable
13 investments by the State designed to combat discrimination.
14 Specifically, the eligible communities shall be defined as the
15 following areas:

16 (1) R3 Areas as established pursuant to Section 10-40
17 of the Cannabis Regulation and Tax Act, where residents
18 have historically been excluded from economic
19 opportunities, including opportunities in the energy
20 sector; and

21 (2) Environmental justice communities, as defined by
22 the Illinois Power Agency pursuant to the Illinois Power
23 Agency Act, where residents have historically been subject
24 to disproportionate burdens of pollution, including
25 pollution from the energy sector.

26 "Equity eligible persons" or "eligible persons" means

1 persons who would most benefit from equitable investments by
2 the State designed to combat discrimination, specifically:

3 (1) persons who graduate from or are current or former
4 participants in the Clean Jobs Workforce Network Program,
5 the Clean Energy Contractor Incubator Program, the
6 Illinois Climate Works Preapprenticeship Program,
7 Returning Residents Clean Jobs Training Program, or the
8 Clean Energy Primes Contractor Accelerator Program, and
9 the solar training pipeline and multi-cultural jobs
10 program created in paragraphs (a) (1) and (a) (3) of Section
11 16-108.21 of the Public Utilities Act;

12 (2) persons who are graduates of or currently enrolled
13 in the foster care system;

14 (3) persons who were formerly incarcerated;

15 (4) persons whose primary residence is in an equity
16 investment eligible community.

17 "Equity eligible contractor" means a business that is
18 majority-owned by eligible persons, or a nonprofit or
19 cooperative that is majority-governed by eligible persons, or
20 is a natural person that is an eligible person offering
21 personal services as an independent contractor.

22 "Facility" means an electric generating unit or a
23 co-generating unit that produces electricity along with
24 related equipment necessary to connect the facility to an
25 electric transmission or distribution system.

26 "General Contractor" means the entity or organization with

1 main responsibility for the building of a construction project
2 and who is the party signing the prime construction contract
3 for the project.

4 "Governmental aggregator" means one or more units of local
5 government that individually or collectively procure
6 electricity to serve residential retail electrical loads
7 located within its or their jurisdiction.

8 "High voltage direct current converter station" means the
9 collection of equipment that converts direct current energy
10 from a high voltage direct current transmission line into
11 alternating current using Voltage Source Conversion technology
12 and that is interconnected with transmission or distribution
13 assets located in Illinois.

14 "High voltage direct current renewable energy credit"
15 means a renewable energy credit associated with a renewable
16 energy resource where the renewable energy resource has
17 entered into a contract to transmit the energy associated with
18 such renewable energy credit over high voltage direct current
19 transmission facilities.

20 "High voltage direct current transmission facilities"
21 means the collection of installed equipment that converts
22 alternating current energy in one location to direct current
23 and transmits that direct current energy to a high voltage
24 direct current converter station using Voltage Source
25 Conversion technology. "High voltage direct current
26 transmission facilities" includes the high voltage direct

1 current converter station itself and associated high voltage
2 direct current transmission lines. Notwithstanding the
3 preceding, an otherwise qualifying collection of equipment
4 does not qualify as high voltage direct current transmission
5 facilities unless its developer entered into a project labor
6 agreement, is capable of transmitting electricity at 525kv
7 with an Illinois converter station located and interconnected
8 in the region of the PJM Interconnection, LLC, and the system
9 does not operate as a public utility, as that term is defined
10 in Section 3-105 of the Public Utilities Act.

11 "Index price" means the real-time energy settlement price
12 at the applicable Illinois trading hub, such as PJM-NIHUB or
13 MISO-IL, for a given settlement period.

14 "Indexed renewable energy credit" means a tradable credit
15 that represents the environmental attributes of one megawatt
16 hour of energy produced from a renewable energy resource, the
17 price of which shall be calculated by subtracting the strike
18 price offered by a new utility-scale wind project or a new
19 utility-scale photovoltaic project from the index price in a
20 given settlement period.

21 "Indexed renewable energy credit counterparty" has the
22 same meaning as "public utility" as defined in Section 3-105
23 of the Public Utilities Act.

24 "Local government" means a unit of local government as
25 defined in Section 1 of Article VII of the Illinois
26 Constitution.

1 "Municipality" means a city, village, or incorporated
2 town.

3 "Municipal utility" means a public utility owned and
4 operated by any subdivision or municipal corporation of this
5 State.

6 "Nameplate capacity" means the aggregate inverter
7 nameplate capacity in kilowatts AC.

8 "Person" means any natural person, firm, partnership,
9 corporation, either domestic or foreign, company, association,
10 limited liability company, joint stock company, or association
11 and includes any trustee, receiver, assignee, or personal
12 representative thereof.

13 "Project" means the planning, bidding, and construction of
14 a facility.

15 "Project labor agreement" means a pre-hire collective
16 barbaining agreement that covers all terms and conditions of
17 employment on a specific construction project and must include
18 the following:

19 (1) provisions establishing the minimum hourly wage
20 for each class of labor organization employee;

21 (2) provisions establishing the benefits and other
22 compensation for each class of labor organization
23 employee;

24 (3) provisions establishing that no strike or disputes
25 will be engaged in by the labor organization employees;

26 (4) provisions establishing that no lockout or

1 disputes will be engaged in by the general contractor
2 building the project; and

3 (5) provisions for minorities and women, as defined
4 under the Business Enterprise for Minorities, Women, and
5 Persons with Disabilities Act, setting forth goals for
6 apprenticeship hours to be performed by minorities and
7 women and setting forth goals for total hours to be
8 performed by underrepresented minorities and women.

9 A labor organization and the general contractor building
10 the project shall have the authority to include other terms
11 and conditions as they deem necessary.

12 "Public utility" has the same definition as found in
13 Section 3-105 of the Public Utilities Act.

14 "Qualified combined heat and power systems" means systems
15 that, either simultaneously or sequentially, produce
16 electricity and useful thermal energy from a single fuel
17 source. Such systems are eligible for "renewable energy
18 credits" in an amount equal to its total energy output where a
19 renewable fuel is consumed or in an amount equal to the net
20 reduction in nonrenewable fuel consumed on a total energy
21 output basis.

22 "Real property" means any interest in land together with
23 all structures, fixtures, and improvements thereon, including
24 lands under water and riparian rights, any easements,
25 covenants, licenses, leases, rights-of-way, uses, and other
26 interests, together with any liens, judgments, mortgages, or

1 other claims or security interests related to real property.

2 "Renewable energy credit" means a tradable credit that
3 represents the environmental attributes of one megawatt hour
4 of energy produced from a renewable energy resource.

5 "Renewable energy resources" includes energy and its
6 associated renewable energy credit or renewable energy credits
7 from wind, solar thermal energy, photovoltaic cells and
8 panels, biodiesel, anaerobic digestion, crops and untreated
9 and unadulterated organic waste biomass, ~~tree waste,~~ and
10 hydropower that does not involve new construction or
11 significant expansion of hydropower dams, waste heat to power
12 systems, or qualified combined heat and power systems. For
13 purposes of this Act, landfill gas produced in the State is
14 considered a renewable energy resource. "Renewable energy
15 resources" does not include the incineration or burning of
16 tires, garbage, general household, institutional, and
17 commercial waste, industrial lunchroom or office waste,
18 landscape waste ~~other than tree waste,~~ railroad crossties,
19 utility poles, or construction or demolition debris, other
20 than untreated and unadulterated waste wood. "Renewable energy
21 resources" also includes high voltage direct current renewable
22 energy credits and the associated energy converted to
23 alternating current by a high voltage direct current converter
24 station to the extent that: (1) the generator of such
25 renewable energy resource contracted with a third party to
26 transmit the energy over the high voltage direct current

1 transmission facilities, and (2) the third-party contracting
2 for delivery of renewable energy resources over the high
3 voltage direct current transmission facilities have ownership
4 rights over the unretired associated high voltage direct
5 current renewable energy credit.

6 "Retail customer" has the same definition as found in
7 Section 16-102 of the Public Utilities Act.

8 "Revenue bond" means any bond, note, or other evidence of
9 indebtedness issued by the Authority, the principal and
10 interest of which is payable solely from revenues or income
11 derived from any project or activity of the Agency.

12 "Seller" means the supplier of a renewable energy credit
13 produced from a new utility-scale wind project or a new
14 utility-scale photovoltaic project.

15 "Sequester" means permanent storage of carbon dioxide by
16 injecting it into a saline aquifer, a depleted gas reservoir,
17 or an oil reservoir, directly or through an enhanced oil
18 recovery process that may involve intermediate storage,
19 regardless of whether these activities are conducted by a
20 clean coal facility, a clean coal SNG facility, a clean coal
21 SNG brownfield facility, or a party with which a clean coal
22 facility, clean coal SNG facility, or clean coal SNG
23 brownfield facility has contracted for such purposes.

24 "Service area" has the same definition as found in Section
25 16-102 of the Public Utilities Act.

26 "Settlement period" means the period of time utilized by

1 MISO and PJM and their successor organizations as the basis
2 for settlement calculations in the real-time energy market.

3 "Sourcing agreement" means (i) in the case of an electric
4 utility, an agreement between the owner of a clean coal
5 facility and such electric utility, which agreement shall have
6 terms and conditions meeting the requirements of paragraph (3)
7 of subsection (d) of Section 1-75, (ii) in the case of an
8 alternative retail electric supplier, an agreement between the
9 owner of a clean coal facility and such alternative retail
10 electric supplier, which agreement shall have terms and
11 conditions meeting the requirements of Section 16-115(d) (5) of
12 the Public Utilities Act, and (iii) in case of a gas utility,
13 an agreement between the owner of a clean coal SNG brownfield
14 facility and the gas utility, which agreement shall have the
15 terms and conditions meeting the requirements of subsection
16 (h-1) of Section 9-220 of the Public Utilities Act.

17 "Strike price" means a contract price for energy and
18 renewable energy credits from a new utility-scale wind project
19 or a new utility-scale photovoltaic project.

20 "Subscriber" means a person who (i) takes delivery service
21 from an electric utility, and (ii) has a subscription of no
22 less than 200 watts to a community renewable generation
23 project that is located in the electric utility's service
24 area. No subscriber's subscriptions may total more than 40% of
25 the nameplate capacity of an individual community renewable
26 generation project. Entities that are affiliated by virtue of

1 a common parent shall not represent multiple subscriptions
2 that total more than 40% of the nameplate capacity of an
3 individual community renewable generation project.

4 "Subscription" means an interest in a community renewable
5 generation project expressed in kilowatts, which is sized
6 primarily to offset part or all of the subscriber's
7 electricity usage.

8 "Substitute natural gas" or "SNG" means a gas manufactured
9 by gasification of hydrocarbon feedstock, which is
10 substantially interchangeable in use and distribution with
11 conventional natural gas.

12 "Total resource cost test" or "TRC test" means a standard
13 that is met if, for an investment in energy efficiency or
14 demand-response measures, the benefit-cost ratio is greater
15 than one. The benefit-cost ratio is the ratio of the net
16 present value of the total benefits of the program to the net
17 present value of the total costs as calculated over the
18 lifetime of the measures. A total resource cost test compares
19 the sum of avoided electric utility costs, representing the
20 benefits that accrue to the system and the participant in the
21 delivery of those efficiency measures and including avoided
22 costs associated with reduced use of natural gas or other
23 fuels, avoided costs associated with reduced water
24 consumption, and avoided costs associated with reduced
25 operation and maintenance costs, as well as other quantifiable
26 societal benefits, to the sum of all incremental costs of

1 end-use measures that are implemented due to the program
2 (including both utility and participant contributions), plus
3 costs to administer, deliver, and evaluate each demand-side
4 program, to quantify the net savings obtained by substituting
5 the demand-side program for supply resources. In calculating
6 avoided costs of power and energy that an electric utility
7 would otherwise have had to acquire, reasonable estimates
8 shall be included of financial costs likely to be imposed by
9 future regulations and legislation on emissions of greenhouse
10 gases. In discounting future societal costs and benefits for
11 the purpose of calculating net present values, a societal
12 discount rate based on actual, long-term Treasury bond yields
13 should be used. Notwithstanding anything to the contrary, the
14 TRC test shall not include or take into account a calculation
15 of market price suppression effects or demand reduction
16 induced price effects.

17 "Utility-scale solar project" means an electric generating
18 facility that:

19 (1) generates electricity using photovoltaic cells;

20 and

21 (2) has a nameplate capacity that is greater than

22 5,000 ~~2,000~~ kilowatts.

23 "Utility-scale wind project" means an electric generating
24 facility that:

25 (1) generates electricity using wind; and

26 (2) has a nameplate capacity that is greater than

1 5,000 ~~2,000~~ kilowatts.

2 "Waste Heat to Power Systems" means systems that capture
3 and generate electricity from energy that would otherwise be
4 lost to the atmosphere without the use of additional fuel.

5 "Zero emission credit" means a tradable credit that
6 represents the environmental attributes of one megawatt hour
7 of energy produced from a zero emission facility.

8 "Zero emission facility" means a facility that: (1) is
9 fueled by nuclear power; and (2) is interconnected with PJM
10 Interconnection, LLC or the Midcontinent Independent System
11 Operator, Inc., or their successors.

12 (Source: P.A. 98-90, eff. 7-15-13; 99-906, eff. 6-1-17.)

13 (20 ILCS 3855/1-20)

14 Sec. 1-20. General powers and duties of the Agency.

15 (a) The Agency is authorized to do each of the following:

16 (1) Develop electricity procurement plans to ensure
17 adequate, reliable, affordable, efficient, and
18 environmentally sustainable electric service at the lowest
19 total cost over time, taking into account any benefits of
20 price stability, for electric utilities that on December
21 31, 2005 provided electric service to at least 100,000
22 customers in Illinois and for small multi-jurisdictional
23 electric utilities that (A) on December 31, 2005 served
24 less than 100,000 customers in Illinois and (B) request a
25 procurement plan for their Illinois jurisdictional load.

1 Except as provided in paragraph (1.5) of this subsection
2 (a), the electricity procurement plans shall be updated on
3 an annual basis and shall include electricity generated
4 from renewable resources sufficient to achieve the
5 standards specified in this Act. Beginning with the
6 delivery year commencing June 1, 2017, develop procurement
7 plans to include zero emission credits generated from zero
8 emission facilities sufficient to achieve the standards
9 specified in this Act. Beginning with the delivery year
10 commencing on June 1, 2022, the Agency is authorized to
11 develop carbon mitigation credit procurement plans to
12 include carbon mitigation credits generated from
13 carbon-free energy resources sufficient to achieve the
14 standards specified in this Act.

15 (1.5) Develop a long-term renewable resources
16 procurement plan in accordance with subsection (c) of
17 Section 1-75 of this Act for renewable energy credits in
18 amounts sufficient to achieve the standards specified in
19 this Act for delivery years commencing June 1, 2017 and
20 for the programs and renewable energy credits specified in
21 Section 1-56 of this Act. Electricity procurement plans
22 for delivery years commencing after May 31, 2017, shall
23 not include procurement of renewable energy resources.

24 (2) Conduct competitive procurement processes to
25 procure the supply resources identified in the electricity
26 procurement plan, pursuant to Section 16-111.5 of the

1 Public Utilities Act, and, for the delivery year
2 commencing June 1, 2017, conduct procurement processes to
3 procure zero emission credits from zero emission
4 facilities, under subsection (d-5) of Section 1-75 of this
5 Act. For the delivery year commencing June 1, 2022, the
6 Agency is authorized to conduct procurement processes to
7 procure carbon mitigation credits from carbon-free energy
8 resources, under subsection (d-10) of Section 1-75 of this
9 Act.

10 (2.5) Beginning with the procurement for the 2017
11 delivery year, conduct competitive procurement processes
12 and implement programs to procure renewable energy credits
13 identified in the long-term renewable resources
14 procurement plan developed and approved under subsection
15 (c) of Section 1-75 of this Act and Section 16-111.5 of the
16 Public Utilities Act.

17 (2.10) Oversee the procurement by electric utilities
18 that served more than 300,000 customers in this State as
19 of January 1, 2019 of renewable energy credits from new
20 renewable energy facilities to be installed, along with
21 energy storage facilities, at or adjacent to the sites of
22 electric generating facilities that burned coal as their
23 primary fuel source as of January 1, 2016 in accordance
24 with subsection (c-5) of Section 1-75 of this Act.

25 (3) Develop electric generation and co-generation
26 facilities that use indigenous coal or renewable

1 resources, or both, financed with bonds issued by the
2 Illinois Finance Authority.

3 (4) Supply electricity from the Agency's facilities at
4 cost to one or more of the following: municipal electric
5 systems, governmental aggregators, or rural electric
6 cooperatives in Illinois.

7 (b) Except as otherwise limited by this Act, the Agency
8 has all of the powers necessary or convenient to carry out the
9 purposes and provisions of this Act, including without
10 limitation, each of the following:

11 (1) To have a corporate seal, and to alter that seal at
12 pleasure, and to use it by causing it or a facsimile to be
13 affixed or impressed or reproduced in any other manner.

14 (2) To use the services of the Illinois Finance
15 Authority necessary to carry out the Agency's purposes.

16 (3) To negotiate and enter into loan agreements and
17 other agreements with the Illinois Finance Authority.

18 (4) To obtain and employ personnel and hire
19 consultants that are necessary to fulfill the Agency's
20 purposes, and to make expenditures for that purpose within
21 the appropriations for that purpose.

22 (5) To purchase, receive, take by grant, gift, devise,
23 bequest, or otherwise, lease, or otherwise acquire, own,
24 hold, improve, employ, use, and otherwise deal in and
25 with, real or personal property whether tangible or
26 intangible, or any interest therein, within the State.

1 (6) To acquire real or personal property, whether
2 tangible or intangible, including without limitation
3 property rights, interests in property, franchises,
4 obligations, contracts, and debt and equity securities,
5 and to do so by the exercise of the power of eminent domain
6 in accordance with Section 1-21; except that any real
7 property acquired by the exercise of the power of eminent
8 domain must be located within the State.

9 (7) To sell, convey, lease, exchange, transfer,
10 abandon, or otherwise dispose of, or mortgage, pledge, or
11 create a security interest in, any of its assets,
12 properties, or any interest therein, wherever situated.

13 (8) To purchase, take, receive, subscribe for, or
14 otherwise acquire, hold, make a tender offer for, vote,
15 employ, sell, lend, lease, exchange, transfer, or
16 otherwise dispose of, mortgage, pledge, or grant a
17 security interest in, use, and otherwise deal in and with,
18 bonds and other obligations, shares, or other securities
19 (or interests therein) issued by others, whether engaged
20 in a similar or different business or activity.

21 (9) To make and execute agreements, contracts, and
22 other instruments necessary or convenient in the exercise
23 of the powers and functions of the Agency under this Act,
24 including contracts with any person, including personal
25 service contracts, or with any local government, State
26 agency, or other entity; and all State agencies and all

1 local governments are authorized to enter into and do all
2 things necessary to perform any such agreement, contract,
3 or other instrument with the Agency. No such agreement,
4 contract, or other instrument shall exceed 40 years.

5 (10) To lend money, invest and reinvest its funds in
6 accordance with the Public Funds Investment Act, and take
7 and hold real and personal property as security for the
8 payment of funds loaned or invested.

9 (11) To borrow money at such rate or rates of interest
10 as the Agency may determine, issue its notes, bonds, or
11 other obligations to evidence that indebtedness, and
12 secure any of its obligations by mortgage or pledge of its
13 real or personal property, machinery, equipment,
14 structures, fixtures, inventories, revenues, grants, and
15 other funds as provided or any interest therein, wherever
16 situated.

17 (12) To enter into agreements with the Illinois
18 Finance Authority to issue bonds whether or not the income
19 therefrom is exempt from federal taxation.

20 (13) To procure insurance against any loss in
21 connection with its properties or operations in such
22 amount or amounts and from such insurers, including the
23 federal government, as it may deem necessary or desirable,
24 and to pay any premiums therefor.

25 (14) To negotiate and enter into agreements with
26 trustees or receivers appointed by United States

1 bankruptcy courts or federal district courts or in other
2 proceedings involving adjustment of debts and authorize
3 proceedings involving adjustment of debts and authorize
4 legal counsel for the Agency to appear in any such
5 proceedings.

6 (15) To file a petition under Chapter 9 of Title 11 of
7 the United States Bankruptcy Code or take other similar
8 action for the adjustment of its debts.

9 (16) To enter into management agreements for the
10 operation of any of the property or facilities owned by
11 the Agency.

12 (17) To enter into an agreement to transfer and to
13 transfer any land, facilities, fixtures, or equipment of
14 the Agency to one or more municipal electric systems,
15 governmental aggregators, or rural electric agencies or
16 cooperatives, for such consideration and upon such terms
17 as the Agency may determine to be in the best interest of
18 the residents ~~citizens~~ of Illinois.

19 (18) To enter upon any lands and within any building
20 whenever in its judgment it may be necessary for the
21 purpose of making surveys and examinations to accomplish
22 any purpose authorized by this Act.

23 (19) To maintain an office or offices at such place or
24 places in the State as it may determine.

25 (20) To request information, and to make any inquiry,
26 investigation, survey, or study that the Agency may deem

1 necessary to enable it effectively to carry out the
2 provisions of this Act.

3 (21) To accept and expend appropriations.

4 (22) To engage in any activity or operation that is
5 incidental to and in furtherance of efficient operation to
6 accomplish the Agency's purposes, including hiring
7 employees that the Director deems essential for the
8 operations of the Agency.

9 (23) To adopt, revise, amend, and repeal rules with
10 respect to its operations, properties, and facilities as
11 may be necessary or convenient to carry out the purposes
12 of this Act, subject to the provisions of the Illinois
13 Administrative Procedure Act and Sections 1-22 and 1-35 of
14 this Act.

15 (24) To establish and collect charges and fees as
16 described in this Act.

17 (25) To conduct competitive gasification feedstock
18 procurement processes to procure the feedstocks for the
19 clean coal SNG brownfield facility in accordance with the
20 requirements of Section 1-78 of this Act.

21 (26) To review, revise, and approve sourcing
22 agreements and mediate and resolve disputes between gas
23 utilities and the clean coal SNG brownfield facility
24 pursuant to subsection (h-1) of Section 9-220 of the
25 Public Utilities Act.

26 (27) To request, review and accept proposals, execute

1 contracts, purchase renewable energy credits and otherwise
2 dedicate funds from the Illinois Power Agency Renewable
3 Energy Resources Fund to create and carry out the
4 objectives of the Illinois Solar for All Program ~~program~~
5 in accordance with Section 1-56 of this Act.

6 (28) To ensure Illinois residents and business benefit
7 from programs administered by the Agency and are properly
8 protected from any deceptive or misleading marketing
9 practices by participants in the Agency's programs and
10 procurements.

11 (c) In conducting the procurement of electricity or other
12 products, the Agency shall not procure any products or
13 services from persons or organizations that are in violation
14 of the Displaced Energy Workers Bill of Rights, as provided
15 under the Energy Community Reinvestment Act at the time of the
16 procurement event or fail to comply the labor standards
17 established in subparagraph (Q) of paragraph (1) of subsection
18 (c) of Section 1-75.

19 (Source: P.A. 99-906, eff. 6-1-17.)

20 (20 ILCS 3855/1-35)

21 Sec. 1-35. Agency rules. The Agency shall adopt rules as
22 may be necessary and appropriate for the operation of the
23 Agency. In addition to other rules relevant to the operation
24 of the Agency, the Agency shall adopt rules that accomplish
25 each of the following:

1 (1) Establish procedures for monitoring the
2 administration of any contract administered directly or
3 indirectly by the Agency; except that the procedures shall
4 not extend to executed contracts between electric
5 utilities and their suppliers.

6 (2) If deemed necessary by the Agency, establish
7 ~~Establish~~ procedures for the recovery of costs incurred in
8 connection with the development and construction of a
9 facility should the Agency cancel a project, provided that
10 no such costs shall be passed on to public utilities or
11 their customers or paid from the Illinois Power Agency
12 Operations Fund.

13 (3) Implement accounting rules and a system of
14 accounts, in accordance with State law, permitting all
15 reporting (i) required by the State, (ii) required under
16 this Act, (iii) required by the Authority, or (iv)
17 required under the Public Utilities Act.

18 The Agency shall not adopt any rules that infringe upon
19 the authority granted to the Commission.

20 (Source: P.A. 95-481, eff. 8-28-07.)

21 (20 ILCS 3855/1-56)

22 Sec. 1-56. Illinois Power Agency Renewable Energy
23 Resources Fund; Illinois Solar for All Program.

24 (a) The Illinois Power Agency Renewable Energy Resources
25 Fund is created as a special fund in the State treasury.

1 (b) The Illinois Power Agency Renewable Energy Resources
2 Fund shall be administered by the Agency as described in this
3 subsection (b), provided that the changes to this subsection
4 (b) made by this amendatory Act of the 99th General Assembly
5 shall not interfere with existing contracts under this
6 Section.

7 (1) The Illinois Power Agency Renewable Energy
8 Resources Fund shall be used to purchase renewable energy
9 credits according to any approved procurement plan
10 developed by the Agency prior to June 1, 2017.

11 (2) The Illinois Power Agency Renewable Energy
12 Resources Fund shall also be used to create the Illinois
13 Solar for All Program, which provides ~~shall include~~
14 incentives for low-income distributed generation and
15 community solar projects, and other associated approved
16 expenditures. The objectives of the Illinois Solar for All
17 Program are to bring photovoltaics to low-income
18 communities in this State in a manner that maximizes the
19 development of new photovoltaic generating facilities, to
20 create a long-term, low-income solar marketplace
21 throughout this State, to integrate, through interaction
22 with stakeholders, with existing energy efficiency
23 initiatives, and to minimize administrative costs. The
24 Illinois Solar for All Program shall be implemented in a
25 manner that seeks to minimize administrative costs, and
26 maximize efficiencies and synergies available through

1 coordination with similar initiatives, including the
2 Adjustable Block program described in subparagraphs (K)
3 through (M) of paragraph (1) of subsection (c) of Section
4 1-75, energy efficiency programs, job training programs,
5 and community action agencies. The Agency shall strive to
6 ensure that renewable energy credits procured through the
7 Illinois Solar for All Program and each of its subprograms
8 are purchased from projects across the breadth of
9 low-income and environmental justice communities in
10 Illinois, including both urban and rural communities, are
11 not concentrated in a few communities, and do not exclude
12 particular low-income or environmental justice
13 communities. The Agency shall include a description of its
14 proposed approach to the design, administration,
15 implementation and evaluation of the Illinois Solar for
16 All Program, as part of the long-term renewable resources
17 procurement plan authorized by subsection (c) of Section
18 1-75 of this Act, and the program shall be designed to grow
19 the low-income solar market. The Agency or utility, as
20 applicable, shall purchase renewable energy credits from
21 the (i) photovoltaic distributed renewable energy
22 generation projects and (ii) community solar projects that
23 are procured under procurement processes authorized by the
24 long-term renewable resources procurement plans approved
25 by the Commission.

26 The Illinois Solar for All Program shall include the

1 program offerings described in subparagraphs (A) through
2 (E) ~~(D)~~ of this paragraph (2), which the Agency shall
3 implement through contracts with third-party providers
4 and, subject to appropriation, pay the approximate amounts
5 identified using monies available in the Illinois Power
6 Agency Renewable Energy Resources Fund. Each contract that
7 provides for the installation of solar facilities shall
8 provide that the solar facilities will produce energy and
9 economic benefits, at a level determined by the Agency to
10 be reasonable, for the participating low income customers.
11 The monies available in the Illinois Power Agency
12 Renewable Energy Resources Fund and not otherwise
13 committed to contracts executed under subsection (i) of
14 this Section, as well as, in the case of the programs
15 described under subparagraphs (A) through (E) of this
16 paragraph (2), funding authorized pursuant to subparagraph
17 (O) of paragraph (1) of subsection (c) of Section 1-75 of
18 this Act, shall initially be allocated among the programs
19 described in this paragraph (2), as follows: 35% ~~22.5%~~ of
20 these funds shall be allocated to programs described in
21 subparagraphs subparagraph (A) and (E) of this paragraph
22 (2), 40% ~~37.5%~~ of these funds shall be allocated to
23 programs described in subparagraph (B) of this paragraph
24 (2), and 25% ~~15%~~ of these funds shall be allocated to
25 programs described in subparagraph (C) of this paragraph
26 (2), ~~and 25% of these funds, but in no event more than~~

1 ~~\$50,000,000, shall be allocated to programs described in~~
2 ~~subparagraph (D) of this paragraph (2).~~ The allocation of
3 funds among subparagraphs (A), (B), ~~or~~ (C), and (E) of
4 this paragraph (2) may be changed if the Agency, after
5 receiving input through a stakeholder process, ~~or~~
6 ~~administrator, through delegated authority,~~ determines
7 incentives in subparagraphs (A), (B), ~~or~~ (C), or (E) of
8 this paragraph (2) have not been adequately subscribed to
9 fully utilize available Illinois Solar for All Program
10 funds ~~the Illinois Power Agency Renewable Energy Resources~~
11 ~~Fund. The determination shall include input through a~~
12 ~~stakeholder process. The program offerings described in~~
13 ~~subparagraphs (A) through (D) of this paragraph (2) shall~~
14 ~~also be implemented through contracts funded from such~~
15 ~~additional amounts as are allocated to one or more of the~~
16 ~~programs in the long term renewable resources procurement~~
17 ~~plans as specified in subsection (c) of Section 1-75 of~~
18 ~~this Act and subparagraph (O) of paragraph (1) of such~~
19 ~~subsection (c).~~

20 Contracts that will be paid with funds in the Illinois
21 Power Agency Renewable Energy Resources Fund shall be
22 executed by the Agency. Contracts that will be paid with
23 funds collected by an electric utility shall be executed
24 by the electric utility.

25 Contracts under the Illinois Solar for All Program
26 shall include an approach, as set forth in the long-term

1 renewable resources procurement plans, to ensure the
2 wholesale market value of the energy is credited to
3 participating low-income customers or organizations and to
4 ensure tangible economic benefits flow directly to program
5 participants, except in the case of low-income
6 multi-family housing where the low-income customer does
7 not directly pay for energy. Priority shall be given to
8 projects that demonstrate meaningful involvement of
9 low-income community members in designing the initial
10 proposals. Acceptable proposals to implement projects must
11 demonstrate the applicant's ability to conduct initial
12 community outreach, education, and recruitment of
13 low-income participants in the community. Projects must
14 include job training opportunities if available, with the
15 specific level of trainee usage to be determined through
16 the Agency's long-term renewable resources procurement
17 plan, and the Illinois Solar for All Program Administrator
18 shall ~~endeavor to~~ coordinate with the job training
19 programs described in paragraph (1) of subsection (a) of
20 Section 16-108.12 of the Public Utilities Act and in the
21 Energy Transition Act.

22 The Agency shall make every effort to ensure that
23 small and emerging businesses, particularly those located
24 in low-income and environmental justice communities, are
25 able to participate in the Illinois Solar for All Program.
26 These efforts may include, but shall not be limited to,

1 proactive support from the program administrator,
2 different or preferred access to subprograms and
3 administrator-identified customers or grassroots
4 education provider-identified customers, and different
5 incentive levels. The Agency shall report on progress and
6 barriers to participation of small and emerging businesses
7 in the Illinois Solar for All Program at least once a year.
8 The report shall be made available on the Agency's website
9 and, in years when the Agency is updating its long-term
10 renewable resources procurement plan, included in that
11 Plan.

12 (A) Low-income single-family and small multifamily
13 solar ~~distributed generation~~ incentive. This program
14 will provide incentives to low-income customers,
15 either directly or through solar providers, to
16 increase the participation of low-income households in
17 photovoltaic on-site distributed generation at
18 residential buildings containing one to 4 units.
19 Companies participating in this program that install
20 solar panels shall commit to hiring job trainees for a
21 portion of their low-income installations, and an
22 administrator shall facilitate partnering the
23 companies that install solar panels with entities that
24 provide solar panel installation job training. It is a
25 goal of this program that a minimum of 25% of the
26 incentives for this program be allocated to projects

1 located within environmental justice communities.
2 Contracts entered into under this paragraph may be
3 entered into with an entity that will develop and
4 administer the program and shall also include
5 contracts for renewable energy credits from the
6 photovoltaic distributed generation that is the
7 subject of the program, as set forth in the long-term
8 renewable resources procurement plan. Additionally:

9 (i) The Agency shall reserve a portion of this
10 program for projects that promote energy
11 sovereignty through ownership of projects by
12 low-income households, not-for-profit
13 organizations providing services to low-income
14 households, affordable housing owners, community
15 cooperatives, or community-based limited liability
16 companies providing services to low-income
17 households. Projects that feature energy ownership
18 should ensure that local people have control of
19 the project and reap benefits from the project
20 over and above energy bill savings. The Agency may
21 consider the inclusion of projects that promote
22 ownership over time or that involve partial
23 project ownership by communities, as promoting
24 energy sovereignty. Incentives for projects that
25 promote energy sovereignty may be higher than
26 incentives for equivalent projects that do not

1 promote energy sovereignty under this same
2 program.

3 (ii) Through its long-term renewable resources
4 procurement plan, the Agency shall consider
5 additional program and contract requirements to
6 ensure faithful compliance by applicants
7 benefiting from preferences for projects
8 designated to promote energy sovereignty. The
9 Agency shall make every effort to enable solar
10 providers already participating in the Adjustable
11 Block-Program under subparagraph (K) of paragraph
12 (1) of subsection (c) of Section 1-75 of this Act,
13 and particularly solar providers developing
14 projects under item (i) of subparagraph (K) of
15 paragraph (1) of subsection (c) of Section 1-75 of
16 this Act to easily participate in the Low-Income
17 Distributed Generation Incentive program described
18 under this subparagraph (A), and vice versa. This
19 effort may include, but shall not be limited to,
20 utilizing similar or the same application systems
21 and processes, similar or the same forms and
22 formats of communication, and providing active
23 outreach to companies participating in one program
24 but not the other. The Agency shall report on
25 efforts made to encourage this cross-participation
26 in its long-term renewable resources procurement

1 plan.

2 (B) Low-Income Community Solar Project Initiative.
3 Incentives shall be offered to low-income customers,
4 either directly or through developers, to increase the
5 participation of low-income subscribers of community
6 solar projects. The developer of each project shall
7 identify its partnership with community stakeholders
8 regarding the location, development, and participation
9 in the project, provided that nothing shall preclude a
10 project from including an anchor tenant that does not
11 qualify as low-income. Companies participating in this
12 program that develop or install solar projects shall
13 commit to hiring job trainees for a portion of their
14 low-income installations, and an administrator shall
15 facilitate partnering the companies that install solar
16 projects with entities that provide solar installation
17 and related job training. ~~Incentives should also be~~
18 ~~offered to community solar projects that are 100%~~
19 ~~low income subscriber owned, which includes low income~~
20 ~~households, not for profit organizations, and~~
21 ~~affordable housing owners.~~ It is a goal of this
22 program that a minimum of 25% of the incentives for
23 this program be allocated to community photovoltaic
24 projects in environmental justice communities. The
25 Agency shall reserve a portion of this program for
26 projects that promote energy sovereignty through

1 ownership of projects by low-income households,
2 not-for-profit organizations providing services to
3 low-income households, affordable housing owners, or
4 community-based limited liability companies providing
5 services to low-income households. Projects that
6 feature energy ownership should ensure that local
7 people have control of the project and reap benefits
8 from the project over and above energy bill savings.
9 The Agency may consider the inclusion of projects that
10 promote ownership over time or that involve partial
11 project ownership by communities, as promoting energy
12 sovereignty. Incentives for projects that promote
13 energy sovereignty may be higher than incentives for
14 equivalent projects that do not promote energy
15 sovereignty under this same program. Contracts entered
16 into under this paragraph may be entered into with
17 developers and shall also include contracts for
18 renewable energy credits related to the program.

19 (C) Incentives for non-profits and public
20 facilities. Under this program funds shall be used to
21 support on-site photovoltaic distributed renewable
22 energy generation devices to serve the load associated
23 with not-for-profit customers and to support
24 photovoltaic distributed renewable energy generation
25 that uses photovoltaic technology to serve the load
26 associated with public sector customers taking service

1 at public buildings. Companies participating in this
2 program that develop or install solar projects shall
3 commit to hiring job trainees for a portion of their
4 low-income installations, and an administrator shall
5 facilitate partnering the companies that install solar
6 projects with entities that provide solar installation
7 and related job training. Through its long-term
8 renewable resources procurement plan, the Agency shall
9 consider additional program and contract requirements
10 to ensure faithful compliance by applicants benefiting
11 from preferences for projects designated to promote
12 energy sovereignty. It is a goal of this program that
13 at least 25% of the incentives for this program be
14 allocated to projects located in environmental justice
15 communities. Contracts entered into under this
16 paragraph may be entered into with an entity that will
17 develop and administer the program or with developers
18 and shall also include contracts for renewable energy
19 credits related to the program.

20 (D) (Blank). ~~Low Income Community Solar Pilot~~
21 ~~Projects. Under this program, persons, including, but~~
22 ~~not limited to, electric utilities, shall propose~~
23 ~~pilot community solar projects. Community solar~~
24 ~~projects proposed under this subparagraph (D) may~~
25 ~~exceed 2,000 kilowatts in nameplate capacity, but the~~
26 ~~amount paid per project under this program may not~~

1 ~~exceed \$20,000,000. Pilot projects must result in~~
2 ~~economic benefits for the members of the community in~~
3 ~~which the project will be located. The proposed pilot~~
4 ~~project must include a partnership with at least one~~
5 ~~community based organization. Approved pilot projects~~
6 ~~shall be competitively bid by the Agency, subject to~~
7 ~~fair and equitable guidelines developed by the Agency.~~
8 ~~Funding available under this subparagraph (D) may not~~
9 ~~be distributed solely to a utility, and at least some~~
10 ~~funds under this subparagraph (D) must include a~~
11 ~~project partnership that includes community ownership~~
12 ~~by the project subscribers. Contracts entered into~~
13 ~~under this paragraph may be entered into with an~~
14 ~~entity that will develop and administer the program or~~
15 ~~with developers and shall also include contracts for~~
16 ~~renewable energy credits related to the program. A~~
17 ~~project proposed by a utility that is implemented~~
18 ~~under this subparagraph (D) shall not be included in~~
19 ~~the utility's ratebase.~~

20 (E) Low-income large multifamily solar incentive.
21 This program shall provide incentives to low-income
22 customers, either directly or through solar providers,
23 to increase the participation of low-income households
24 in photovoltaic on-site distributed generation at
25 residential buildings with 5 or more units. Companies
26 participating in this program that develop or install

1 solar projects shall commit to hiring job trainees for
2 a portion of their low-income installations, and an
3 administrator shall facilitate partnering the
4 companies that install solar projects with entities
5 that provide solar installation and related job
6 training. It is a goal of this program that a minimum
7 of 25% of the incentives for this program be allocated
8 to projects located within environmental justice
9 communities. The Agency shall reserve a portion of
10 this program for projects that promote energy
11 sovereignty through ownership of projects by
12 low-income households, not-for-profit organizations
13 providing services to low-income households,
14 affordable housing owners, or community-based limited
15 liability companies providing services to low-income
16 households. Projects that feature energy ownership
17 should ensure that local people have control of the
18 project and reap benefits from the project over and
19 above energy bill savings. The Agency may consider the
20 inclusion of projects that promote ownership over time
21 or that involve partial project ownership by
22 communities, as promoting energy sovereignty.
23 Incentives for projects that promote energy
24 sovereignty may be higher than incentives for
25 equivalent projects that do not promote energy
26 sovereignty under this same program.

1 The requirement that a qualified person, as defined in
2 paragraph (1) of subsection (i) of this Section, install
3 photovoltaic devices does not apply to the Illinois Solar
4 for All Program described in this subsection (b).

5 In addition to the programs outlined in paragraphs (A)
6 through (E), the Agency and other parties may propose
7 additional programs through the Long-Term Renewable
8 Resources Procurement Plan developed and approved under
9 paragraph (5) of subsection (b) of Section 16-111.5 of the
10 Public Utilities Act. Additional programs may target
11 market segments not specified above and may also include
12 incentives targeted to increase the uptake of
13 nonphotovoltaic technologies by low-income customers,
14 including energy storage paired with photovoltaics, if the
15 Commission determines that the Illinois Solar for All
16 Program would provide greater benefits to the public
17 health and well-being of low-income residents through also
18 supporting that additional program versus supporting
19 programs already authorized.

20 (3) Costs associated with the Illinois Solar for All
21 Program and its components described in paragraph (2) of
22 this subsection (b), including, but not limited to, costs
23 associated with procuring experts, consultants, and the
24 program administrator referenced in this subsection (b)
25 and related incremental costs, costs related to income
26 verification and facilitating customer participation in

1 the program, and costs related to the evaluation of the
2 Illinois Solar for All Program, may be paid for using
3 monies in the Illinois Power Agency Renewable Energy
4 Resources Fund, and funds allocated pursuant to
5 subparagraph (O) of paragraph (1) of subsection (c) of
6 Section 1-75, but the Agency or program administrator
7 shall strive to minimize costs in the implementation of
8 the program. The Agency or contracting electric utility
9 shall purchase renewable energy credits from generation
10 that is the subject of a contract under subparagraphs (A)
11 through (E) ~~(D)~~ of ~~this~~ paragraph (2) of this subsection
12 (b), and may pay for such renewable energy credits through
13 an upfront payment per installed kilowatt of nameplate
14 capacity paid once the device is interconnected at the
15 distribution system level of the interconnecting utility
16 and verified as is energized. Payments for renewable
17 energy credits ~~The payment~~ shall be in exchange for ~~an~~
18 ~~assignment of~~ all renewable energy credits generated by
19 the system during the first 15 years of operation and
20 shall be structured to overcome barriers to participation
21 in the solar market by the low-income community. The
22 incentives provided for in this Section may be implemented
23 through the pricing of renewable energy credits where the
24 prices paid for the credits are higher than the prices
25 from programs offered under subsection (c) of Section 1-75
26 of this Act to account for the additional capital

1 necessary to successfully access targeted market segments
2 ~~incentives. The Agency shall ensure collaboration with~~
3 ~~community agencies, and allocate up to 5% of the funds~~
4 ~~available under the Illinois Solar for All Program to~~
5 ~~community based groups to assist in grassroots education~~
6 ~~efforts related to the Illinois Solar for All Program. The~~
7 Agency or contracting electric utility shall retire any
8 renewable energy credits purchased under ~~from~~ this program
9 and the credits shall count towards the obligation under
10 subsection (c) of Section 1-75 of this Act for the
11 electric utility to which the project is interconnected,
12 if applicable.

13 The Agency shall direct that up to 5% of the funds
14 available under the Illinois Solar for All Program to
15 community-based groups and other qualifying organizations
16 to assist in community-driven education efforts related to
17 the Illinois Solar for All Program, including general
18 energy education, job training program outreach efforts,
19 and other activities deemed to be qualified by the Agency.
20 Grassroots education funding shall not be used to support
21 the marketing by solar project development firms and
22 organizations, unless such education provides equal
23 opportunities for all applicable firms and organizations.

24 (4) The Agency shall, consistent with the requirements
25 of this subsection (b), propose the Illinois Solar for All
26 Program terms, conditions, and requirements, including the

1 prices to be paid for renewable energy credits, and which
2 prices may be determined through a formula, through the
3 development, review, and approval of the Agency's
4 long-term renewable resources procurement plan described
5 in subsection (c) of Section 1-75 of this Act and Section
6 16-111.5 of the Public Utilities Act. In the course of the
7 Commission proceeding initiated to review and approve the
8 plan, including the Illinois Solar for All Program
9 proposed by the Agency, a party may propose an additional
10 low-income solar or solar incentive program, or
11 modifications to the programs proposed by the Agency, and
12 the Commission may approve an additional program, or
13 modifications to the Agency's proposed program, if the
14 additional or modified program more effectively maximizes
15 the benefits to low-income customers after taking into
16 account all relevant factors, including, but not limited
17 to, the extent to which a competitive market for
18 low-income solar has developed. Following the Commission's
19 approval of the Illinois Solar for All Program, the Agency
20 or a party may propose adjustments to the program terms,
21 conditions, and requirements, including the price offered
22 to new systems, to ensure the long-term viability and
23 success of the program. The Commission shall review and
24 approve any modifications to the program through the plan
25 revision process described in Section 16-111.5 of the
26 Public Utilities Act.

1 (5) The Agency shall issue a request for
2 qualifications for a third-party program administrator or
3 administrators to administer all or a portion of the
4 Illinois Solar for All Program. The third-party program
5 administrator shall be chosen through a competitive bid
6 process based on selection criteria and requirements
7 developed by the Agency, including, but not limited to,
8 experience in administering low-income energy programs and
9 overseeing statewide clean energy or energy efficiency
10 services. If the Agency retains a program administrator or
11 administrators to implement all or a portion of the
12 Illinois Solar for All Program, each administrator shall
13 periodically submit reports to the Agency and Commission
14 for each program that it administers, at appropriate
15 intervals to be identified by the Agency in its long-term
16 renewable resources procurement plan, provided that the
17 reporting interval is at least quarterly. The third-party
18 program administrator may be, but need not be, the same
19 administrator as for the Adjustable Block program
20 described in subparagraphs (K) through (M) of paragraph
21 (1) of subsection (c) of Section 1-75. The Agency, through
22 its long-term renewable resources procurement plan
23 approval process, shall also determine if individual
24 subprograms of the Illinois Solar for All Program are
25 better served by a different or separate Program
26 Administrator.

1 The third-party administrator's responsibilities
2 shall also include facilitating placement for graduates of
3 Illinois-based renewable energy-specific job training
4 programs, including the Clean Jobs Workforce Network
5 Program and the Illinois Climate Works Preapprenticeship
6 Program administered by the Department of Commerce and
7 Economic Opportunity and programs administered under
8 Section 16-108.12 of the Public Utilities Act. To increase
9 the uptake of trainees by participating firms, the
10 administrator shall also develop a web-based clearinghouse
11 for information available to both job training program
12 graduates and firms participating, directly or indirectly,
13 in Illinois solar incentive programs. The program
14 administrator shall also coordinate its activities with
15 entities implementing electric and natural gas
16 income-qualified energy efficiency programs, including
17 customer referrals to and from such programs, and connect
18 prospective low-income solar customers with any existing
19 deferred maintenance programs where applicable.

20 (6) The long-term renewable resources procurement plan
21 shall also provide for an independent evaluation of the
22 Illinois Solar for All Program. At least every 2 years,
23 the Agency shall select an independent evaluator to review
24 and report on the Illinois Solar for All Program and the
25 performance of the third-party program administrator of
26 the Illinois Solar for All Program. The evaluation shall

1 be based on objective criteria developed through a public
2 stakeholder process. The process shall include feedback
3 and participation from Illinois Solar for All Program
4 stakeholders, including participants and organizations in
5 environmental justice and historically underserved
6 communities. The report shall include a summary of the
7 evaluation of the Illinois Solar for All Program based on
8 the stakeholder developed objective criteria. The report
9 shall include the number of projects installed; the total
10 installed capacity in kilowatts; the average cost per
11 kilowatt of installed capacity to the extent reasonably
12 obtainable by the Agency; the number of jobs or job
13 opportunities created; economic, social, and environmental
14 benefits created; and the total administrative costs
15 expended by the Agency and program administrator to
16 implement and evaluate the program. The report shall be
17 delivered to the Commission and posted on the Agency's
18 website, and shall be used, as needed, to revise the
19 Illinois Solar for All Program. The Commission shall also
20 consider the results of the evaluation as part of its
21 review of the long-term renewable resources procurement
22 plan under subsection (c) of Section 1-75 of this Act.

23 (7) If additional funding for the programs described
24 in this subsection (b) is available under subsection (k)
25 of Section 16-108 of the Public Utilities Act, then the
26 Agency shall submit a procurement plan to the Commission

1 no later than September 1, 2018, that proposes how the
2 Agency will procure programs on behalf of the applicable
3 utility. After notice and hearing, the Commission shall
4 approve, or approve with modification, the plan no later
5 than November 1, 2018.

6 (8) As part of the development and update of the
7 long-term renewable resources procurement plan authorized
8 by subsection (c) of Section 1-75 of this Act, the Agency
9 shall plan for: (A) actions to refer customers from the
10 Illinois Solar for All Program to electric and natural gas
11 income-qualified energy efficiency programs, and vice
12 versa, with the goal of increasing participation in both
13 of these programs; (B) effective procedures for data
14 sharing, as needed, to effectuate referrals between the
15 Illinois Solar for All Program and both electric and
16 natural gas income-qualified energy efficiency programs,
17 including sharing customer information directly with the
18 utilities, as needed and appropriate; and (C) efforts to
19 identify any existing deferred maintenance programs for
20 which prospective Solar for All Program customers may be
21 eligible and connect prospective customers for whom
22 deferred maintenance is or may be a barrier to solar
23 installation to those programs.

24 As used in this subsection (b), "low-income households"
25 means persons and families whose income does not exceed 80% of
26 area median income, adjusted for family size and revised every

1 5 years.

2 For the purposes of this subsection (b), the Agency shall
3 define "environmental justice community" based on the
4 methodologies and findings established by the Agency and the
5 Administrator for the Illinois Solar for All Program in its
6 initial long-term renewable resources procurement plan and as
7 updated by the Agency and the Administrator for the Illinois
8 Solar for All Program as part of the long-term renewable
9 resources procurement plan update ~~development, to ensure, to~~
10 ~~the extent practicable, compatibility with other agencies'~~
11 ~~definitions and may, for guidance, look to the definitions~~
12 ~~used by federal, state, or local governments.~~

13 (b-5) After the receipt of all payments required by
14 Section 16-115D of the Public Utilities Act, no additional
15 funds shall be deposited into the Illinois Power Agency
16 Renewable Energy Resources Fund unless directed by order of
17 the Commission.

18 (b-10) After the receipt of all payments required by
19 Section 16-115D of the Public Utilities Act and payment in
20 full of all contracts executed by the Agency under subsections
21 (b) and (i) of this Section, if the balance of the Illinois
22 Power Agency Renewable Energy Resources Fund is under \$5,000,
23 then the Fund shall be inoperative and any remaining funds and
24 any funds submitted to the Fund after that date, shall be
25 transferred to the Supplemental Low-Income Energy Assistance
26 Fund for use in the Low-Income Home Energy Assistance Program,

1 as authorized by the Energy Assistance Act.

2 (c) (Blank).

3 (d) (Blank).

4 (e) All renewable energy credits procured using monies
5 from the Illinois Power Agency Renewable Energy Resources Fund
6 shall be permanently retired.

7 (f) The selection of one or more third-party program
8 managers or administrators, the selection of the independent
9 evaluator, and the procurement processes described in this
10 Section are exempt from the requirements of the Illinois
11 Procurement Code, under Section 20-10 of that Code.

12 (g) All disbursements from the Illinois Power Agency
13 Renewable Energy Resources Fund shall be made only upon
14 warrants of the Comptroller drawn upon the Treasurer as
15 custodian of the Fund upon vouchers signed by the Director or
16 by the person or persons designated by the Director for that
17 purpose. The Comptroller is authorized to draw the warrant
18 upon vouchers so signed. The Treasurer shall accept all
19 warrants so signed and shall be released from liability for
20 all payments made on those warrants.

21 (h) The Illinois Power Agency Renewable Energy Resources
22 Fund shall not be subject to sweeps, administrative charges,
23 or chargebacks, including, but not limited to, those
24 authorized under Section 8h of the State Finance Act, that
25 would in any way result in the transfer of any funds from this
26 Fund to any other fund of this State or in having any such

1 funds utilized for any purpose other than the express purposes
2 set forth in this Section.

3 (h-5) The Agency may assess fees to each bidder to recover
4 the costs incurred in connection with a procurement process
5 held under this Section. Fees collected from bidders shall be
6 deposited into the Renewable Energy Resources Fund.

7 (i) Supplemental procurement process.

8 (1) Within 90 days after the effective date of this
9 amendatory Act of the 98th General Assembly, the Agency
10 shall develop a one-time supplemental procurement plan
11 limited to the procurement of renewable energy credits, if
12 available, from new or existing photovoltaics, including,
13 but not limited to, distributed photovoltaic generation.
14 Nothing in this subsection (i) requires procurement of
15 wind generation through the supplemental procurement.

16 Renewable energy credits procured from new
17 photovoltaics, including, but not limited to, distributed
18 photovoltaic generation, under this subsection (i) must be
19 procured from devices installed by a qualified person. In
20 its supplemental procurement plan, the Agency shall
21 establish contractually enforceable mechanisms for
22 ensuring that the installation of new photovoltaics is
23 performed by a qualified person.

24 For the purposes of this paragraph (1), "qualified
25 person" means a person who performs installations of
26 photovoltaics, including, but not limited to, distributed

1 photovoltaic generation, and who: (A) has completed an
2 apprenticeship as a journeyman electrician from a United
3 States Department of Labor registered electrical
4 apprenticeship and training program and received a
5 certification of satisfactory completion; or (B) does not
6 currently meet the criteria under clause (A) of this
7 paragraph (1), but is enrolled in a United States
8 Department of Labor registered electrical apprenticeship
9 program, provided that the person is directly supervised
10 by a person who meets the criteria under clause (A) of this
11 paragraph (1); or (C) has obtained one of the following
12 credentials in addition to attesting to satisfactory
13 completion of at least 5 years or 8,000 hours of
14 documented hands-on electrical experience: (i) a North
15 American Board of Certified Energy Practitioners (NABCEP)
16 Installer Certificate for Solar PV; (ii) an Underwriters
17 Laboratories (UL) PV Systems Installer Certificate; (iii)
18 an Electronics Technicians Association, International
19 (ETAI) Level 3 PV Installer Certificate; or (iv) an
20 Associate in Applied Science degree from an Illinois
21 Community College Board approved community college program
22 in renewable energy or a distributed generation
23 technology.

24 For the purposes of this paragraph (1), "directly
25 supervised" means that there is a qualified person who
26 meets the qualifications under clause (A) of this

1 paragraph (1) and who is available for supervision and
2 consultation regarding the work performed by persons under
3 clause (B) of this paragraph (1), including a final
4 inspection of the installation work that has been directly
5 supervised to ensure safety and conformity with applicable
6 codes.

7 For the purposes of this paragraph (1), "install"
8 means the major activities and actions required to
9 connect, in accordance with applicable building and
10 electrical codes, the conductors, connectors, and all
11 associated fittings, devices, power outlets, or
12 apparatuses mounted at the premises that are directly
13 involved in delivering energy to the premises' electrical
14 wiring from the photovoltaics, including, but not limited
15 to, to distributed photovoltaic generation.

16 The renewable energy credits procured pursuant to the
17 supplemental procurement plan shall be procured using up
18 to \$30,000,000 from the Illinois Power Agency Renewable
19 Energy Resources Fund. The Agency shall not plan to use
20 funds from the Illinois Power Agency Renewable Energy
21 Resources Fund in excess of the monies on deposit in such
22 fund or projected to be deposited into such fund. The
23 supplemental procurement plan shall ensure adequate,
24 reliable, affordable, efficient, and environmentally
25 sustainable renewable energy resources (including credits)
26 at the lowest total cost over time, taking into account

1 any benefits of price stability.

2 To the extent available, 50% of the renewable energy
3 credits procured from distributed renewable energy
4 generation shall come from devices of less than 25
5 kilowatts in nameplate capacity. Procurement of renewable
6 energy credits from distributed renewable energy
7 generation devices shall be done through multi-year
8 contracts of no less than 5 years. The Agency shall create
9 credit requirements for counterparties. In order to
10 minimize the administrative burden on contracting
11 entities, the Agency shall solicit the use of third
12 parties to aggregate distributed renewable energy. These
13 third parties shall enter into and administer contracts
14 with individual distributed renewable energy generation
15 device owners. An individual distributed renewable energy
16 generation device owner shall have the ability to measure
17 the output of his or her distributed renewable energy
18 generation device.

19 In developing the supplemental procurement plan, the
20 Agency shall hold at least one workshop open to the public
21 within 90 days after the effective date of this amendatory
22 Act of the 98th General Assembly and shall consider any
23 comments made by stakeholders or the public. Upon
24 development of the supplemental procurement plan within
25 this 90-day period, copies of the supplemental procurement
26 plan shall be posted and made publicly available on the

1 Agency's and Commission's websites. All interested parties
2 shall have 14 days following the date of posting to
3 provide comment to the Agency on the supplemental
4 procurement plan. All comments submitted to the Agency
5 shall be specific, supported by data or other detailed
6 analyses, and, if objecting to all or a portion of the
7 supplemental procurement plan, accompanied by specific
8 alternative wording or proposals. All comments shall be
9 posted on the Agency's and Commission's websites. Within
10 14 days following the end of the 14-day review period, the
11 Agency shall revise the supplemental procurement plan as
12 necessary based on the comments received and file its
13 revised supplemental procurement plan with the Commission
14 for approval.

15 (2) Within 5 days after the filing of the supplemental
16 procurement plan at the Commission, any person objecting
17 to the supplemental procurement plan shall file an
18 objection with the Commission. Within 10 days after the
19 filing, the Commission shall determine whether a hearing
20 is necessary. The Commission shall enter its order
21 confirming or modifying the supplemental procurement plan
22 within 90 days after the filing of the supplemental
23 procurement plan by the Agency.

24 (3) The Commission shall approve the supplemental
25 procurement plan of renewable energy credits to be
26 procured from new or existing photovoltaics, including,

1 but not limited to, distributed photovoltaic generation,
2 if the Commission determines that it will ensure adequate,
3 reliable, affordable, efficient, and environmentally
4 sustainable electric service in the form of renewable
5 energy credits at the lowest total cost over time, taking
6 into account any benefits of price stability.

7 (4) The supplemental procurement process under this
8 subsection (i) shall include each of the following
9 components:

10 (A) Procurement administrator. The Agency may
11 retain a procurement administrator in the manner set
12 forth in item (2) of subsection (a) of Section 1-75 of
13 this Act to conduct the supplemental procurement or
14 may elect to use the same procurement administrator
15 administering the Agency's annual procurement under
16 Section 1-75.

17 (B) Procurement monitor. The procurement monitor
18 retained by the Commission pursuant to Section
19 16-111.5 of the Public Utilities Act shall:

20 (i) monitor interactions among the procurement
21 administrator and bidders and suppliers;

22 (ii) monitor and report to the Commission on
23 the progress of the supplemental procurement
24 process;

25 (iii) provide an independent confidential
26 report to the Commission regarding the results of

1 the procurement events;

2 (iv) assess compliance with the procurement
3 plan approved by the Commission for the
4 supplemental procurement process;

5 (v) preserve the confidentiality of supplier
6 and bidding information in a manner consistent
7 with all applicable laws, rules, regulations, and
8 tariffs;

9 (vi) provide expert advice to the Commission
10 and consult with the procurement administrator
11 regarding issues related to procurement process
12 design, rules, protocols, and policy-related
13 matters;

14 (vii) consult with the procurement
15 administrator regarding the development and use of
16 benchmark criteria, standard form contracts,
17 credit policies, and bid documents; and

18 (viii) perform, with respect to the
19 supplemental procurement process, any other
20 procurement monitor duties specifically delineated
21 within subsection (i) of this Section.

22 (C) Solicitation, pre-qualification, and
23 registration of bidders. The procurement administrator
24 shall disseminate information to potential bidders to
25 promote a procurement event, notify potential bidders
26 that the procurement administrator may enter into a

1 post-bid price negotiation with bidders that meet the
2 applicable benchmarks, provide supply requirements,
3 and otherwise explain the competitive procurement
4 process. In addition to such other publication as the
5 procurement administrator determines is appropriate,
6 this information shall be posted on the Agency's and
7 the Commission's websites. The procurement
8 administrator shall also administer the
9 prequalification process, including evaluation of
10 credit worthiness, compliance with procurement rules,
11 and agreement to the standard form contract developed
12 pursuant to item (D) of this paragraph (4). The
13 procurement administrator shall then identify and
14 register bidders to participate in the procurement
15 event.

16 (D) Standard contract forms and credit terms and
17 instruments. The procurement administrator, in
18 consultation with the Agency, the Commission, and
19 other interested parties and subject to Commission
20 oversight, shall develop and provide standard contract
21 forms for the supplier contracts that meet generally
22 accepted industry practices as well as include any
23 applicable State of Illinois terms and conditions that
24 are required for contracts entered into by an agency
25 of the State of Illinois. Standard credit terms and
26 instruments that meet generally accepted industry

1 practices shall be similarly developed. Contracts for
2 new photovoltaics shall include a provision attesting
3 that the supplier will use a qualified person for the
4 installation of the device pursuant to paragraph (1)
5 of subsection (i) of this Section. The procurement
6 administrator shall make available to the Commission
7 all written comments it receives on the contract
8 forms, credit terms, or instruments. If the
9 procurement administrator cannot reach agreement with
10 the parties as to the contract terms and conditions,
11 the procurement administrator must notify the
12 Commission of any disputed terms and the Commission
13 shall resolve the dispute. The terms of the contracts
14 shall not be subject to negotiation by winning
15 bidders, and the bidders must agree to the terms of the
16 contract in advance so that winning bids are selected
17 solely on the basis of price.

18 (E) Requests for proposals; competitive
19 procurement process. The procurement administrator
20 shall design and issue requests for proposals to
21 supply renewable energy credits in accordance with the
22 supplemental procurement plan, as approved by the
23 Commission. The requests for proposals shall set forth
24 a procedure for sealed, binding commitment bidding
25 with pay-as-bid settlement, and provision for
26 selection of bids on the basis of price, provided,

1 however, that no bid shall be accepted if it exceeds
2 the benchmark developed pursuant to item (F) of this
3 paragraph (4).

4 (F) Benchmarks. Benchmarks for each product to be
5 procured shall be developed by the procurement
6 administrator in consultation with Commission staff,
7 the Agency, and the procurement monitor for use in
8 this supplemental procurement.

9 (G) A plan for implementing contingencies in the
10 event of supplier default, Commission rejection of
11 results, or any other cause.

12 (5) Within 2 business days after opening the sealed
13 bids, the procurement administrator shall submit a
14 confidential report to the Commission. The report shall
15 contain the results of the bidding for each of the
16 products along with the procurement administrator's
17 recommendation for the acceptance and rejection of bids
18 based on the price benchmark criteria and other factors
19 observed in the process. The procurement monitor also
20 shall submit a confidential report to the Commission
21 within 2 business days after opening the sealed bids. The
22 report shall contain the procurement monitor's assessment
23 of bidder behavior in the process as well as an assessment
24 of the procurement administrator's compliance with the
25 procurement process and rules. The Commission shall review
26 the confidential reports submitted by the procurement

1 administrator and procurement monitor and shall accept or
2 reject the recommendations of the procurement
3 administrator within 2 business days after receipt of the
4 reports.

5 (6) Within 3 business days after the Commission
6 decision approving the results of a procurement event, the
7 Agency shall enter into binding contractual arrangements
8 with the winning suppliers using the standard form
9 contracts.

10 (7) The names of the successful bidders and the
11 average of the winning bid prices for each contract type
12 and for each contract term shall be made available to the
13 public within 2 days after the supplemental procurement
14 event. The Commission, the procurement monitor, the
15 procurement administrator, the Agency, and all
16 participants in the procurement process shall maintain the
17 confidentiality of all other supplier and bidding
18 information in a manner consistent with all applicable
19 laws, rules, regulations, and tariffs. Confidential
20 information, including the confidential reports submitted
21 by the procurement administrator and procurement monitor
22 pursuant to this Section, shall not be made publicly
23 available and shall not be discoverable by any party in
24 any proceeding, absent a compelling demonstration of need,
25 nor shall those reports be admissible in any proceeding
26 other than one for law enforcement purposes.

1 (8) The supplemental procurement provided in this
2 subsection (i) shall not be subject to the requirements
3 and limitations of subsections (c) and (d) of this
4 Section.

5 (9) Expenses incurred in connection with the
6 procurement process held pursuant to this Section,
7 including, but not limited to, the cost of developing the
8 supplemental procurement plan, the procurement
9 administrator, procurement monitor, and the cost of the
10 retirement of renewable energy credits purchased pursuant
11 to the supplemental procurement shall be paid for from the
12 Illinois Power Agency Renewable Energy Resources Fund. The
13 Agency shall enter into an interagency agreement with the
14 Commission to reimburse the Commission for its costs
15 associated with the procurement monitor for the
16 supplemental procurement process.

17 (Source: P.A. 98-672, eff. 6-30-14; 99-906, eff. 6-1-17.)

18 (20 ILCS 3855/1-70)

19 Sec. 1-70. Agency officials.

20 (a) The Agency shall have a Director who meets the
21 qualifications specified in Section 5-222 of the Civil
22 Administrative Code of Illinois.

23 (b) Within the Illinois Power Agency, the Agency shall
24 establish a Planning and Procurement Bureau and may establish
25 a Resource Development Bureau. Each Bureau shall report to the

1 Director.

2 (c) The Chief of the Planning and Procurement Bureau shall
3 be appointed by the Director, at the Director's sole
4 discretion, and (i) shall have at least 5 years of direct
5 experience in electricity supply planning and procurement and
6 (ii) shall also hold an advanced degree in risk management,
7 law, business, or a related field.

8 (d) The Chief of the Resource Development Bureau may be
9 appointed by the Director and (i) shall have at least 5 years
10 of direct experience in electric generating project
11 development and (ii) shall also hold an advanced degree in
12 economics, engineering, law, business, or a related field.

13 (e) For terms ending before December 31, 2019, the
14 Director shall receive an annual salary of \$100,000 or as set
15 by the Executive Ethics Commission based on a review of
16 comparable State agency director salaries, whichever is
17 higher. No annual salary for the Director or a Bureau Chief
18 shall exceed the amount of salary set by law for the Governor
19 that is in effect on July 1 of that fiscal year. Compensation
20 Review Board, whichever is higher. For terms ending before
21 December 31, 2019, the Bureau Chiefs shall each receive an
22 annual salary of \$85,000 or as set by the Compensation Review
23 Board, whichever is higher. For terms beginning after the
24 effective date of this amendatory Act of the 100th General
25 Assembly, the annual salaries for the Director and the Bureau
26 Chiefs shall be an amount equal to 15% more than the respective

1 ~~position's annual salary as of December 31, 2018. The~~
2 ~~calculation of the 2018 salary base for this adjustment shall~~
3 ~~not include any cost of living adjustments, as authorized by~~
4 ~~Senate Joint Resolution 192 of the 86th General Assembly, for~~
5 ~~the period beginning July 1, 2009 to June 30, 2019. Beginning~~
6 ~~July 1, 2019 and each July 1 thereafter, the Director and the~~
7 ~~Bureau Chiefs shall receive an increase in salary based on a~~
8 ~~cost of living adjustment as authorized by Senate Joint~~
9 ~~Resolution 192 of the 86th General Assembly.~~

10 (f) The Director and Bureau Chiefs shall not, for 2 years
11 prior to appointment or for 2 years after he or she leaves his
12 or her position, be employed by an electric utility,
13 independent power producer, power marketer, or alternative
14 retail electric supplier regulated by the Commission or the
15 Federal Energy Regulatory Commission.

16 (g) The Director and Bureau Chiefs are prohibited from:
17 (i) owning, directly or indirectly, 5% or more of the voting
18 capital stock of an electric utility, independent power
19 producer, power marketer, or alternative retail electric
20 supplier; (ii) being in any chain of successive ownership of
21 5% or more of the voting capital stock of any electric utility,
22 independent power producer, power marketer, or alternative
23 retail electric supplier; (iii) receiving any form of
24 compensation, fee, payment, or other consideration from an
25 electric utility, independent power producer, power marketer,
26 or alternative retail electric supplier, including legal fees,

1 consulting fees, bonuses, or other sums. These limitations do
2 not apply to any compensation received pursuant to a defined
3 benefit plan or other form of deferred compensation, provided
4 that the individual has otherwise severed all ties to the
5 utility, power producer, power marketer, or alternative retail
6 electric supplier.

7 (Source: P.A. 99-536, eff. 7-8-16; 100-1179, eff. 1-18-19.)

8 (20 ILCS 3855/1-75)

9 Sec. 1-75. Planning and Procurement Bureau. The Planning
10 and Procurement Bureau has the following duties and
11 responsibilities:

12 (a) The Planning and Procurement Bureau shall each year,
13 beginning in 2008, develop procurement plans and conduct
14 competitive procurement processes in accordance with the
15 requirements of Section 16-111.5 of the Public Utilities Act
16 for the eligible retail customers of electric utilities that
17 on December 31, 2005 provided electric service to at least
18 100,000 customers in Illinois. Beginning with the delivery
19 year commencing on June 1, 2017, the Planning and Procurement
20 Bureau shall develop plans and processes for the procurement
21 of zero emission credits from zero emission facilities in
22 accordance with the requirements of subsection (d-5) of this
23 Section. Beginning on the effective date of this amendatory
24 Act of the 102nd General Assembly, the Planning and
25 Procurement Bureau shall develop plans and processes for the

1 procurement of carbon mitigation credits from carbon-free
2 energy resources in accordance with the requirements of
3 subsection (d-10) of this Section. The Planning and
4 Procurement Bureau shall also develop procurement plans and
5 conduct competitive procurement processes in accordance with
6 the requirements of Section 16-111.5 of the Public Utilities
7 Act for the eligible retail customers of small
8 multi-jurisdictional electric utilities that (i) on December
9 31, 2005 served less than 100,000 customers in Illinois and
10 (ii) request a procurement plan for their Illinois
11 jurisdictional load. This Section shall not apply to a small
12 multi-jurisdictional utility until such time as a small
13 multi-jurisdictional utility requests the Agency to prepare a
14 procurement plan for their Illinois jurisdictional load. For
15 the purposes of this Section, the term "eligible retail
16 customers" has the same definition as found in Section
17 16-111.5(a) of the Public Utilities Act.

18 Beginning with the plan or plans to be implemented in the
19 2017 delivery year, the Agency shall no longer include the
20 procurement of renewable energy resources in the annual
21 procurement plans required by this subsection (a), except as
22 provided in subsection (q) of Section 16-111.5 of the Public
23 Utilities Act, and shall instead develop a long-term renewable
24 resources procurement plan in accordance with subsection (c)
25 of this Section and Section 16-111.5 of the Public Utilities
26 Act.

1 In accordance with subsection (c-5) of this Section, the
2 Planning and Procurement Bureau shall oversee the procurement
3 by electric utilities that served more than 300,000 retail
4 customers in this State as of January 1, 2019 of renewable
5 energy credits from new utility-scale solar projects to be
6 installed, along with energy storage facilities, at or
7 adjacent to the sites of electric generating facilities that,
8 as of January 1, 2016, burned coal as their primary fuel
9 source.

10 (1) The Agency shall each year, beginning in 2008, as
11 needed, issue a request for qualifications for experts or
12 expert consulting firms to develop the procurement plans
13 in accordance with Section 16-111.5 of the Public
14 Utilities Act. In order to qualify an expert or expert
15 consulting firm must have:

16 (A) direct previous experience assembling
17 large-scale power supply plans or portfolios for
18 end-use customers;

19 (B) an advanced degree in economics, mathematics,
20 engineering, risk management, or a related area of
21 study;

22 (C) 10 years of experience in the electricity
23 sector, including managing supply risk;

24 (D) expertise in wholesale electricity market
25 rules, including those established by the Federal
26 Energy Regulatory Commission and regional transmission

1 organizations;

2 (E) expertise in credit protocols and familiarity
3 with contract protocols;

4 (F) adequate resources to perform and fulfill the
5 required functions and responsibilities; and

6 (G) the absence of a conflict of interest and
7 inappropriate bias for or against potential bidders or
8 the affected electric utilities.

9 (2) The Agency shall each year, as needed, issue a
10 request for qualifications for a procurement administrator
11 to conduct the competitive procurement processes in
12 accordance with Section 16-111.5 of the Public Utilities
13 Act. In order to qualify an expert or expert consulting
14 firm must have:

15 (A) direct previous experience administering a
16 large-scale competitive procurement process;

17 (B) an advanced degree in economics, mathematics,
18 engineering, or a related area of study;

19 (C) 10 years of experience in the electricity
20 sector, including risk management experience;

21 (D) expertise in wholesale electricity market
22 rules, including those established by the Federal
23 Energy Regulatory Commission and regional transmission
24 organizations;

25 (E) expertise in credit and contract protocols;

26 (F) adequate resources to perform and fulfill the

1 required functions and responsibilities; and

2 (G) the absence of a conflict of interest and
3 inappropriate bias for or against potential bidders or
4 the affected electric utilities.

5 (3) The Agency shall provide affected utilities and
6 other interested parties with the lists of qualified
7 experts or expert consulting firms identified through the
8 request for qualifications processes that are under
9 consideration to develop the procurement plans and to
10 serve as the procurement administrator. The Agency shall
11 also provide each qualified expert's or expert consulting
12 firm's response to the request for qualifications. All
13 information provided under this subparagraph shall also be
14 provided to the Commission. The Agency may provide by rule
15 for fees associated with supplying the information to
16 utilities and other interested parties. These parties
17 shall, within 5 business days, notify the Agency in
18 writing if they object to any experts or expert consulting
19 firms on the lists. Objections shall be based on:

20 (A) failure to satisfy qualification criteria;

21 (B) identification of a conflict of interest; or

22 (C) evidence of inappropriate bias for or against
23 potential bidders or the affected utilities.

24 The Agency shall remove experts or expert consulting
25 firms from the lists within 10 days if there is a
26 reasonable basis for an objection and provide the updated

1 lists to the affected utilities and other interested
2 parties. If the Agency fails to remove an expert or expert
3 consulting firm from a list, an objecting party may seek
4 review by the Commission within 5 days thereafter by
5 filing a petition, and the Commission shall render a
6 ruling on the petition within 10 days. There is no right of
7 appeal of the Commission's ruling.

8 (4) The Agency shall issue requests for proposals to
9 the qualified experts or expert consulting firms to
10 develop a procurement plan for the affected utilities and
11 to serve as procurement administrator.

12 (5) The Agency shall select an expert or expert
13 consulting firm to develop procurement plans based on the
14 proposals submitted and shall award contracts of up to 5
15 years to those selected.

16 (6) The Agency shall select an expert or expert
17 consulting firm, with approval of the Commission, to serve
18 as procurement administrator based on the proposals
19 submitted. If the Commission rejects, within 5 days, the
20 Agency's selection, the Agency shall submit another
21 recommendation within 3 days based on the proposals
22 submitted. The Agency shall award a 5-year contract to the
23 expert or expert consulting firm so selected with
24 Commission approval.

25 (b) The experts or expert consulting firms retained by the
26 Agency shall, as appropriate, prepare procurement plans, and

1 conduct a competitive procurement process as prescribed in
2 Section 16-111.5 of the Public Utilities Act, to ensure
3 adequate, reliable, affordable, efficient, and environmentally
4 sustainable electric service at the lowest total cost over
5 time, taking into account any benefits of price stability, for
6 eligible retail customers of electric utilities that on
7 December 31, 2005 provided electric service to at least
8 100,000 customers in the State of Illinois, and for eligible
9 Illinois retail customers of small multi-jurisdictional
10 electric utilities that (i) on December 31, 2005 served less
11 than 100,000 customers in Illinois and (ii) request a
12 procurement plan for their Illinois jurisdictional load.

13 (c) Renewable portfolio standard.

14 (1) (A) The Agency shall develop a long-term renewable
15 resources procurement plan that shall include procurement
16 programs and competitive procurement events necessary to
17 meet the goals set forth in this subsection (c). The
18 initial long-term renewable resources procurement plan
19 shall be released for comment no later than 160 days after
20 June 1, 2017 (the effective date of Public Act 99-906).
21 The Agency shall review, and may revise on an expedited
22 basis, the long-term renewable resources procurement plan
23 at least every 2 years, which shall be conducted in
24 conjunction with the procurement plan under Section
25 16-111.5 of the Public Utilities Act to the extent
26 practicable to minimize administrative expense. No later

1 than 120 days after the effective date of this amendatory
2 Act of the 102nd General Assembly, the Agency shall
3 release for comment a revision to the long-term renewable
4 resources procurement plan, updating elements of the most
5 recently approved plan as needed to comply with this
6 amendatory Act of the 102nd General Assembly, and any
7 long-term renewable resources procurement plan update
8 published by the Agency but not yet approved by the
9 Illinois Commerce Commission shall be withdrawn. The
10 long-term renewable resources procurement plans shall be
11 subject to review and approval by the Commission under
12 Section 16-111.5 of the Public Utilities Act.

13 (B) Subject to subparagraph (F) of this paragraph (1),
14 the long-term renewable resources procurement plan shall
15 attempt to meet ~~include~~ the goals for procurement of
16 renewable energy credits at levels of ~~to meet~~ at least the
17 following overall percentages: 13% by the 2017 delivery
18 year; increasing by at least 1.5% each delivery year
19 thereafter to at least 25% by the 2025 delivery year;
20 increasing by at least 3% each delivery year thereafter to
21 at least 40% by the 2030 delivery year, and continuing at
22 no less than 40% ~~25%~~ for each delivery year thereafter.
23 The Agency shall attempt to procure 50% by delivery year
24 2040. The Agency shall determine the annual increase
25 between delivery year 2030 and delivery year 2040, if any,
26 taking into account energy demand, other energy resources,

1 and other public policy goals. In the event of a conflict
2 between these goals and the new wind and new photovoltaic
3 procurement requirements described in items (i) through
4 (iii) of subparagraph (C) of this paragraph (1), the
5 long-term plan shall prioritize compliance with the new
6 wind and new photovoltaic procurement requirements
7 described in items (i) through (iii) of subparagraph (C)
8 of this paragraph (1) over the annual percentage targets
9 described in this subparagraph (B). The Agency shall not
10 comply with the annual percentage targets described in
11 this subparagraph (B) by procuring renewable energy
12 credits that are unlikely to lead to the development of
13 new renewable resources.

14 For the delivery year beginning June 1, 2017, the
15 procurement plan shall attempt to include, subject to the
16 prioritization outlined in this subparagraph (B),
17 cost-effective renewable energy resources equal to at
18 least 13% of each utility's load for eligible retail
19 customers and 13% of the applicable portion of each
20 utility's load for retail customers who are not eligible
21 retail customers, which applicable portion shall equal 50%
22 of the utility's load for retail customers who are not
23 eligible retail customers on February 28, 2017.

24 For the delivery year beginning June 1, 2018, the
25 procurement plan shall attempt to include, subject to the
26 prioritization outlined in this subparagraph (B),

1 cost-effective renewable energy resources equal to at
2 least 14.5% of each utility's load for eligible retail
3 customers and 14.5% of the applicable portion of each
4 utility's load for retail customers who are not eligible
5 retail customers, which applicable portion shall equal 75%
6 of the utility's load for retail customers who are not
7 eligible retail customers on February 28, 2017.

8 For the delivery year beginning June 1, 2019, and for
9 each year thereafter, the procurement plans shall attempt
10 to include, subject to the prioritization outlined in this
11 subparagraph (B), cost-effective renewable energy
12 resources equal to a minimum percentage of each utility's
13 load for all retail customers as follows: 16% by June 1,
14 2019; increasing by 1.5% each year thereafter to 25% by
15 June 1, 2025; and 25% by June 1, 2026; increasing by at
16 least 3% each delivery year thereafter to at least 40% by
17 the 2030 delivery year, and continuing at no less than 40%
18 for each delivery year thereafter. The Agency shall
19 attempt to procure 50% by delivery year 2040. The Agency
20 shall determine the annual increase between delivery year
21 2030 and delivery year 2040, if any, taking into account
22 energy demand, other energy resources, and other public
23 policy goals.

24 For each delivery year, the Agency shall first
25 recognize each utility's obligations for that delivery
26 year under existing contracts. Any renewable energy

1 credits under existing contracts, including renewable
2 energy credits as part of renewable energy resources,
3 shall be used to meet the goals set forth in this
4 subsection (c) for the delivery year.

5 ~~(C) Of the renewable energy credits procured under~~
6 ~~this subsection (c), at least 75% shall come from wind and~~
7 ~~photovoltaic projects.~~ The long-term renewable resources
8 procurement plan described in subparagraph (A) of this
9 paragraph (1) shall include the procurement of renewable
10 energy credits from new projects in amounts equal to at
11 least the following:

12 (i) 10,000,000 renewable energy credits delivered
13 annually by the end of the 2021 delivery year, and
14 increasing ratably to reach 45,000,000 renewable
15 energy credits delivered annually from new wind and
16 solar projects by the end of delivery year 2030 such
17 that the goals in subparagraph (B) of this paragraph
18 (1) are met entirely by procurements of renewable
19 energy credits from new wind and photovoltaic
20 projects. ~~Of By the end of the 2020 delivery year: At~~
21 ~~least 2,000,000 renewable energy credits for each~~
22 ~~delivery year shall come from new wind projects; and~~
23 ~~At least 2,000,000 renewable energy credits for each~~
24 ~~delivery year shall come from new photovoltaic~~
25 ~~projects; of that amount, to the extent possible, the~~
26 Agency shall procure 45% from wind projects and 55%

1 from photovoltaic projects. Of the amount to be
2 procured from photovoltaic projects, the Agency shall
3 procure: at least 50% from solar photovoltaic projects
4 using the program outlined in subparagraph (K) of this
5 paragraph (1) from distributed renewable energy
6 generation devices or community renewable generation
7 projects; at least 47% ~~40%~~ from utility-scale solar
8 projects; at least 3% ~~2%~~ from brownfield site
9 photovoltaic projects that are not community renewable
10 generation projects; ~~and the remainder shall be~~
11 ~~determined through the long-term planning process~~
12 ~~described in subparagraph (A) of this paragraph (1).~~

13 In developing the long-term renewable resources
14 procurement plan, the Agency shall consider other
15 approaches, in addition to competitive procurements,
16 that can be used to procure renewable energy credits
17 from brownfield site photovoltaic projects and thereby
18 help return blighted or contaminated land to
19 productive use while enhancing public health and the
20 well-being of Illinois residents, including those in
21 environmental justice communities, as defined using
22 existing methodologies and findings used by the Agency
23 and its Administrator in its Illinois Solar for All
24 Program.

25 (ii) In any given delivery year, if forecasted
26 expenses are less than the maximum budget available

1 under subparagraph (E) of this paragraph (1), the
2 Agency shall continue to procure new renewable energy
3 credits until that budget is exhausted in the manner
4 outlined in item (i) of this subparagraph (C). By the
5 ~~end of the 2025 delivery year:~~

6 ~~At least 3,000,000 renewable energy credits~~
7 ~~for each delivery year shall come from new wind~~
8 ~~projects; and~~

9 ~~At least 3,000,000 renewable energy credits~~
10 ~~for each delivery year shall come from new~~
11 ~~photovoltaic projects; of that amount, to the~~
12 ~~extent possible, the Agency shall procure: at~~
13 ~~least 50% from solar photovoltaic projects using~~
14 ~~the program outlined in subparagraph (K) of this~~
15 ~~paragraph (1) from distributed renewable energy~~
16 ~~devices or community renewable generation~~
17 ~~projects; at least 40% from utility scale solar~~
18 ~~projects; at least 2% from brownfield site~~
19 ~~photovoltaic projects that are not community~~
20 ~~renewable generation projects; and the remainder~~
21 ~~shall be determined through the long term planning~~
22 ~~process described in subparagraph (A) of this~~
23 ~~paragraph (1).~~

24 ~~(iii) By the end of the 2030 delivery year:~~

25 ~~At least 4,000,000 renewable energy credits~~
26 ~~for each delivery year shall come from new wind~~

1 ~~projects; and~~

2 ~~At least 4,000,000 renewable energy credits~~
3 ~~for each delivery year shall come from new~~
4 ~~photovoltaic projects; of that amount, to the~~
5 ~~extent possible, the Agency shall procure: at~~
6 ~~least 50% from solar photovoltaic projects using~~
7 ~~the program outlined in subparagraph (K) of this~~
8 ~~paragraph (1) from distributed renewable energy~~
9 ~~devices or community renewable generation~~
10 ~~projects; at least 40% from utility-scale solar~~
11 ~~projects; at least 2% from brownfield site~~
12 ~~photovoltaic projects that are not community~~
13 ~~renewable generation projects; and the remainder~~
14 ~~shall be determined through the long term planning~~
15 ~~process described in subparagraph (A) of this~~
16 ~~paragraph (1).~~

17 (iii) For purposes of this Section:

18 "New wind projects" means wind renewable energy
19 facilities that are energized after June 1, 2017 for
20 the delivery year commencing June 1, 2017 ~~or within 3~~
21 ~~years after the date the Commission approves contracts~~
22 ~~for subsequent delivery years.~~

23 "New photovoltaic projects" means photovoltaic
24 renewable energy facilities that are energized after
25 June 1, 2017. Photovoltaic projects developed under
26 Section 1-56 of this Act shall not apply towards the

1 new photovoltaic project requirements in this
2 subparagraph (C).

3 For purposes of calculating whether the Agency has
4 procured enough new wind and solar renewable energy
5 credits required by this subparagraph (C), renewable
6 energy facilities that have a multi-year renewable
7 energy credit delivery contract with the utility
8 through at least delivery year 2030 shall be
9 considered new, however no renewable energy credits
10 from contracts entered into before June 1, 2021 shall
11 be used to calculate whether the Agency has procured
12 the correct proportion of new wind and new solar
13 contracts described in this subparagraph (C) for
14 delivery year 2021 and thereafter.

15 (D) Renewable energy credits shall be cost effective.
16 For purposes of this subsection (c), "cost effective"
17 means that the costs of procuring renewable energy
18 resources do not cause the limit stated in subparagraph
19 (E) of this paragraph (1) to be exceeded and, for
20 renewable energy credits procured through a competitive
21 procurement event, do not exceed benchmarks based on
22 market prices for like products in the region. For
23 purposes of this subsection (c), "like products" means
24 contracts for renewable energy credits from the same or
25 substantially similar technology, same or substantially
26 similar vintage (new or existing), the same or

1 substantially similar quantity, and the same or
2 substantially similar contract length and structure.
3 Benchmarks shall reflect development, financing, or
4 related costs resulting from requirements imposed through
5 other provisions of State law, including, but not limited
6 to, requirements in subparagraphs (P) and (Q) of this
7 paragraph (1) and the Renewable Energy Facilities
8 Agricultural Impact Mitigation Act. Confidential
9 benchmarks ~~Benchmarks~~ shall be developed by the
10 procurement administrator, in consultation with the
11 Commission staff, Agency staff, and the procurement
12 monitor and shall be subject to Commission review and
13 approval. If price benchmarks for like products in the
14 region are not available, the procurement administrator
15 shall establish price benchmarks based on publicly
16 available data on regional technology costs and expected
17 current and future regional energy prices. The benchmarks
18 in this Section shall not be used to curtail or otherwise
19 reduce contractual obligations entered into by or through
20 the Agency prior to June 1, 2017 (the effective date of
21 Public Act 99-906).

22 (E) For purposes of this subsection (c), the required
23 procurement of cost-effective renewable energy resources
24 for a particular year commencing prior to June 1, 2017
25 shall be measured as a percentage of the actual amount of
26 electricity (megawatt-hours) supplied by the electric

1 utility to eligible retail customers in the delivery year
2 ending immediately prior to the procurement, and, for
3 delivery years commencing on and after June 1, 2017, the
4 required procurement of cost-effective renewable energy
5 resources for a particular year shall be measured as a
6 percentage of the actual amount of electricity
7 (megawatt-hours) delivered by the electric utility in the
8 delivery year ending immediately prior to the procurement,
9 to all retail customers in its service territory. For
10 purposes of this subsection (c), the amount paid per
11 kilowatthour means the total amount paid for electric
12 service expressed on a per kilowatthour basis. For
13 purposes of this subsection (c), the total amount paid for
14 electric service includes without limitation amounts paid
15 for supply, transmission, capacity, distribution,
16 surcharges, and add-on taxes.

17 Notwithstanding the requirements of this subsection
18 (c), the total of renewable energy resources procured
19 under the procurement plan for any single year shall be
20 subject to the limitations of this subparagraph (E). Such
21 procurement shall be reduced for all retail customers
22 based on the amount necessary to limit the annual
23 estimated average net increase due to the costs of these
24 resources included in the amounts paid by eligible retail
25 customers in connection with electric service to no more
26 than 4.25% ~~the greater of 2.015%~~ of the amount paid per

1 kilowatthour by those customers during the year ending May
2 31, 2009 ~~2007 or the incremental amount per kilowatthour~~
3 ~~paid for these resources in 2011~~. To arrive at a maximum
4 dollar amount of renewable energy resources to be procured
5 for the particular delivery year, the resulting per
6 kilowatthour amount shall be applied to the actual amount
7 of kilowatthours of electricity delivered, or applicable
8 portion of such amount as specified in paragraph (1) of
9 this subsection (c), as applicable, by the electric
10 utility in the delivery year immediately prior to the
11 procurement to all retail customers in its service
12 territory. The calculations required by this subparagraph
13 (E) shall be made only once for each delivery year at the
14 time that the renewable energy resources are procured.
15 Once the determination as to the amount of renewable
16 energy resources to procure is made based on the
17 calculations set forth in this subparagraph (E) and the
18 contracts procuring those amounts are executed, no
19 subsequent rate impact determinations shall be made and no
20 adjustments to those contract amounts shall be allowed.
21 All costs incurred under such contracts shall be fully
22 recoverable by the electric utility as provided in this
23 Section.

24 (F) If the limitation on the amount of renewable
25 energy resources procured in subparagraph (E) of this
26 paragraph (1) prevents the Agency from meeting all of the

1 goals in this subsection (c), the Agency's long-term plan
2 shall prioritize compliance with the requirements of this
3 subsection (c) regarding renewable energy credits in the
4 following order:

5 (i) renewable energy credits under existing
6 contractual obligations as of June 1, 2021;

7 (i-5) funding for the Illinois Solar for All
8 Program, as described in subparagraph (O) of this
9 paragraph (1);

10 (ii) renewable energy credits necessary to comply
11 with the new wind and new photovoltaic procurement
12 requirements described in items (i) through (iii) of
13 subparagraph (C) of this paragraph (1); and

14 (iii) renewable energy credits necessary to meet
15 the remaining requirements of this subsection (c).

16 (G) The following provisions shall apply to the
17 Agency's procurement of renewable energy credits under
18 this subsection (c):

19 (i) Notwithstanding whether a long-term renewable
20 resources procurement plan has been approved, the
21 Agency shall conduct an initial forward procurement
22 for renewable energy credits from new utility-scale
23 wind projects within 160 days after June 1, 2017 (the
24 effective date of Public Act 99-906). For the purposes
25 of this initial forward procurement, the Agency shall
26 solicit 15-year contracts for delivery of 1,000,000

1 renewable energy credits delivered annually from new
2 utility-scale wind projects to begin delivery on June
3 1, 2019, if available, but not later than June 1, 2021,
4 unless the project has delays in the establishment of
5 an operating interconnection with the applicable
6 transmission or distribution system as a result of the
7 actions or inactions of the transmission or
8 distribution provider, or other causes for force
9 majeure as outlined in the procurement contract, in
10 which case, not later than June 1, 2022. Payments to
11 suppliers of renewable energy credits shall commence
12 upon delivery. Renewable energy credits procured under
13 this initial procurement shall be included in the
14 Agency's long-term plan and shall apply to all
15 renewable energy goals in this subsection (c).

16 (ii) Notwithstanding whether a long-term renewable
17 resources procurement plan has been approved, the
18 Agency shall conduct an initial forward procurement
19 for renewable energy credits from new utility-scale
20 solar projects and brownfield site photovoltaic
21 projects within one year after June 1, 2017 (the
22 effective date of Public Act 99-906). For the purposes
23 of this initial forward procurement, the Agency shall
24 solicit 15-year contracts for delivery of 1,000,000
25 renewable energy credits delivered annually from new
26 utility-scale solar projects and brownfield site

1 photovoltaic projects to begin delivery on June 1,
2 2019, if available, but not later than June 1, 2021,
3 unless the project has delays in the establishment of
4 an operating interconnection with the applicable
5 transmission or distribution system as a result of the
6 actions or inactions of the transmission or
7 distribution provider, or other causes for force
8 majeure as outlined in the procurement contract, in
9 which case, not later than June 1, 2022. The Agency may
10 structure this initial procurement in one or more
11 discrete procurement events. Payments to suppliers of
12 renewable energy credits shall commence upon delivery.
13 Renewable energy credits procured under this initial
14 procurement shall be included in the Agency's
15 long-term plan and shall apply to all renewable energy
16 goals in this subsection (c).

17 (iii) Notwithstanding whether the Commission has
18 approved the periodic long-term renewable resources
19 procurement plan revision described in Section
20 16-111.5 of the Public Utilities Act, the Agency shall
21 conduct at least one subsequent forward procurement
22 for renewable energy credits from new utility-scale
23 wind projects, new utility-scale solar projects, and
24 new brownfield site photovoltaic projects within 240
25 days after the effective date of this amendatory Act
26 of the 102nd General Assembly in quantities necessary

1 to meet the requirements of subparagraph (C) of this
2 paragraph (1) through the delivery year beginning June
3 1, 2021. Subsequent forward procurements for
4 ~~utility scale wind projects shall solicit at least~~
5 ~~1,000,000 renewable energy credits delivered annually~~
6 ~~per procurement event and shall be planned, scheduled,~~
7 ~~and designed such that the cumulative amount of~~
8 ~~renewable energy credits delivered from all new wind~~
9 ~~projects in each delivery year shall not exceed the~~
10 ~~Agency's projection of the cumulative amount of~~
11 ~~renewable energy credits that will be delivered from~~
12 ~~all new photovoltaic projects, including utility scale~~
13 ~~and distributed photovoltaic devices, in the same~~
14 ~~delivery year at the time scheduled for wind contract~~
15 ~~delivery.~~

16 (iv) Notwithstanding whether the Commission has
17 approved the periodic long-term renewable resources
18 procurement plan revision described in Section
19 16-111.5 of the Public Utilities Act, the Agency shall
20 open capacity for each category in the Adjustable
21 Block program within 90 days after the effective date
22 of this amendatory Act of the 102nd General Assembly
23 manner:

24 (1) The Agency shall open the first block of
25 annual capacity for the category described in item
26 (i) of subparagraph (K) of this paragraph (1). The

1 first block of annual capacity for item (i) shall
2 be for at least 75 megawatts of total nameplate
3 capacity. The price of the renewable energy credit
4 for this block of capacity shall be 4% less than
5 the price of the last open block in this category.
6 Projects on a waitlist shall be awarded contracts
7 first in the order in which they appear on the
8 waitlist. Notwithstanding anything to the
9 contrary, for those renewable energy credits that
10 qualify and are procured under this subitem (1) of
11 this item (iv), the renewable energy credit
12 delivery contract value shall be paid in full,
13 based on the estimated generation during the first
14 15 years of operation, by the contracting
15 utilities at the time that the facility producing
16 the renewable energy credits is interconnected at
17 the distribution system level of the utility and
18 verified as energized and in compliance by the
19 Program Administrator. The electric utility shall
20 receive and retire all renewable energy credits
21 generated by the project for the first 15 years of
22 operation. Renewable energy credits generated by
23 the project thereafter shall not be transferred
24 under the renewable energy credit delivery
25 contract with the counterparty electric utility.

26 (2) The Agency shall open the first block of

1 annual capacity for the category described in item
2 (ii) of subparagraph (K) of this paragraph (1).
3 The first block of annual capacity for item (ii)
4 shall be for at least 75 megawatts of total
5 nameplate capacity.

6 (A) The price of the renewable energy
7 credit for any project on a waitlist for this
8 category before the opening of this block
9 shall be 4% less than the price of the last
10 open block in this category. Projects on the
11 waitlist shall be awarded contracts first in
12 the order in which they appear on the
13 waitlist. Any projects that are less than or
14 equal to 25 kilowatts in size on the waitlist
15 for this capacity shall be moved to the
16 waitlist for paragraph (1) of this item (iv).
17 Notwithstanding anything to the contrary,
18 projects that were on the waitlist prior to
19 opening of this block shall not be required to
20 be in compliance with the requirements of
21 subparagraph (Q) of this paragraph (1) of this
22 subsection (c). Notwithstanding anything to
23 the contrary, for those renewable energy
24 credits procured from projects that were on
25 the waitlist for this category before the
26 opening of this block 20% of the renewable

1 energy credit delivery contract value, based
2 on the estimated generation during the first
3 15 years of operation, shall be paid by the
4 contracting utilities at the time that the
5 facility producing the renewable energy
6 credits is interconnected at the distribution
7 system level of the utility and verified as
8 energized by the Program Administrator. The
9 remaining portion shall be paid ratably over
10 the subsequent 4-year period. The electric
11 utility shall receive and retire all renewable
12 energy credits generated by the project during
13 the first 15 years of operation. Renewable
14 energy credits generated by the project
15 thereafter shall not be transferred under the
16 renewable energy credit delivery contract with
17 the counterparty electric utility.

18 (B) The price of renewable energy credits
19 for any project not on the waitlist for this
20 category before the opening of the block shall
21 be determined and published by the Agency.
22 Projects not on a waitlist as of the opening
23 of this block shall be subject to the
24 requirements of subparagraph (Q) of this
25 paragraph (1), as applicable. Projects not on
26 a waitlist as of the opening of this block

1 shall be subject to the contract provisions
2 outlined in item (iii) of subparagraph (L) of
3 this paragraph (1). The Agency shall strive to
4 publish updated prices and an updated
5 renewable energy credit delivery contract as
6 quickly as possible.

7 (3) For opening the first 2 blocks of annual
8 capacity for projects participating in item (iii)
9 of subparagraph (K) of paragraph (1) of subsection
10 (c), projects shall be selected exclusively from
11 those projects on the ordinal waitlists of
12 community renewable generation projects
13 established by the Agency based on the status of
14 those ordinal waitlists as of December 31, 2020,
15 and only those projects previously determined to
16 be eligible for the Agency's April 2019 community
17 solar project selection process.

18 The first 2 blocks of annual capacity for item
19 (iii) shall be for 250 megawatts of total
20 nameplate capacity, with both blocks opening
21 simultaneously under the schedule outlined in the
22 paragraphs below. Projects shall be selected as
23 follows:

24 (A) The geographic balance of selected
25 projects shall follow the Group classification
26 found in the Agency's Revised Long-Term

1 Renewable Resources Procurement Plan, with 70%
2 of capacity allocated to projects on the Group
3 B waitlist and 30% of capacity allocated to
4 projects on the Group A waitlist.

5 (B) Contract awards for waitlisted
6 projects shall be allocated proportionate to
7 the total nameplate capacity amount across
8 both ordinal waitlists associated with that
9 applicant firm or its affiliates, subject to
10 the following conditions.

11 (i) Each applicant firm having a
12 waitlisted project eligible for selection
13 shall receive no less than 500 kilowatts
14 in awarded capacity across all groups, and
15 no approved vendor may receive more than
16 20% of each Group's waitlist allocation.

17 (ii) Each applicant firm, upon
18 receiving an award of program capacity
19 proportionate to its waitlisted capacity,
20 may then determine which waitlisted
21 projects it chooses to be selected for a
22 contract award up to that capacity amount.

23 (iii) Assuming all other program
24 requirements are met, applicant firms may
25 adjust the nameplate capacity of applicant
26 projects without losing waitlist

1 eligibility, so long as no project is
2 greater than 2,000 kilowatts in size.

3 (iv) Assuming all other program
4 requirements are met, applicant firms may
5 adjust the expected production associated
6 with applicant projects, subject to
7 verification by the Program Administrator.

8 (C) After a review of affiliate
9 information and the current ordinal waitlists,
10 the Agency shall announce the nameplate
11 capacity award amounts associated with
12 applicant firms no later than 90 days after
13 the effective date of this amendatory Act of
14 the 102nd General Assembly.

15 (D) Applicant firms shall submit their
16 portfolio of projects used to satisfy those
17 contract awards no less than 90 days after the
18 Agency's announcement. The total nameplate
19 capacity of all projects used to satisfy that
20 portfolio shall be no greater than the
21 Agency's nameplate capacity award amount
22 associated with that applicant firm. An
23 applicant firm may decline, in whole or in
24 part, its nameplate capacity award without
25 penalty, with such unmet capacity rolled over
26 to the next block opening for project

1 selection under item (iii) of subparagraph (K)
2 of this subsection (c). Any projects not
3 included in an applicant firm's portfolio may
4 reapply without prejudice upon the next block
5 reopening for project selection under item
6 (iii) of subparagraph (K) of this subsection
7 (c).

8 (E) The renewable energy credit delivery
9 contract shall be subject to the contract and
10 payment terms outlined in item (iv) of
11 subparagraph (L) of this subsection (c).
12 Contract instruments used for this
13 subparagraph shall contain the following
14 terms:

15 (i) Renewable energy credit prices
16 shall be fixed, without further adjustment
17 under any other provision of this Act or
18 for any other reason, at 10% lower than
19 prices applicable to the last open block
20 for this category, inclusive of any adders
21 available for achieving a minimum of 50%
22 of subscribers to the project's nameplate
23 capacity being residential or small
24 commercial customers with subscriptions of
25 below 25 kilowatts in size;

26 (ii) A requirement that a minimum of

1 50% of subscribers to the project's
2 nameplate capacity be residential or small
3 commercial customers with subscriptions of
4 below 25 kilowatts in size;

5 (iii) Permission for the ability of a
6 contract holder to substitute projects
7 with other waitlisted projects without
8 penalty should a project receive a
9 non-binding estimate of costs to construct
10 the interconnection facilities and any
11 required distribution upgrades associated
12 with that project of greater than 30 cents
13 per watt AC of that project's nameplate
14 capacity. In developing the applicable
15 contract instrument, the Agency may
16 consider whether other circumstances
17 outside of the control of the applicant
18 firm should also warrant project
19 substitution rights.

20 The Agency shall publish a finalized
21 updated renewable energy credit delivery
22 contract developed consistent with these terms
23 and conditions no less than 30 days before
24 applicant firms must submit their portfolio of
25 projects pursuant to item (D).

26 (F) To be eligible for an award, the

1 applicant firm shall certify that not less
2 than prevailing wage, as determined pursuant
3 to the Illinois Prevailing Wage Act, was or
4 will be paid to employees who are engaged in
5 construction activities associated with a
6 selected project.

7 (4) The Agency shall open the first block of
8 annual capacity for the category described in item
9 (iv) of subparagraph (K) of this paragraph (1).
10 The first block of annual capacity for item (iv)
11 shall be for at least 50 megawatts of total
12 nameplate capacity. Renewable energy credit prices
13 shall be fixed, without further adjustment under
14 any other provision of this Act or for any other
15 reason, at the price in the last open block in the
16 category described in item (ii) of subparagraph
17 (K) of this paragraph (1). Pricing for future
18 blocks of annual capacity for this category may be
19 adjusted in the Agency's second revision to its
20 Long-Term Renewable Resources Procurement Plan.
21 Projects in this category shall be subject to the
22 contract terms outlined in item (iv) of
23 subparagraph (L) of this paragraph (1).

24 (5) The Agency shall open the equivalent of 2
25 years of annual capacity for the category
26 described in item (v) of subparagraph (K) of this

1 paragraph (1). The first block of annual capacity
2 for item (v) shall be for at least 10 megawatts of
3 total nameplate capacity. Notwithstanding the
4 provisions of item (v) of subparagraph (K) of this
5 paragraph (1), for the purpose of this initial
6 block, the agency shall accept new project
7 applications intended to increase the diversity of
8 areas hosting community solar projects, the
9 business models of projects, and the size of
10 projects, as described by the Agency in its
11 long-term renewable resources procurement plan
12 that is approved as of the effective date of this
13 amendatory Act of the 102nd General Assembly.
14 Projects in this category shall be subject to the
15 contract terms outlined in item (iii) of
16 subsection (L) of this paragraph (1).

17 (6) The Agency shall open the first blocks of
18 annual capacity for the category described in item
19 (vi) of subparagraph (K) of this paragraph (1),
20 with allocations of capacity within the block
21 generally matching the historical share of block
22 capacity allocated between the category described
23 in items (i) and (ii) of subparagraph (K) of this
24 paragraph (1). The first two blocks of annual
25 capacity for item (vi) shall be for at least 75
26 megawatts of total nameplate capacity. The price

1 of renewable energy credits for the blocks of
2 capacity shall be 4% less than the price of the
3 last open blocks in the categories described in
4 items (i) and (ii) of subparagraph (K) of this
5 paragraph (1). Pricing for future blocks of annual
6 capacity for this category may be adjusted in the
7 Agency's second revision to its Long-Term
8 Renewable Resources Procurement Plan. Projects in
9 this category shall be subject to the applicable
10 contract terms outlined in items (ii) and (iii) of
11 subparagraph (L) of this paragraph (1). ~~If, at any~~
12 ~~time after the time set for delivery of renewable~~
13 ~~energy credits pursuant to the initial~~
14 ~~procurements in items (i) and (ii) of this~~
15 ~~subparagraph (G), the cumulative amount of~~
16 ~~renewable energy credits projected to be delivered~~
17 ~~from all new wind projects in a given delivery~~
18 ~~year exceeds the cumulative amount of renewable~~
19 ~~energy credits projected to be delivered from all~~
20 ~~new photovoltaic projects in that delivery year by~~
21 ~~200,000 or more renewable energy credits, then the~~
22 ~~Agency shall within 60 days adjust the procurement~~
23 ~~programs in the long-term renewable resources~~
24 ~~procurement plan to ensure that the projected~~
25 ~~cumulative amount of renewable energy credits to~~
26 ~~be delivered from all new wind projects does not~~

1 ~~exceed the projected cumulative amount of~~
2 ~~renewable energy credits to be delivered from all~~
3 ~~new photovoltaic projects by 200,000 or more~~
4 ~~renewable energy credits, provided that nothing in~~
5 ~~this Section shall preclude the projected~~
6 ~~cumulative amount of renewable energy credits to~~
7 ~~be delivered from all new photovoltaic projects~~
8 ~~from exceeding the projected cumulative amount of~~
9 ~~renewable energy credits to be delivered from all~~
10 ~~new wind projects in each delivery year and~~
11 ~~provided further that nothing in this item (iv)~~
12 ~~shall require the curtailment of an executed~~
13 ~~contract. The Agency shall update, on a quarterly~~
14 ~~basis, its projection of the renewable energy~~
15 ~~credits to be delivered from all projects in each~~
16 ~~delivery year. Notwithstanding anything to the~~
17 ~~contrary, the Agency may adjust the timing of~~
18 ~~procurement events conducted under this~~
19 ~~subparagraph (G). The long term renewable~~
20 ~~resources procurement plan shall set forth the~~
21 ~~process by which the adjustments may be made.~~

22 (v) Upon the effective date of this amendatory Act
23 of the 102nd General Assembly, for all competitive
24 procurements and any procurements of renewable energy
25 credit from new utility-scale wind and new
26 utility-scale photovoltaic projects, the Agency shall

1 procure indexed renewable energy credits and direct
2 respondents to offer a strike price.

3 (1) The purchase price of the indexed
4 renewable energy credit payment shall be
5 calculated for each settlement period. That
6 payment, for any settlement period, shall be equal
7 to the difference resulting from subtracting the
8 strike price from the index price for that
9 settlement period. If this difference results in a
10 negative number, the indexed REC counterparty
11 shall owe the seller the absolute value multiplied
12 by the quantity of energy produced in the relevant
13 settlement period. If this difference results in a
14 positive number, the seller shall owe the indexed
15 REC counterparty this amount multiplied by the
16 quantity of energy produced in the relevant
17 settlement period.

18 (2) Parties shall cash settle every month,
19 summing up all settlements (both positive and
20 negative, if applicable) for the prior month.

21 (3) To ensure funding in the annual budget
22 established under subparagraph (E) for indexed
23 renewable energy credit procurements for each year
24 of the term of such contracts, which must have a
25 minimum tenure of 20 calendar years, the
26 procurement administrator, Agency, Commission

1 staff, and procurement monitor shall quantify the
2 annual cost of the contract by utilizing an
3 industry-standard, third-party forward price curve
4 for energy at the appropriate hub or load zone,
5 including the estimated magnitude and timing of
6 the price effects related to federal carbon
7 controls. Each forward price curve shall contain a
8 specific value of the forecasted market price of
9 electricity for each annual delivery year of the
10 contract. For procurement planning purposes, the
11 impact on the annual budget for the cost of
12 indexed renewable energy credits for each delivery
13 year shall be determined as the expected annual
14 contract expenditure for that year, equaling the
15 difference between (i) the sum across all relevant
16 contracts of the applicable strike price
17 multiplied by contract quantity and (ii) the sum
18 across all relevant contracts of the forward price
19 curve for the applicable load zone for that year
20 multiplied by contract quantity. The contracting
21 utility shall not assume an obligation in excess
22 of the estimated annual cost of the contracts for
23 indexed renewable energy credits. Forward curves
24 shall be revised on an annual basis as updated
25 forward price curves are released and filed with
26 the Commission in the proceeding approving the

1 Agency's most recent long-term renewable resources
2 procurement plan. If the expected contract spend
3 is higher or lower than the total quantity of
4 contracts multiplied by the forward price curve
5 value for that year, the forward price curve shall
6 be updated by the procurement administrator, in
7 consultation with the Agency, Commission staff,
8 and procurement monitors, using then-currently
9 available price forecast data and additional
10 budget dollars shall be obligated or reobligated
11 as appropriate.

12 (4) To ensure that indexed renewable energy
13 credit prices remain predictable and affordable,
14 the Agency may consider the institution of a price
15 collar on REC prices paid under indexed renewable
16 energy credit procurements establishing floor and
17 ceiling REC prices applicable to indexed REC
18 contract prices. Any price collars applicable to
19 indexed REC procurements shall be proposed by the
20 Agency through its long-term renewable resources
21 procurement plan.

22 (vi) ~~(v)~~ All procurements under this subparagraph
23 (G) shall comply with the geographic requirements in
24 subparagraph (I) of this paragraph (1) and shall
25 follow the procurement processes and procedures
26 described in this Section and Section 16-111.5 of the

1 Public Utilities Act to the extent practicable, and
2 these processes and procedures may be expedited to
3 accommodate the schedule established by this
4 subparagraph (G).

5 (H) The procurement of renewable energy resources for
6 a given delivery year shall be reduced as described in
7 this subparagraph (H) if an alternative retail electric
8 supplier meets the requirements described in this
9 subparagraph (H).

10 (i) Within 45 days after June 1, 2017 (the
11 effective date of Public Act 99-906), an alternative
12 retail electric supplier or its successor shall submit
13 an informational filing to the Illinois Commerce
14 Commission certifying that, as of December 31, 2015,
15 the alternative retail electric supplier owned one or
16 more electric generating facilities that generates
17 renewable energy resources as defined in Section 1-10
18 of this Act, provided that such facilities are not
19 powered by wind or photovoltaics, and the facilities
20 generate one renewable energy credit for each
21 megawatthour of energy produced from the facility.

22 The informational filing shall identify each
23 facility that was eligible to satisfy the alternative
24 retail electric supplier's obligations under Section
25 16-115D of the Public Utilities Act as described in
26 this item (i).

1 (ii) For a given delivery year, the alternative
2 retail electric supplier may elect to supply its
3 retail customers with renewable energy credits from
4 the facility or facilities described in item (i) of
5 this subparagraph (H) that continue to be owned by the
6 alternative retail electric supplier.

7 (iii) The alternative retail electric supplier
8 shall notify the Agency and the applicable utility, no
9 later than February 28 of the year preceding the
10 applicable delivery year or 15 days after June 1, 2017
11 (the effective date of Public Act 99-906), whichever
12 is later, of its election under item (ii) of this
13 subparagraph (H) to supply renewable energy credits to
14 retail customers of the utility. Such election shall
15 identify the amount of renewable energy credits to be
16 supplied by the alternative retail electric supplier
17 to the utility's retail customers and the source of
18 the renewable energy credits identified in the
19 informational filing as described in item (i) of this
20 subparagraph (H), subject to the following
21 limitations:

22 For the delivery year beginning June 1, 2018,
23 the maximum amount of renewable energy credits to
24 be supplied by an alternative retail electric
25 supplier under this subparagraph (H) shall be 68%
26 multiplied by 25% multiplied by 14.5% multiplied

1 by the amount of metered electricity
2 (megawatt-hours) delivered by the alternative
3 retail electric supplier to Illinois retail
4 customers during the delivery year ending May 31,
5 2016.

6 For delivery years beginning June 1, 2019 and
7 each year thereafter, the maximum amount of
8 renewable energy credits to be supplied by an
9 alternative retail electric supplier under this
10 subparagraph (H) shall be 68% multiplied by 50%
11 multiplied by 16% multiplied by the amount of
12 metered electricity (megawatt-hours) delivered by
13 the alternative retail electric supplier to
14 Illinois retail customers during the delivery year
15 ending May 31, 2016, provided that the 16% value
16 shall increase by 1.5% each delivery year
17 thereafter to 25% by the delivery year beginning
18 June 1, 2025, and thereafter the 25% value shall
19 apply to each delivery year.

20 For each delivery year, the total amount of
21 renewable energy credits supplied by all alternative
22 retail electric suppliers under this subparagraph (H)
23 shall not exceed 9% of the Illinois target renewable
24 energy credit quantity. The Illinois target renewable
25 energy credit quantity for the delivery year beginning
26 June 1, 2018 is 14.5% multiplied by the total amount of

1 metered electricity (megawatt-hours) delivered in the
2 delivery year immediately preceding that delivery
3 year, provided that the 14.5% shall increase by 1.5%
4 each delivery year thereafter to 25% by the delivery
5 year beginning June 1, 2025, and thereafter the 25%
6 value shall apply to each delivery year.

7 If the requirements set forth in items (i) through
8 (iii) of this subparagraph (H) are met, the charges
9 that would otherwise be applicable to the retail
10 customers of the alternative retail electric supplier
11 under paragraph (6) of this subsection (c) for the
12 applicable delivery year shall be reduced by the ratio
13 of the quantity of renewable energy credits supplied
14 by the alternative retail electric supplier compared
15 to that supplier's target renewable energy credit
16 quantity. The supplier's target renewable energy
17 credit quantity for the delivery year beginning June
18 1, 2018 is 14.5% multiplied by the total amount of
19 metered electricity (megawatt-hours) delivered by the
20 alternative retail supplier in that delivery year,
21 provided that the 14.5% shall increase by 1.5% each
22 delivery year thereafter to 25% by the delivery year
23 beginning June 1, 2025, and thereafter the 25% value
24 shall apply to each delivery year.

25 On or before April 1 of each year, the Agency shall
26 annually publish a report on its website that

1 identifies the aggregate amount of renewable energy
2 credits supplied by alternative retail electric
3 suppliers under this subparagraph (H).

4 (I) The Agency shall design its long-term renewable
5 energy procurement plan to maximize the State's interest
6 in the health, safety, and welfare of its residents,
7 including but not limited to minimizing sulfur dioxide,
8 nitrogen oxide, particulate matter and other pollution
9 that adversely affects public health in this State,
10 increasing fuel and resource diversity in this State,
11 enhancing the reliability and resiliency of the
12 electricity distribution system in this State, meeting
13 goals to limit carbon dioxide emissions under federal or
14 State law, and contributing to a cleaner and healthier
15 environment for the citizens of this State. In order to
16 further these legislative purposes, renewable energy
17 credits shall be eligible to be counted toward the
18 renewable energy requirements of this subsection (c) if
19 they are generated from facilities located in this State.
20 The Agency may qualify renewable energy credits from
21 facilities located in states adjacent to Illinois or
22 renewable energy credits associated with the electricity
23 generated by a utility-scale wind energy facility or
24 utility-scale photovoltaic facility and transmitted by a
25 qualifying direct current project described in subsection
26 (b-5) of Section 8-406 of the Public Utilities Act to a

1 delivery point on the electric transmission grid located
2 in this State or a state adjacent to Illinois, if the
3 generator demonstrates and the Agency determines that the
4 operation of such facility or facilities will help promote
5 the State's interest in the health, safety, and welfare of
6 its residents based on the public interest criteria
7 described above. For the purposes of this Section,
8 renewable resources that are delivered via a high voltage
9 direct current converter station located in Illinois shall
10 be deemed generated in Illinois at the time and location
11 the energy is converted to alternating current by the high
12 voltage direct current converter station if the high
13 voltage direct current transmission line: (i) was
14 constructed with a project labor agreement; (ii) is
15 capable of transmitting electricity at 525kv; (iii) has an
16 Illinois converter station located and interconnected in
17 the region of the PJM Interconnection, LLC; (iv) does not
18 operate as a public utility; and (v) if the high voltage
19 direct current transmission line was energized after June
20 1, 2023. To ensure that the public interest criteria are
21 applied to the procurement and given full effect, the
22 Agency's long-term procurement plan shall describe in
23 detail how each public interest factor shall be considered
24 and weighted for facilities located in states adjacent to
25 Illinois.

26 (J) In order to promote the competitive development of

1 renewable energy resources in furtherance of the State's
2 interest in the health, safety, and welfare of its
3 residents, renewable energy credits shall not be eligible
4 to be counted toward the renewable energy requirements of
5 this subsection (c) if they are sourced from a generating
6 unit whose costs were being recovered through rates
7 regulated by this State or any other state or states on or
8 after January 1, 2017. Each contract executed to purchase
9 renewable energy credits under this subsection (c) shall
10 provide for the contract's termination if the costs of the
11 generating unit supplying the renewable energy credits
12 subsequently begin to be recovered through rates regulated
13 by this State or any other state or states; and each
14 contract shall further provide that, in that event, the
15 supplier of the credits must return 110% of all payments
16 received under the contract. Amounts returned under the
17 requirements of this subparagraph (J) shall be retained by
18 the utility and all of these amounts shall be used for the
19 procurement of additional renewable energy credits from
20 new wind or new photovoltaic resources as defined in this
21 subsection (c). The long-term plan shall provide that
22 these renewable energy credits shall be procured in the
23 next procurement event.

24 Notwithstanding the limitations of this subparagraph
25 (J), renewable energy credits sourced from generating
26 units that are constructed, purchased, owned, or leased by

1 an electric utility as part of an approved project,
2 program, or pilot under Section 1-56 of this Act shall be
3 eligible to be counted toward the renewable energy
4 requirements of this subsection (c), regardless of how the
5 costs of these units are recovered. As long as a
6 generating unit or an identifiable portion of a generating
7 unit has not had and does not have its costs recovered
8 through rates regulated by this State or any other state,
9 HVDC renewable energy credits associated with that
10 generating unit or identifiable portion thereof shall be
11 eligible to be counted toward the renewable energy
12 requirements of this subsection (c).

13 (K) The long-term renewable resources procurement plan
14 developed by the Agency in accordance with subparagraph
15 (A) of this paragraph (1) shall include an Adjustable
16 Block program for the procurement of renewable energy
17 credits from new photovoltaic projects that are
18 distributed renewable energy generation devices or new
19 photovoltaic community renewable generation projects. The
20 Adjustable Block program shall be generally designed to
21 provide for the steady, predictable, and sustainable
22 growth of new solar photovoltaic development in Illinois.
23 To this end, the Adjustable Block program shall provide a
24 transparent annual schedule of prices and quantities to
25 enable the photovoltaic market to scale up and for
26 renewable energy credit prices to adjust at a predictable

1 rate over time. The prices set by the Adjustable Block
2 program can be reflected as a set value or as the product
3 of a formula.

4 The Adjustable Block program shall include for each
5 category of eligible projects for each delivery year: a
6 single block of nameplate capacity, a price for renewable
7 energy credits within that block, and the terms and
8 conditions for securing a spot on a waitlist once the
9 block is ~~: a schedule of standard block purchase prices to~~
10 ~~be offered; a series of steps, with associated nameplate~~
11 ~~capacity and purchase prices that adjust from step to~~
12 ~~step; and automatic opening of the next step as soon as the~~
13 ~~nameplate capacity and available purchase prices for an~~
14 ~~open step~~ are fully committed or reserved. Except as
15 outlined below, the waitlist of projects in a given year
16 will carry over to apply to the subsequent year when
17 another block is opened. Only projects energized on or
18 after June 1, 2017 shall be eligible for the Adjustable
19 Block program. For each category for each delivery year
20 ~~block group~~ the Agency shall determine ~~the number of~~
21 ~~blocks,~~ the amount of generation capacity in each block,
22 and the purchase price for each block, provided that the
23 purchase price provided and the total amount of generation
24 in all blocks for all categories ~~block groups~~ shall be
25 sufficient to meet the goals in this subsection (c). The
26 Agency shall strive to issue a single block sized to

1 provide for stability and market growth. The Agency shall
2 establish program eligibility requirements that ensure
3 that projects that enter the program are sufficiently
4 mature to indicate a demonstrable path to completion. The
5 Agency may periodically review its prior decisions
6 establishing ~~the number of blocks,~~ the amount of
7 generation capacity in each block, and the purchase price
8 for each block, and may propose, on an expedited basis,
9 changes to these previously set values, including but not
10 limited to redistributing these amounts and the available
11 funds as necessary and appropriate, subject to Commission
12 approval as part of the periodic plan revision process
13 described in Section 16-111.5 of the Public Utilities Act.
14 The Agency may define different block sizes, purchase
15 prices, or other distinct terms and conditions for
16 projects located in different utility service territories
17 if the Agency deems it necessary to meet the goals in this
18 subsection (c).

19 The Adjustable Block program shall include ~~at least~~
20 the following categories ~~block groups~~ in at least the
21 following amounts, ~~which may be adjusted upon review by~~
22 ~~the Agency and approval by the Commission as described in~~
23 ~~this subparagraph (K):~~

- 24 (i) At least 20% ~~25%~~ from distributed renewable
25 energy generation devices with a nameplate capacity of
26 no more than 25 ~~10~~ kilowatts.

1 (ii) At least 20% ~~25%~~ from distributed renewable
2 energy generation devices with a nameplate capacity of
3 more than 25 ~~10~~ kilowatts and no more than 5,000 ~~2,000~~
4 kilowatts. The Agency may create sub-categories within
5 this category to account for the differences between
6 projects for small commercial customers, large
7 commercial customers, and public or non-profit
8 customers.

9 (iii) At least 30% ~~25%~~ from photovoltaic community
10 renewable generation projects. Capacity for this
11 category for the first 2 delivery years after the
12 effective date of this amendatory Act of the 102nd
13 General Assembly shall be allocated to waitlist
14 projects as provided in paragraph (3) of item (iv) of
15 subparagraph (G). Starting in the third delivery year
16 after the effective date of this amendatory Act of the
17 102nd General Assembly or earlier if the Agency
18 determines there is additional capacity needed for to
19 meet previous delivery year requirements, the
20 following shall apply:

21 (1) the Agency shall select projects on a
22 first-come, first-serve basis, however the Agency
23 may suggest additional methods to prioritize
24 projects that are submitted at the same time;

25 (2) projects shall have subscriptions of 25 kW
26 or less for at least 50% of the facility's

1 nameplate capacity and the Agency shall price the
2 renewable energy credits with that as a factor;

3 (3) projects shall not be colocated with one
4 or more other community renewable generation
5 projects, as defined in the Agency's first revised
6 long-term renewable resources procurement plan
7 approved by the Commission on February 18, 2020,
8 such that the aggregate nameplate capacity exceeds
9 5,000 kilowatts; and

10 (4) projects greater than 2 MW may not apply
11 until after the approval of the Agency's revised
12 Long-Term Renewable Resources Procurement Plan
13 after the effective date of this amendatory Act of
14 the 102nd General Assembly.

15 (iv) At least 15% from distributed renewable
16 generation devices or photovoltaic community renewable
17 generation projects installed at public schools. The
18 Agency may create subcategories within this category
19 to account for the differences between project size or
20 location. Projects located within environmental
21 justice communities or within Organizational Units
22 that fall within Tier 1 or Tier 2 shall be given
23 priority. Each of the Agency's periodic updates to its
24 long-term renewable resources procurement plan to
25 incorporate the procurement described in this
26 subparagraph (iv) shall also include the proposed

1 quantities or blocks, pricing, and contract terms
2 applicable to the procurement as indicated herein. In
3 each such update and procurement, the Agency shall set
4 the renewable energy credit price and establish
5 payment terms for the renewable energy credits
6 procured pursuant to this subparagraph (iv) that make
7 it feasible and affordable for public schools to
8 install photovoltaic distributed renewable energy
9 devices on their premises, including, but not limited
10 to, those public schools subject to the prioritization
11 provisions of this subparagraph. For the purposes of
12 this item (iv):

13 "Environmental Justice Community" shall have the
14 same meaning set forth in the Agency's long-term
15 renewable resources procurement plan;

16 "Organization Unit", "Tier 1" and "Tier 2" shall
17 have the meanings set for in Section 18-8.15 of the
18 School Code;

19 "Public schools" shall have the meaning set forth
20 in Section 1-3 of the School Code.

21 (v) At least 5% from community-driven community
22 solar projects intended to provide more direct and
23 tangible connection and benefits to the communities
24 which they serve or in which they operate and,
25 additionally, to increase the variety of community
26 solar locations, models, and options in Illinois. As

1 part of its long-term renewable resources procurement
2 plan, the Agency shall develop selection criteria for
3 projects participating in this category. Nothing in
4 this Section shall preclude the Agency from creating a
5 selection process that maximizes community ownership
6 and community benefits in selecting projects to
7 receive renewable energy credits. Selection criteria
8 shall include:

9 (1) community ownership or community
10 wealth-building;

11 (2) additional direct and indirect community
12 benefit, beyond project participation as a
13 subscriber, including, but not limited to,
14 economic, environmental, social, cultural, and
15 physical benefits;

16 (3) meaningful involvement in project
17 organization and development by community members
18 or nonprofit organizations or public entities
19 located in or serving the community;

20 (4) engagement in project operations and
21 management by nonprofit organizations, public
22 entities, or community members; and

23 (5) whether a project is developed in response
24 to a site-specific RFP developed by community
25 members or a nonprofit organization or public
26 entity located in or serving the community.

1 Selection criteria may also prioritize projects
2 that:

3 (1) are developed in collaboration with or to
4 provide complementary opportunities for the Clean
5 Jobs Workforce Network Program, the Illinois
6 Climate Works Preapprenticeship Program, the
7 Returning Residents Clean Jobs Training Program,
8 the Clean Energy Contractor Incubator Program, or
9 the Clean Energy Primes Contractor Accelerator
10 Program;

11 (2) increase the diversity of locations of
12 community solar projects in Illinois, including by
13 locating in urban areas and population centers;

14 (3) are located in Equity Investment Eligible
15 Communities;

16 (4) are not greenfield projects;

17 (5) serve only local subscribers;

18 (6) have a nameplate capacity that does not
19 exceed 500 kW;

20 (7) are Equitable Energy Future Certified or
21 developed by an equity eligible contractor; or

22 (8) otherwise meaningfully advance the goals
23 of providing more direct and tangible connection
24 and benefits to the communities which they serve
25 or in which they operate and increasing the
26 variety of community solar locations, models, and

1 options in Illinois.

2 For the purposes of this item (v):

3 "Community" means a social unit in which people
4 come together regularly to effect change; a social
5 unit in which participants are marked by a cooperative
6 spirit, a common purpose, or shared interests or
7 characteristics; or a space understood by its
8 residents to be delineated through geographic
9 boundaries or landmarks.

10 "Community benefit" means a range of services and
11 activities that provide affirmative, economic,
12 environmental, social, cultural, or physical value to
13 a community; or a mechanism that enables economic
14 development, high-quality employment, and education
15 opportunities for local workers and residents, or
16 formal monitoring and oversight structures such that
17 community members may ensure that those services and
18 activities respond to local knowledge and needs.

19 "Community ownership" means an arrangement in
20 which an electric generating facility is, or over time
21 will be, in significant part, owned collectively by
22 members of the community to which an electric
23 generating facility provides benefits; members of that
24 community participate in decisions regarding the
25 governance, operation, maintenance, and upgrades of
26 and to that facility; and members of that community

1 benefit from regular use of that facility.

2 Terms and guidance within these criteria that are
3 not defined in this item (v) shall be defined by the
4 Agency, with stakeholder input, during the development
5 of the Agency's long-term renewable resources
6 procurement plan. The Agency shall develop regular
7 opportunities for projects to submit applications for
8 projects under this category, and develop selection
9 criteria that gives preference to projects that better
10 meet individual criteria as well as projects that
11 address a higher number of criteria.

12 (vi) At least 10% from distributed renewable
13 energy generation devices, which includes distributed
14 renewable energy devices with a nameplate capacity
15 under 5,000 kilowatts or photovoltaic community
16 renewable generation projects, from applicants that
17 are equity eligible contractors. The Agency may create
18 subcategories within this category to account for the
19 differences between project size and type. The Agency
20 shall propose to increase the percentage in this item
21 (vi) over time to 40% based on factors, including, but
22 not limited to, the number of equity eligible
23 contractors and capacity used in this item (vi) in
24 previous delivery years. Applicants that have
25 Equitable Energy Future Certifications are not
26 eligible for this block, including if the block's

1 percentage increases.

2 The Agency shall propose a payment structure for
3 contracts executed pursuant to this paragraph under
4 which, upon a demonstration of qualification or need,
5 applicant firms are advanced capital disbursed after
6 contract execution but before the contracted project's
7 energization. The amount or percentage of capital
8 advanced prior to project energization shall be
9 sufficient to both cover any increase in development
10 costs resulting from prevailing wage requirements or
11 project-labor agreements, and designed to overcome
12 barriers in access to capital faced by Equity Eligible
13 Contractors. The amount or percentage of advanced
14 capital may vary by subcategory within this category
15 and by an applicant's demonstration of need, with such
16 levels to be established through the Long-Term
17 Renewable Resources Procurement Plan authorized under
18 subparagraph (A) of paragraph (1) of subsection (c) of
19 this Section.

20 Contracts developed featuring capital advanced
21 prior to a project's energization shall feature
22 provisions to ensure both the successful development
23 of applicant projects and the delivery of the
24 renewable energy credits for the full term of the
25 contract, including ongoing collateral requirements
26 and other provisions deemed necessary by the Agency,

1 and may include energization timelines longer than for
2 comparable project types. The percentage or amount of
3 capital advanced prior to project energization shall
4 not operate to increase the overall contract value,
5 however contracts executed under this subparagraph may
6 feature renewable energy credit prices higher than
7 those offered to similar projects participating in
8 other categories. Capital advanced prior to
9 energization shall serve to reduce the ratable
10 payments made after energization under items (ii) and
11 (iii) of subparagraph (L) or payments made for each
12 renewable energy credit delivery under item (iv) of
13 subparagraph (L).

14 (vii) ~~(iv)~~ The remaining capacity 25% shall be
15 allocated ~~as specified~~ by the Agency in order to
16 respond to market demand ~~the long term renewable~~
17 ~~resources procurement plan.~~ The Agency shall allocate
18 any discretionary capacity prior to the beginning of
19 each delivery year.

20 To the extent there is uncontracted capacity from any
21 block in any of categories (i) through (vi) at the end of a
22 delivery year, the Agency shall redistribute that capacity
23 to one or more other categories giving priority to
24 categories with projects on a waitlist. The redistributed
25 capacity shall be added to the annual capacity in the
26 subsequent delivery year, and the price for renewable

1 energy credits shall be the price for the new delivery
2 year. Redistributed capacity shall not be considered
3 redistributed when determining whether the goals in this
4 subsection (K) have been met.

5 Notwithstanding anything to the contrary, as the
6 Agency increases the capacity in item (vi) to 40% over
7 time, the Agency may reduce the capacity of items (i)
8 through (v) proportionate to the capacity of the
9 categories of projects in item (vi), to achieve a balance
10 of project types.

11 The Adjustable Block program shall be designed to
12 ensure that renewable energy credits are procured from
13 ~~photovoltaic distributed renewable energy generation~~
14 ~~devices and new photovoltaic community renewable energy~~
15 ~~generation~~ projects in diverse locations and are not
16 concentrated in a few regional ~~geographic~~ areas.

17 (L) Notwithstanding provisions for advancing capital
18 prior to project energization found in item (vi) of
19 subparagraph (K), the ~~The~~ procurement of photovoltaic
20 renewable energy credits under items (i) through (vi) ~~(iv)~~
21 of subparagraph (K) of this paragraph (1) shall otherwise
22 be subject to the following contract and payment terms:

23 (i) (Blank). ~~The Agency shall procure contracts of at~~
24 ~~least 15 years in length.~~

25 (ii) For those renewable energy credits that
26 qualify and are procured under item (i) of

1 subparagraph (K) of this paragraph (1), and any
2 similar category projects that are procured under item
3 (vi) of subparagraph (K) of this paragraph (1) that
4 qualify and are procured under item (vi), the contract
5 length shall be 15 years. The renewable energy credit
6 delivery contract value ~~purchase price~~ shall be paid
7 in full, based on the estimated generation during the
8 first 15 years of operation, by the contracting
9 utilities at the time that the facility producing the
10 renewable energy credits is interconnected at the
11 distribution system level of the utility and verified
12 as energized and compliant by the Program
13 Administrator ~~energized~~. The electric utility shall
14 receive and retire all renewable energy credits
15 generated by the project for the first 15 years of
16 operation. Renewable energy credits generated by the
17 project thereafter shall not be transferred under the
18 renewable energy credit delivery contract with the
19 counterparty electric utility.

20 (iii) For those renewable energy credits that
21 qualify and are procured under item (ii) and (v) ~~(iii)~~
22 of subparagraph (K) of this paragraph (1) and any like
23 projects similar category that qualify and are
24 procured under item (vi), the contract length shall be
25 15 years. 15% any additional categories of distributed
26 ~~generation included in the long term renewable~~

1 ~~resources procurement plan and approved by the~~
2 ~~Commission, 20 percent of the renewable energy credit~~
3 delivery contract value, based on the estimated
4 generation during the first 15 years of operation,
5 ~~purchase price~~ shall be paid by the contracting
6 utilities at the time that the facility producing the
7 renewable energy credits is interconnected at the
8 distribution system level of the utility and verified
9 as energized and compliant by the Program
10 Administrator. The remaining portion shall be paid
11 ratably over the subsequent 6-year ~~4-year~~ period. The
12 electric utility shall receive and retire all
13 renewable energy credits generated by the project for
14 the first 15 years of operation. Renewable energy
15 credits generated by the project thereafter shall not
16 be transferred under the renewable energy credit
17 delivery contract with the counterparty electric
18 utility.

19 (iv) For those renewable energy credits that
20 qualify and are procured under items (iii) and (iv) of
21 subparagraph (K) of this paragraph (1), and any like
22 projects that qualify and are procured under item
23 (vi), the renewable energy credit delivery contract
24 length shall be 20 years and shall be paid over the
25 delivery term, not to exceed during each delivery year
26 the contract price multiplied by the estimated annual

1 renewable energy credit generation amount. If
2 generation of renewable energy credits during a
3 delivery year exceeds the estimated annual generation
4 amount, the excess renewable energy credits shall be
5 carried forward to future delivery years and shall not
6 expire during the delivery term. If generation of
7 renewable energy credits during a delivery year,
8 including carried forward excess renewable energy
9 credits, if any, is less than the estimated annual
10 generation amount, payments during such delivery year
11 will not exceed the quantity generated plus the
12 quantity carried forward multiplied by the contract
13 price. The electric utility shall receive all
14 renewable energy credits generated by the project
15 during the first 20 years of operation and retire all
16 renewable energy credits paid for under this item (iv)
17 and return at the end of the delivery term all
18 renewable energy credits that were not paid for.
19 Renewable energy credits generated by the project
20 thereafter shall not be transferred under the
21 renewable energy credit delivery contract with the
22 counterparty electric utility. Notwithstanding the
23 preceding, for those projects participating under item
24 (iii) of subparagraph (K), the contract price for a
25 delivery year shall be based on subscription levels as
26 measured on the higher of the first business day of the

1 delivery year or the first business day 6 months after
2 the first business day of the delivery year.
3 Subscription of 90% of nameplate capacity or greater
4 shall be deemed to be fully subscribed for the
5 purposes of this item (iv). For projects receiving a
6 20-year delivery contract, REC prices shall be
7 adjusted downward for consistency with the incentive
8 levels previously determined to be necessary to
9 support projects under 15-year delivery contracts,
10 taking into consideration any additional new
11 requirements placed on the projects, including, but
12 not limited to, labor standards.

13 (v) ~~(iv)~~ Each contract shall include provisions to
14 ensure the delivery of the estimated quantity of
15 renewable energy credits and ongoing collateral
16 requirements and other provisions deemed appropriate
17 by the Agency ~~for the full term of the contract.~~

18 (vi) ~~(v)~~ The utility shall be the counterparty to
19 the contracts executed under this subparagraph (L)
20 that are approved by the Commission under the process
21 described in Section 16-111.5 of the Public Utilities
22 Act. No contract shall be executed for an amount that
23 is less than one renewable energy credit per year.

24 (vii) ~~(vi)~~ If, at any time, approved applications
25 for the Adjustable Block program exceed funds
26 collected by the electric utility or would cause the

1 Agency to exceed the limitation described in
2 subparagraph (E) of this paragraph (1) on the amount
3 of renewable energy resources that may be procured,
4 then the Agency may ~~shall~~ consider future uncommitted
5 funds to be reserved for these contracts on a
6 first-come, first-served basis, ~~with the delivery of~~
7 ~~renewable energy credits required beginning at the~~
8 ~~time that the reserved funds become available.~~

9 (viii) ~~(vii)~~ Nothing in this Section shall require
10 the utility to advance any payment or pay any amounts
11 that exceed the actual amount of revenues anticipated
12 to be collected by the utility under paragraph (6) of
13 this subsection (c) and subsection (k) of Section
14 16-108 of the Public Utilities Act inclusive of
15 eligible funds collected in prior years and
16 alternative compliance payments for use by the
17 utility, and contracts executed under this Section
18 shall expressly incorporate this limitation.

19 (ix) Notwithstanding other requirements of this
20 subparagraph (L), no modification shall be required to
21 Adjustable Block program contracts if they were
22 already executed prior to the establishment, approval,
23 and implementation of new contract forms as a result
24 of this amendatory Act of the 102nd General Assembly.

25 (x) Contracts may be assignable, but only to
26 entities first deemed by the Agency to have met

1 program terms and requirements applicable to direct
2 program participation. In developing contracts for the
3 delivery of renewable energy credits, the Agency shall
4 be permitted to establish fees applicable to each
5 contract assignment.

6 (M) The Agency shall be authorized to retain one or
7 more experts or expert consulting firms to develop,
8 administer, implement, operate, and evaluate the
9 Adjustable Block program described in subparagraph (K) of
10 this paragraph (1), and the Agency shall retain the
11 consultant or consultants in the same manner, to the
12 extent practicable, as the Agency retains others to
13 administer provisions of this Act, including, but not
14 limited to, the procurement administrator. The selection
15 of experts and expert consulting firms and the procurement
16 process described in this subparagraph (M) are exempt from
17 the requirements of Section 20-10 of the Illinois
18 Procurement Code, under Section 20-10 of that Code. The
19 Agency shall strive to minimize administrative expenses in
20 the implementation of the Adjustable Block program.

21 The Program Administrator may charge application fees
22 to participating firms to cover the cost of program
23 administration. Any application fee amounts shall
24 initially be determined through the long-term renewable
25 resources procurement plan, and modifications to any
26 application fee that deviate more than 25% from the

1 Commission's approved value must be approved by the
2 Commission as a long-term plan revision under Section
3 16-111.5 of the Public Utilities Act. The Agency shall
4 consider stakeholder feedback when making adjustments to
5 application fees and shall notify stakeholders in advance
6 of any planned changes.

7 In addition to covering the costs of program
8 administration, the Agency, in conjunction with its
9 Program Administrator, may also use the proceeds of such
10 fees charged to participating firms to support public
11 education and ongoing regional and national coordination
12 with nonprofit organizations, public bodies, and others
13 engaged in the implementation of renewable energy
14 incentive programs or similar initiatives. This work may
15 include developing papers and reports, hosting regional
16 and national conferences, and other work deemed necessary
17 by the Agency to position the State of Illinois as a
18 national leader in renewable energy incentive program
19 development and administration.

20 The Agency and its consultant or consultants shall
21 monitor block activity, share program activity with
22 stakeholders and conduct quarterly ~~regularly scheduled~~
23 meetings to discuss program activity and market
24 conditions. If necessary, the Agency may make prospective
25 administrative adjustments to the Adjustable Block program
26 design, such as ~~redistributing available funds or~~ making

1 adjustments to purchase prices as necessary to achieve the
2 goals of this subsection (c). Program modifications to any
3 block price, ~~capacity block, or other program element~~ that
4 do not deviate from the Commission's approved value by
5 more than 10% ~~25%~~ shall take effect immediately and are
6 not subject to Commission review and approval. Program
7 modifications to any block price, ~~capacity block, or other~~
8 ~~program element~~ that deviate more than 10% ~~25%~~ from the
9 Commission's approved value must be approved by the
10 Commission as a long-term plan amendment under Section
11 16-111.5 of the Public Utilities Act. The Agency shall
12 consider stakeholder feedback when making adjustments to
13 the Adjustable Block design and shall notify stakeholders
14 in advance of any planned changes.

15 The Agency and its program administrators for both the
16 Adjustable Block program and the Illinois Solar for All
17 Program, consistent with the requirements of this
18 subsection (c) and subsection (b) of Section 1-56 of this
19 Act, shall propose the Adjustable Block program terms,
20 conditions, and requirements, including the prices to be
21 paid for renewable energy credits, where applicable, and
22 requirements applicable to participating entities and
23 project applications, through the development, review, and
24 approval of the Agency's long-term renewable resources
25 procurement plan described in this subsection (c) and
26 paragraph (5) of subsection (b) of Section 16-111.5 of the

1 Public Utilities Act. Terms, conditions, and requirements
2 for program participation shall include the following:

3 (i) The Agency shall establish a registration
4 process for entities seeking to qualify for
5 program-administered incentive funding and establish
6 baseline qualifications for vendor approval. The
7 Agency must maintain a list of approved entities on
8 each program's website, and may revoke a vendor's
9 ability to receive program-administered incentive
10 funding status upon a determination that the vendor
11 failed to comply with contract terms, the law, or
12 other program requirements.

13 (ii) The Agency shall establish program
14 requirements and minimum contract terms to ensure
15 projects are properly installed and produce their
16 expected amounts of energy. Program requirements may
17 include on-site inspections and photo documentation of
18 projects under construction. The Agency may require
19 repairs, alterations, or additions to remedy any
20 material deficiencies discovered. Vendors who have a
21 disproportionately high number of deficient systems
22 may lose their eligibility to continue to receive
23 State-administered incentive funding through Agency
24 programs and procurements.

25 (iii) To discourage deceptive marketing or other
26 bad faith business practices, the Agency may require

1 direct program participants, including agents
2 operating on their behalf, to provide standardized
3 disclosures to a customer prior to that customer's
4 execution of a contract for the development of a
5 distributed generation system or a subscription to a
6 community solar project.

7 (iv) The Agency shall establish one or multiple
8 Consumer Complaints Centers to accept complaints
9 regarding businesses that participate in, or otherwise
10 benefit from, State-administered incentive funding
11 through Agency-administered programs. The Agency shall
12 maintain a public database of complaints with any
13 confidential or particularly sensitive information
14 redacted from public entries.

15 (v) Through a filing in the proceeding for the
16 approval of its long-term renewable energy resources
17 procurement plan, the Agency shall provide an annual
18 written report to the Illinois Commerce Commission
19 documenting the frequency and nature of complaints and
20 any enforcement actions taken in response to those
21 complaints.

22 (vi) The Agency shall schedule regular meetings
23 with representatives of the Office of the Attorney
24 General, the Illinois Commerce Commission, consumer
25 protection groups, and other interested stakeholders
26 to share relevant information about consumer

1 protection, project compliance, and complaints
2 received.

3 (vii) To the extent that complaints received
4 implicate the jurisdiction of the Office of the
5 Attorney General, the Illinois Commerce Commission, or
6 local, State, or federal law enforcement, the Agency
7 shall also refer complaints to those entities as
8 appropriate.

9 (N) ~~The long term renewable resources procurement plan~~
10 ~~required by this subsection (c) shall include a community~~
11 ~~renewable generation program.~~ The Agency shall establish
12 the terms, conditions, and program requirements for
13 photovoltaic community renewable generation projects with
14 a goal to expand ~~renewable energy generating facility~~
15 access to a broader group of energy consumers, to ensure
16 robust participation opportunities for residential and
17 small commercial customers and those who cannot install
18 renewable energy on their own properties. Subject to
19 reasonable limitations, any ~~Any~~ plan approved by the
20 Commission shall allow subscriptions to community
21 renewable generation projects to be portable and
22 transferable. For purposes of this subparagraph (N),
23 "portable" means that subscriptions may be retained by the
24 subscriber even if the subscriber relocates or changes its
25 address within the same utility service territory; and
26 "transferable" means that a subscriber may assign or sell

1 subscriptions to another person within the same utility
2 service territory.

3 Through the development of its long-term renewable
4 resources procurement plan, the Agency may consider
5 whether community renewable generation projects utilizing
6 technologies other than photovoltaics should be supported
7 through State-administered incentive funding, and may
8 issue requests for information to gauge market demand.

9 Electric utilities shall provide a monetary credit to
10 a subscriber's subsequent bill for service for the
11 proportional output of a community renewable generation
12 project attributable to that subscriber as specified in
13 Section 16-107.5 of the Public Utilities Act.

14 The Agency shall purchase renewable energy credits
15 from subscribed shares of photovoltaic community renewable
16 generation projects through the Adjustable Block program
17 described in subparagraph (K) of this paragraph (1) or
18 through the Illinois Solar for All Program described in
19 Section 1-56 of this Act. The electric utility shall
20 purchase any unsubscribed energy from community renewable
21 generation projects that are Qualifying Facilities ("QF")
22 under the electric utility's tariff for purchasing the
23 output from QFs under Public Utilities Regulatory Policies
24 Act of 1978.

25 The owners of and any subscribers to a community
26 renewable generation project shall not be considered

1 public utilities or alternative retail electricity
2 suppliers under the Public Utilities Act solely as a
3 result of their interest in or subscription to a community
4 renewable generation project and shall not be required to
5 become an alternative retail electric supplier by
6 participating in a community renewable generation project
7 with a public utility.

8 (O) For the delivery year beginning June 1, 2018, the
9 long-term renewable resources procurement plan required by
10 this subsection (c) shall provide for the Agency to
11 procure contracts to continue offering the Illinois Solar
12 for All Program described in subsection (b) of Section
13 1-56 of this Act, and the contracts approved by the
14 Commission shall be executed by the utilities that are
15 subject to this subsection (c). The long-term renewable
16 resources procurement plan shall allocate up to
17 \$50,000,000 ~~5% of the funds available under the plan for~~
18 ~~the applicable delivery year, or \$10,000,000 per delivery~~
19 ~~year, whichever is greater,~~ to fund the programs, and the
20 plan shall determine the amount of funding to be
21 apportioned to the programs identified in subsection (b)
22 of Section 1-56 of this Act; provided that for the
23 delivery years beginning June 1, 2021, June 1, 2022, and
24 June 1, 2023, the long-term renewable resources
25 procurement plan may average the annual budgets over a
26 3-year period to account for program ramp-up. For ~~for~~ the

1 delivery years beginning ~~June 1, 2017,~~ June 1, 2021, ~~and~~
2 June 1, 2024 2025, June 1, 2027, and June 1, 2030 and
3 additional the long-term renewable resources procurement
4 plan shall allocate 10% of the funds available under the
5 plan for the applicable delivery year, or \$20,000,000 per
6 delivery year, whichever is greater, and \$10,000,000 of
7 such funds in such year shall be provided to the
8 Department of Commerce and Economic Opportunity to
9 implement the workforce development programs and reporting
10 as outlined in used by an electric utility that serves
11 more than 3,000,000 retail customers in the State to
12 implement a Commission-approved plan under Section
13 16-108.12 of the Public Utilities Act. In making the
14 determinations required under this subparagraph (O), the
15 Commission shall consider the experience and performance
16 under the programs and any evaluation reports. The
17 Commission shall also provide for an independent
18 evaluation of those programs on a periodic basis that are
19 funded under this subparagraph (O).

20 (P) All programs and procurements under this
21 subsection (c) shall be designed to encourage
22 participating projects to use a diverse and equitable
23 workforce and a diverse set of contractors, including
24 minority-owned businesses, disadvantaged businesses,
25 trade unions, graduates of any workforce training programs
26 administered under this Act, and small businesses.

1 The Agency shall develop a method to optimize
2 procurement of renewable energy credits from proposed
3 utility-scale projects that are located in communities
4 eligible to receive Energy Transition Community Grants
5 pursuant to Section 10-20 of the Energy Community
6 Reinvestment Act. If this requirement conflicts with other
7 provisions of law or the Agency determines that full
8 compliance with the requirements of this subparagraph (P)
9 would be unreasonably costly or administratively
10 impractical, the Agency is to propose alternative
11 approaches to achieve development of renewable energy
12 resources in communities eligible to receive Energy
13 Transition Community Grants pursuant to Section 10-20 of
14 the Energy Community Reinvestment Act or seek an exemption
15 from this requirement from the Commission.

16 (Q) Each facility listed in subitems (i) through
17 (viii) of item (1) of this subparagraph (Q) for which a
18 renewable energy credit delivery contract is signed after
19 the effective date of this amendatory Act of the 102nd
20 General Assembly is subject to the following requirements
21 through the Agency's long-term renewable resources
22 procurement plan:

23 (1) Each facility shall be subject to the
24 prevailing wage requirements included in the
25 Prevailing Wage Act. The Agency shall require
26 verification that all construction performed on the

1 facility by the renewable energy credit delivery
2 contract holder, its contractors, or its
3 subcontractors relating to construction of the
4 facility is performed by construction employees
5 receiving an amount for that work equal to or greater
6 than the general prevailing rate, as that term is
7 defined in Section 3 of the Prevailing Wage Act. For
8 purposes of this item (1), "house of worship" means
9 property that is both (1) used exclusively by a
10 religious society or body of persons as a place for
11 religious exercise or religious worship and (2)
12 recognized as exempt from taxation pursuant to Section
13 15-40 of the Property Tax Code. This item (1) shall
14 apply to any the following:

15 (i) all new utility-scale wind projects;

16 (ii) all new utility-scale photovoltaic
17 projects;

18 (iii) all new brownfield photovoltaic
19 projects;

20 (iv) all new photovoltaic community renewable
21 energy facilities that qualify for item (iii) of
22 subparagraph (K) of this paragraph (1);

23 (v) all new community driven community
24 photovoltaic projects that qualify for item (v) of
25 subparagraph (K) of this paragraph (1);

26 (vi) all new photovoltaic distributed

1 renewable energy generation devices on schools
2 that qualify for item (iv) of subparagraph (K) of
3 this paragraph (1);

4 (vii) all new photovoltaic distributed
5 renewable energy generation devices that (1)
6 qualify for item (i) of subparagraph (K) of this
7 paragraph (1); (2) are not projects that serve
8 single-family or multi-family residential
9 buildings; and (3) are not houses of worship where
10 the aggregate capacity including collocated
11 projects would not exceed 100 kilowatts;

12 (viii) all new photovoltaic distributed
13 renewable energy generation devices that (1)
14 qualify for item (ii) of subparagraph (K) of this
15 paragraph (1); (2) are not projects that serve
16 single-family or multi-family residential
17 buildings; and (3) are not houses of worship where
18 the aggregate capacity including collocated
19 projects would not exceed 100 kilowatts.

20 (2) Renewable energy credits procured from new
21 utility-scale wind projects, new utility-scale solar
22 projects, and new brownfield solar projects pursuant
23 to Agency procurement events occurring after the
24 effective date of this amendatory Act of the 102nd
25 General Assembly must be from facilities built by
26 general contractors that must enter into a project

1 labor agreement, as defined by this Act, prior to
2 construction. The project labor agreement shall be
3 filed with the Director in accordance with procedures
4 established by the Agency through its long-term
5 renewable resources procurement plan. Any information
6 submitted to the Agency in this item (2) shall be
7 considered commercially sensitive information. At a
8 minimum, the project labor agreement must provide the
9 names, addresses, and occupations of the owner of the
10 plant and the individuals representing the labor
11 organization employees participating in the project
12 labor agreement consistent with the Project Labor
13 Agreements Act. The agreement must also specify the
14 terms and conditions as defined by this Act.

15 (3) It is the intent of this Section to ensure that
16 economic development occurs across Illinois
17 communities, that emerging businesses may grow, and
18 that there is improved access to the clean energy
19 economy by persons who have greater economic burdens
20 to success. The Agency shall take into consideration
21 the unique cost of compliance of this subparagraph (Q)
22 that might be borne by equity eligible contractors,
23 shall include such costs when determining the price of
24 renewable energy credits in the Adjustable Block
25 program, and shall take such costs into consideration
26 in a nondiscriminatory manner when comparing bids for

1 competitive procurements. The Agency shall consider
2 costs associated with compliance whether in the
3 development, financing, or construction of projects.
4 The Agency shall periodically review the assumptions
5 in these costs and may adjust prices, in compliance
6 with subparagraph (M) of this paragraph (1).

7 (R) In its long-term renewable resources procurement
8 plan, the Agency shall establish a self-direct renewable
9 portfolio standard compliance program for eligible
10 self-direct customers that purchase renewable energy
11 credits from utility-scale wind and solar projects through
12 long-term agreements for purchase of renewable energy
13 credits as described in this Section. Such long-term
14 agreements may include the purchase of energy or other
15 products on a physical or financial basis and may involve
16 an alternative retail electric supplier as defined in
17 Section 16-102 of the Public Utilities Act. This program
18 shall take effect in the delivery year commencing June 1,
19 2023.

20 (1) For the purposes of this subparagraph:

21 "Eligible self-direct customer" means any retail
22 customers of an electric utility that serves 3,000,000
23 or more retail customers in the State and whose total
24 highest 30-minute demand was more than 10,000
25 kilowatts, or any retail customers of an electric
26 utility that serves less than 3,000,000 retail

1 customers but more than 500,000 retail customers in
2 the State and whose total highest 15-minute demand was
3 more than 10,000 kilowatts.

4 "Retail customer" has the meaning set forth in
5 Section 16-102 of the Public Utilities Act and
6 multiple retail customer accounts under the same
7 corporate parent may aggregate their account demands
8 to meet the 10,000 kilowatt threshold. The criteria
9 for determining whether this subparagraph is
10 applicable to a retail customer shall be based on the
11 12 consecutive billing periods prior to the start of
12 the year in which the application is filed.

13 (2) For renewable energy credits to count toward
14 the self-direct renewable portfolio standard
15 compliance program, they must:

16 (i) qualify as renewable energy credits as
17 defined in Section 1-10 of this Act;

18 (ii) be sourced from one or more renewable
19 energy generating facilities that comply with the
20 geographic requirements as set forth in
21 subparagraph (I) of paragraph (1) of subsection
22 (c) as interpreted through the Agency's long-term
23 renewable resources procurement plan, or, where
24 applicable, the geographic requirements that
25 governed utility-scale renewable energy credits at
26 the time the eligible self-direct customer entered

1 into the applicable renewable energy credit
2 purchase agreement;

3 (iii) be procured through long-term contracts
4 with term lengths of at least 10 years either
5 directly with the renewable energy generating
6 facility or through a bundled power purchase
7 agreement, a virtual power purchase agreement, an
8 agreement between the renewable generating
9 facility, an alternative retail electric supplier,
10 and the customer, or such other structure as is
11 permissible under this subparagraph (R);

12 (iv) be equivalent in volume to at least 40%
13 of the eligible self-direct customer's usage,
14 determined annually by the eligible self-direct
15 customer's usage during the previous delivery
16 year, measured to the nearest megawatt-hour;

17 (v) be retired by or on behalf of the large
18 energy customer;

19 (vi) be sourced from new utility-scale wind
20 projects or new utility-scale solar projects; and

21 (vii) if the contracts for renewable energy
22 credits are entered into after the effective date
23 of this amendatory Act of the 102nd General
24 Assembly, the new utility-scale wind projects or
25 new utility-scale solar projects must comply with
26 the requirements established in subparagraphs (P)

1 and (Q) of paragraph (1) of this subsection (c)
2 and subsection (c-10).

3 (3) The self-direct renewable portfolio standard
4 compliance program shall be designed to allow eligible
5 self-direct customers to procure new renewable energy
6 credits from new utility-scale wind projects or new
7 utility-scale photovoltaic projects. The Agency shall
8 annually determine the amount of utility-scale
9 renewable energy credits it will include each year
10 from the self-direct renewable portfolio standard
11 compliance program, subject to receiving qualifying
12 applications. In making this determination, the Agency
13 shall evaluate publicly available analyses and studies
14 of the potential market size for utility-scale
15 renewable energy long-term purchase agreements by
16 commercial and industrial energy customers and make
17 that report publicly available. If demand for
18 participation in the self-direct renewable portfolio
19 standard compliance program exceeds availability, the
20 Agency shall ensure participation is evenly split
21 between commercial and industrial users to the extent
22 there is sufficient demand from both customer classes.
23 Each renewable energy credit procured pursuant to this
24 subparagraph (R) by a self-direct customer shall
25 reduce the total volume of renewable energy credits
26 the Agency is otherwise required to procure from new

1 utility-scale projects pursuant to subparagraph (C) of
2 paragraph (1) of this subsection (c) on behalf of
3 contracting utilities where the eligible self-direct
4 customer is located. The self-direct customer shall
5 file an annual compliance report with the Agency
6 pursuant to terms established by the Agency through
7 its long-term renewable resources procurement plan to
8 be eligible for participation in this program.
9 Customers must provide the Agency with their most
10 recent electricity billing statements or other
11 information deemed necessary by the Agency to
12 demonstrate they are an eligible self-direct customer.

13 (4) The Commission shall approve a reduction in
14 the volumetric charges collected pursuant to Section
15 16-108 of the Public Utilities Act for approved
16 eligible self-direct customers equivalent to the
17 anticipated cost of renewable energy credit deliveries
18 under contracts for new utility-scale wind and new
19 utility-scale solar entered for each delivery year
20 after the large energy customer begins retiring
21 eligible new utility scale renewable energy credits
22 for self-compliance. The self-direct credit amount
23 shall be determined annually and is equal to the
24 estimated portion of the cost authorized by
25 subparagraph (E) of paragraph (1) of this subsection
26 (c) that supported the annual procurement of

1 utility-scale renewable energy credits in the prior
2 delivery year using a methodology described in the
3 long-term renewable resources procurement plan,
4 expressed on a per kilowatthour basis, and does not
5 include (i) costs associated with any contracts
6 entered into before the delivery year in which the
7 customer files the initial compliance report to be
8 eligible for participation in the self-direct program,
9 and (ii) costs associated with procuring renewable
10 energy credits through existing and future contracts
11 through the Adjustable Block Program, subsection (c-5)
12 of this Section 1-75, and the Solar for All Program.
13 The Agency shall assist the Commission in determining
14 the current and future costs. The Agency must
15 determine the self-direct credit amount for new and
16 existing eligible self-direct customers and submit
17 this to the Commission in an annual compliance filing.
18 The Commission must approve the self-direct credit
19 amount by June 1, 2023 and June 1 of each delivery year
20 thereafter.

21 (5) Customers described in this subparagraph (R)
22 shall apply, on a form developed by the Agency, to the
23 Agency to be designated as a self-direct eligible
24 customer. Once the Agency determines that a
25 self-direct customer is eligible for participation in
26 the program, the self-direct customer will remain

1 eligible until the end of the term of the contract.
2 Thereafter, application may be made not less than 12
3 months before the filing date of the long-term
4 renewable resources procurement plan described in this
5 Act. At a minimum, such application shall contain the
6 following:

7 (i) the customer's certification that, at the
8 time of the customer's application, the customer
9 qualifies to be a self-direct eligible customer,
10 including documents demonstrating that
11 qualification;

12 (ii) the customer's certification that the
13 customer has entered into or will enter into by
14 the beginning of the applicable procurement year,
15 one or more bilateral contracts for new wind
16 projects or new photovoltaic projects, including
17 supporting documentation;

18 (iii) certification that the contract or
19 contracts for new renewable energy resources are
20 long-term contracts with term lengths of at least
21 10 years, including supporting documentation;

22 (iv) certification of the quantities of
23 renewable energy credits that the customer will
24 purchase each year under such contract or
25 contracts, including supporting documentation;

26 (v) proof that the contract is sufficient to

1 produce renewable energy credits to be equivalent
2 in volume to at least 40% of the large energy
3 customer's usage from the previous delivery year,
4 measured to the nearest megawatt-hour; and

5 (vi) certification that the customer intends
6 to maintain the contract for the duration of the
7 length of the contract.

8 (6) If a customer receives the self-direct credit
9 but fails to properly procure and retire renewable
10 energy credits as required under this subparagraph
11 (R), the Commission, on petition from the Agency and
12 after notice and hearing, may direct such customer's
13 utility to recover the cost of the wrongfully received
14 self-direct credits plus interest through an adder to
15 charges assessed pursuant to Section 16-108 of the
16 Public Utilities Act. Self-direct customers who
17 knowingly fail to properly procure and retire
18 renewable energy credits and do not notify the Agency
19 are ineligible for continued participation in the
20 self-direct renewable portfolio standard compliance
21 program.

22 (2) (Blank).

23 (3) (Blank).

24 (4) The electric utility shall retire all renewable
25 energy credits used to comply with the standard.

26 (5) Beginning with the 2010 delivery year and ending

1 June 1, 2017, an electric utility subject to this
2 subsection (c) shall apply the lesser of the maximum
3 alternative compliance payment rate or the most recent
4 estimated alternative compliance payment rate for its
5 service territory for the corresponding compliance period,
6 established pursuant to subsection (d) of Section 16-115D
7 of the Public Utilities Act to its retail customers that
8 take service pursuant to the electric utility's hourly
9 pricing tariff or tariffs. The electric utility shall
10 retain all amounts collected as a result of the
11 application of the alternative compliance payment rate or
12 rates to such customers, and, beginning in 2011, the
13 utility shall include in the information provided under
14 item (1) of subsection (d) of Section 16-111.5 of the
15 Public Utilities Act the amounts collected under the
16 alternative compliance payment rate or rates for the prior
17 year ending May 31. Notwithstanding any limitation on the
18 procurement of renewable energy resources imposed by item
19 (2) of this subsection (c), the Agency shall increase its
20 spending on the purchase of renewable energy resources to
21 be procured by the electric utility for the next plan year
22 by an amount equal to the amounts collected by the utility
23 under the alternative compliance payment rate or rates in
24 the prior year ending May 31.

25 (6) The electric utility shall be entitled to recover
26 all of its costs associated with the procurement of

1 renewable energy credits under plans approved under this
2 Section and Section 16-111.5 of the Public Utilities Act.
3 These costs shall include associated reasonable expenses
4 for implementing the procurement programs, including, but
5 not limited to, the costs of administering and evaluating
6 the Adjustable Block program, through an automatic
7 adjustment clause tariff in accordance with subsection (k)
8 of Section 16-108 of the Public Utilities Act.

9 (7) Renewable energy credits procured from new
10 photovoltaic projects or new distributed renewable energy
11 generation devices under this Section after June 1, 2017
12 (the effective date of Public Act 99-906) must be procured
13 from devices installed by a qualified person in compliance
14 with the requirements of Section 16-128A of the Public
15 Utilities Act and any rules or regulations adopted
16 thereunder.

17 In meeting the renewable energy requirements of this
18 subsection (c), to the extent feasible and consistent with
19 State and federal law, the renewable energy credit
20 procurements, Adjustable Block solar program, and
21 community renewable generation program shall provide
22 employment opportunities for all segments of the
23 population and workforce, including minority-owned and
24 female-owned business enterprises, and shall not,
25 consistent with State and federal law, discriminate based
26 on race or socioeconomic status.

1 (c-5) Procurement of renewable energy credits from new
2 renewable energy facilities installed at or adjacent to the
3 sites of electric generating facilities that burn or burned
4 coal as their primary fuel source.

5 (1) In addition to the procurement of renewable energy
6 credits pursuant to long-term renewable resources
7 procurement plans in accordance with subsection (c) of
8 this Section and Section 16-111.5 of the Public Utilities
9 Act, the Agency shall conduct procurement events in
10 accordance with this subsection (c-5) for the procurement
11 by electric utilities that served more than 300,000 retail
12 customers in this State as of January 1, 2019 of renewable
13 energy credits from new renewable energy facilities to be
14 installed at or adjacent to the sites of electric
15 generating facilities that, as of January 1, 2016, burned
16 coal as their primary fuel source and meet the other
17 criteria specified in this subsection (c-5). For purposes
18 of this subsection (c-5), "new renewable energy facility"
19 means a new utility-scale solar project as defined in this
20 Section 1-75. The renewable energy credits procured
21 pursuant to this subsection (c-5) may be included or
22 counted for purposes of compliance with the amounts of
23 renewable energy credits required to be procured pursuant
24 to subsection (c) of this Section to the extent that there
25 are otherwise shortfalls in compliance with such
26 requirements. The procurement of renewable energy credits

1 by electric utilities pursuant to this subsection (c-5)
2 shall be funded solely by revenues collected from the Coal
3 to Solar and Energy Storage Initiative Charge provided for
4 in this subsection (c-5) and subsection (i-5) of Section
5 16-108 of the Public Utilities Act, shall not be funded by
6 revenues collected through any of the other funding
7 mechanisms provided for in subsection (c) of this Section,
8 and shall not be subject to the limitation imposed by
9 subsection (c) on charges to retail customers for costs to
10 procure renewable energy resources pursuant to subsection
11 (c), and shall not be subject to any other requirements or
12 limitations of subsection (c).

13 (2) The Agency shall conduct 2 procurement events to
14 select owners of electric generating facilities meeting
15 the eligibility criteria specified in this subsection
16 (c-5) to enter into long-term contracts to sell renewable
17 energy credits to electric utilities serving more than
18 300,000 retail customers in this State as of January 1,
19 2019. The first procurement event shall be conducted no
20 later than January 30, 2022, unless the Agency elects to
21 delay it, until no later than May 1, 2022, due to its
22 overall volume of work, and shall be to select owners of
23 electric generating facilities located in this State and
24 south of federal Interstate Highway 80 that meet the
25 eligibility criteria specified in this subsection (c-5).
26 The second procurement event shall be conducted no sooner

1 than September 30, 2022 and no later than October 31, 2022
2 and shall be to select owners of electric generating
3 facilities located anywhere in this State that meet the
4 eligibility criteria specified in this subsection (c-5).
5 The Agency shall establish and announce a time period,
6 which shall begin no later than 30 days prior to the
7 scheduled date for the procurement event, during which
8 applicants may submit applications to be selected as
9 suppliers of renewable energy credits pursuant to this
10 subsection (c-5). The eligibility criteria for selection
11 as a supplier of renewable energy credits pursuant to this
12 subsection (c-5) shall be as follows:

13 (A) The applicant owns an electric generating
14 facility located in this State that: (i) as of January
15 1, 2016, burned coal as its primary fuel to generate
16 electricity; and (ii) has, or had prior to retirement,
17 an electric generating capacity of at least 150
18 megawatts. The electric generating facility can be
19 either: (i) retired as of the date of the procurement
20 event; or (ii) still operating as of the date of the
21 procurement event.

22 (B) The applicant is not (i) an electric
23 cooperative as defined in Section 3-119 of the Public
24 Utilities Act, or (ii) an entity described in
25 subsection (b)(1) of Section 3-105 of the Public
26 Utilities Act, or an association or consortium of or

1 an entity owned by entities described in (i) or (ii);
2 and the coal-fueled electric generating facility was
3 at one time owned, in whole or in part, by a public
4 utility as defined in Section 3-105 of the Public
5 Utilities Act.

6 (C) If participating in the first procurement
7 event, the applicant proposes and commits to construct
8 and operate, at the site, and if necessary for
9 sufficient space on property adjacent to the existing
10 property, at which the electric generating facility
11 identified in paragraph (A) is located: (i) a new
12 renewable energy facility of at least 20 megawatts but
13 no more than 100 megawatts of electric generating
14 capacity, and (ii) an energy storage facility having a
15 storage capacity equal to at least 2 megawatts and at
16 most 10 megawatts. If participating in the second
17 procurement event, the applicant proposes and commits
18 to construct and operate, at the site, and if
19 necessary for sufficient space on property adjacent to
20 the existing property, at which the electric
21 generating facility identified in paragraph (A) is
22 located: (i) a new renewable energy facility of at
23 least 5 megawatts but no more than 20 megawatts of
24 electric generating capacity, and (ii) an energy
25 storage facility having a storage capacity equal to at
26 least 0.5 megawatts and at most one megawatt.

1 (D) The applicant agrees that the new renewable
2 energy facility and the energy storage facility will
3 be constructed or installed by a qualified entity or
4 entities in compliance with the requirements of
5 subsection (g) of Section 16-128A of the Public
6 Utilities Act and any rules adopted thereunder.

7 (E) The applicant agrees that personnel operating
8 the new renewable energy facility and the energy
9 storage facility will have the requisite skills,
10 knowledge, training, experience, and competence, which
11 may be demonstrated by completion or current
12 participation and ultimate completion by employees of
13 an accredited or otherwise recognized apprenticeship
14 program for the employee's particular craft, trade, or
15 skill, including through training and education
16 courses and opportunities offered by the owner to
17 employees of the coal-fueled electric generating
18 facility or by previous employment experience
19 performing the employee's particular work skill or
20 function.

21 (F) The applicant commits that not less than the
22 prevailing wage, as determined pursuant to the
23 Prevailing Wage Act, will be paid to the applicant's
24 employees engaged in construction activities
25 associated with the new renewable energy facility and
26 the new energy storage facility and to the employees

1 of applicant's contractors engaged in construction
2 activities associated with the new renewable energy
3 facility and the new energy storage facility, and
4 that, on or before the commercial operation date of
5 the new renewable energy facility, the applicant shall
6 file a report with the Agency certifying that the
7 requirements of this subparagraph (F) have been met.

8 (G) The applicant commits that if selected, it
9 will negotiate a project labor agreement for the
10 construction of the new renewable energy facility and
11 associated energy storage facility that includes
12 provisions requiring the parties to the agreement to
13 work together to establish diversity threshold
14 requirements and to ensure best efforts to meet
15 diversity targets, improve diversity at the applicable
16 job site, create diverse apprenticeship opportunities,
17 and create opportunities to employ former coal-fired
18 power plant workers.

19 (H) The applicant commits to enter into a contract
20 or contracts for the applicable duration to provide
21 specified numbers of renewable energy credits each
22 year from the new renewable energy facility to
23 electric utilities that served more than 300,000
24 retail customers in this State as of January 1, 2019,
25 at a price of \$30 per renewable energy credit. The
26 price per renewable energy credit shall be fixed at

1 \$30 for the applicable duration and the renewable
2 energy credits shall not be indexed renewable energy
3 credits as provided for in item (v) of subparagraph
4 (G) of paragraph (1) of subsection (c) of Section 1-75
5 of this Act. The applicable duration of each contract
6 shall be 20 years, unless the applicant is physically
7 interconnected to the PJM Interconnection, LLC
8 transmission grid and had a generating capacity of at
9 least 1,200 megawatts as of January 1, 2021, in which
10 case the applicable duration of the contract shall be
11 15 years.

12 (I) The applicant's application is certified by an
13 officer of the applicant and by an officer of the
14 applicant's ultimate parent company, if any.

15 (3) An applicant may submit applications to contract
16 to supply renewable energy credits from more than one new
17 renewable energy facility to be constructed at or adjacent
18 to one or more qualifying electric generating facilities
19 owned by the applicant. The Agency may select new
20 renewable energy facilities to be located at or adjacent
21 to the sites of more than one qualifying electric
22 generation facility owned by an applicant to contract with
23 electric utilities to supply renewable energy credits from
24 such facilities.

25 (4) The Agency shall assess fees to each applicant to
26 recover the Agency's costs incurred in receiving and

1 evaluating applications, conducting the procurement event,
2 developing contracts for sale, delivery and purchase of
3 renewable energy credits, and monitoring the
4 administration of such contracts, as provided for in this
5 subsection (c-5), including fees paid to a procurement
6 administrator retained by the Agency for one or more of
7 these purposes.

8 (5) The Agency shall select the applicants and the new
9 renewable energy facilities to contract with electric
10 utilities to supply renewable energy credits in accordance
11 with this subsection (c-5). In the first procurement
12 event, the Agency shall select applicants and new
13 renewable energy facilities to supply renewable energy
14 credits, at a price of \$30 per renewable energy credit,
15 aggregating to no less than 400,000 renewable energy
16 credits per year for the applicable duration, assuming
17 sufficient qualifying applications to supply, in the
18 aggregate, at least that amount of renewable energy
19 credits per year; and not more than 580,000 renewable
20 energy credits per year for the applicable duration. In
21 the second procurement event, the Agency shall select
22 applicants and new renewable energy facilities to supply
23 renewable energy credits, at a prices of \$30 per renewable
24 energy credit, aggregating to no more than 625,000
25 renewable energy credits per year less the amount of
26 renewable energy credits each year contracted for as a

1 result of the first procurement event, for the applicable
2 durations. The number of renewable energy credits to be
3 procured as specified in this paragraph (5) shall not be
4 reduced based on renewable energy credits procured in the
5 self-direct renewable energy credit compliance program
6 established pursuant to subparagraph (R) of paragraph (1)
7 of subsection (c) of Section 1-75.

8 (6) The obligation to purchase renewable energy
9 credits from the applicants and their new renewable energy
10 facilities selected by the Agency shall be allocated to
11 the electric utilities based on their respective
12 percentages of kilowatthours delivered to delivery
13 services customers to the aggregate kilowatthour
14 deliveries by the electric utilities to delivery services
15 customers for the year ended December 31, 2021. In order
16 to achieve these allocation percentages between or among
17 the electric utilities, the Agency shall require each
18 applicant that is selected in the procurement event to
19 enter into a contract with each electric utility for the
20 sale and purchase of renewable energy credits from each
21 new renewable energy facility to be constructed and
22 operated by the applicant, with the sale and purchase
23 obligations under the contracts to aggregate to the total
24 number of renewable energy credits per year to be supplied
25 by the applicant from the new renewable energy facility.

26 (7) The Agency shall submit its proposed selection of

1 applicants, new renewable energy facilities to be
2 constructed, and renewable energy credit amounts for each
3 procurement event to the Commission for approval. The
4 Commission shall, within 2 business days after receipt of
5 the Agency's proposed selections, approve the proposed
6 selections if it determines that the applicants and the
7 new renewable energy facilities to be constructed meet the
8 selection criteria set forth in this subsection (c-5) and
9 that the Agency seeks approval for contracts of applicable
10 durations aggregating to no more than the maximum amount
11 of renewable energy credits per year authorized by this
12 subsection (c-5) for the procurement event, at a price of
13 \$30 per renewable energy credit.

14 (8) The Agency, in conjunction with its procurement
15 administrator if one is retained, the electric utilities,
16 and potential applicants for contracts to produce and
17 supply renewable energy credits pursuant to this
18 subsection (c-5), shall develop a standard form contract
19 for the sale, delivery and purchase of renewable energy
20 credits pursuant to this subsection (c-5). Each contract
21 resulting from the first procurement event shall allow for
22 a commercial operation date for the new renewable energy
23 facility of either June 1, 2023 or June 1, 2024, with such
24 dates subject to adjustment as provided in this paragraph.
25 Each contract resulting from the second procurement event
26 shall provide for a commercial operation date on June 1

1 next occurring up to 48 months after execution of the
2 contract. Each contract shall provide that the owner shall
3 receive payments for renewable energy credits for the
4 applicable durations beginning with the commercial
5 operation date of the new renewable energy facility. The
6 form contract shall provide for adjustments to the
7 commercial operation and payment start dates as needed due
8 to any delays in completing the procurement and
9 contracting processes, in finalizing interconnection
10 agreements and installing interconnection facilities, and
11 in obtaining other necessary governmental permits and
12 approvals. The form contract shall be, to the maximum
13 extent possible, consistent with standard electric
14 industry contracts for sale, delivery, and purchase of
15 renewable energy credits while taking into account the
16 specific requirements of this subsection (c-5). The form
17 contract shall provide for over-delivery and
18 under-delivery of renewable energy credits within
19 reasonable ranges during each 12-month period and penalty,
20 default, and enforcement provisions for failure of the
21 selling party to deliver renewable energy credits as
22 specified in the contract and to comply with the
23 requirements of this subsection (c-5). The standard form
24 contract shall specify that all renewable energy credits
25 delivered to the electric utility pursuant to the contract
26 shall be retired. The Agency shall make the proposed

1 contracts available for a reasonable period for comment by
2 potential applicants, and shall publish the final form
3 contract at least 30 days before the date of the first
4 procurement event.

5 (9) Coal to Solar and Energy Storage Initiative
6 Charge.

7 (A) By no later than July 1, 2022, each electric
8 utility that served more than 300,000 retail customers
9 in this State as of January 1, 2019 shall file a tariff
10 with the Commission for the billing and collection of
11 a Coal to Solar and Energy Storage Initiative Charge
12 in accordance with subsection (i-5) of Section 16-108
13 of the Public Utilities Act, with such tariff to be
14 effective, following review and approval or
15 modification by the Commission, beginning January 1,
16 2023. The tariff shall provide for the calculation and
17 setting of the electric utility's Coal to Solar and
18 Energy Storage Initiative Charge to collect revenues
19 estimated to be sufficient, in the aggregate, (i) to
20 enable the electric utility to pay for the renewable
21 energy credits it has contracted to purchase in the
22 delivery year beginning June 1, 2023 and each delivery
23 year thereafter from new renewable energy facilities
24 located at the sites of qualifying electric generating
25 facilities, and (ii) to fund the grant payments to be
26 made in each delivery year by the Department of

1 Commerce and Economic Opportunity, or any successor
2 department or agency, which shall be referred to in
3 this subsection (c-5) as the Department, pursuant to
4 paragraph (10) of this subsection (c-5). The electric
5 utility's tariff shall provide for the billing and
6 collection of the Coal to Solar and Energy Storage
7 Initiative Charge on each kilowatthour of electricity
8 delivered to its delivery services customers within
9 its service territory and shall provide for an annual
10 reconciliation of revenues collected with actual
11 costs, in accordance with subsection (i-5) of Section
12 16-108 of the Public Utilities Act.

13 (B) Each electric utility shall remit on a monthly
14 basis to the State Treasurer, for deposit in the Coal
15 to Solar and Energy Storage Initiative Fund provided
16 for in this subsection (c-5), the electric utility's
17 collections of the Coal to Solar and Energy Storage
18 Initiative Charge in the amount estimated to be needed
19 by the Department for grant payments pursuant to grant
20 contracts entered into by the Department pursuant to
21 paragraph (10) of this subsection (c-5).

22 (10) Coal to Solar and Energy Storage Initiative Fund.

23 (A) The Coal to Solar and Energy Storage
24 Initiative Fund is established as a special fund in
25 the State treasury. The Coal to Solar and Energy
26 Storage Initiative Fund is authorized to receive, by

1 statutory deposit, that portion specified in item (B)
2 of paragraph (9) of this subsection (c-5) of moneys
3 collected by electric utilities through imposition of
4 the Coal to Solar and Energy Storage Initiative Charge
5 required by this subsection (c-5). The Coal to Solar
6 and Energy Storage Initiative Fund shall be
7 administered by the Department to provide grants to
8 support the installation and operation of energy
9 storage facilities at the sites of qualifying electric
10 generating facilities meeting the criteria specified
11 in this paragraph (10).

12 (B) The Coal to Solar and Energy Storage
13 Initiative Fund shall not be subject to sweeps,
14 administrative charges, or chargebacks, including, but
15 not limited to, those authorized under Section 8h of
16 the State Finance Act, that would in any way result in
17 the transfer of those funds from the Coal to Solar and
18 Energy Storage Initiative Fund to any other fund of
19 this State or in having any such funds utilized for any
20 purpose other than the express purposes set forth in
21 this paragraph (10).

22 (C) The Department shall utilize up to
23 \$280,500,000 in the Coal to Solar and Energy Storage
24 Initiative Fund for grants, assuming sufficient
25 qualifying applicants, to support installation of
26 energy storage facilities at the sites of up to 3

1 qualifying electric generating facilities located in
2 the Midcontinent Independent System Operator, Inc.,
3 region in Illinois and the sites of up to 2 qualifying
4 electric generating facilities located in the PJM
5 Interconnection, LLC region in Illinois that meet the
6 criteria set forth in this subparagraph (C). The
7 criteria for receipt of a grant pursuant to this
8 subparagraph (C) are as follows:

9 (1) the electric generating facility at the
10 site has, or had prior to retirement, an electric
11 generating capacity of at least 150 megawatts;

12 (2) the electric generating facility burns (or
13 burned prior to retirement) coal as its primary
14 source of fuel;

15 (3) if the electric generating facility is
16 retired, it was retired subsequent to January 1,
17 2016;

18 (4) the owner of the electric generating
19 facility has not been selected by the Agency
20 pursuant to this subsection (c-5) of this Section
21 to enter into a contract to sell renewable energy
22 credits to one or more electric utilities from a
23 new renewable energy facility located or to be
24 located at or adjacent to the site at which the
25 electric generating facility is located;

26 (5) the electric generating facility located

1 at the site was at one time owned, in whole or in
2 part, by a public utility as defined in Section
3 3-105 of the Public Utilities Act;

4 (6) the electric generating facility at the
5 site is not owned by (i) an electric cooperative
6 as defined in Section 3-119 of the Public
7 Utilities Act, or (ii) an entity described in
8 subsection (b)(1) of Section 3-105 of the Public
9 Utilities Act, or an association or consortium of
10 or an entity owned by entities described in items
11 (i) or (ii);

12 (7) the proposed energy storage facility at
13 the site will have energy storage capacity of at
14 least 37 megawatts;

15 (8) the owner commits to place the energy
16 storage facility into commercial operation on
17 either June 1, 2023, June 1, 2024, or June 1, 2025,
18 with such date subject to adjustment as needed due
19 to any delays in completing the grant contracting
20 process, in finalizing interconnection agreements
21 and in installing interconnection facilities, and
22 in obtaining necessary governmental permits and
23 approvals;

24 (9) the owner agrees that the new energy
25 storage facility will be constructed or installed
26 by a qualified entity or entities consistent with

1 the requirements of subsection (g) of Section
2 16-128A of the Public Utilities Act and any rules
3 adopted under that Section;

4 (10) the owner agrees that personnel operating
5 the energy storage facility will have the
6 requisite skills, knowledge, training, experience,
7 and competence, which may be demonstrated by
8 completion or current participation and ultimate
9 completion by employees of an accredited or
10 otherwise recognized apprenticeship program for
11 the employee's particular craft, trade, or skill,
12 including through training and education courses
13 and opportunities offered by the owner to
14 employees of the coal-fueled electric generating
15 facility or by previous employment experience
16 performing the employee's particular work skill or
17 function;

18 (11) the owner commits that not less than the
19 prevailing wage, as determined pursuant to the
20 Prevailing Wage Act, will be paid to the owner's
21 employees engaged in construction activities
22 associated with the new energy storage facility
23 and to the employees of the owner's contractors
24 engaged in construction activities associated with
25 the new energy storage facility, and that, on or
26 before the commercial operation date of the new

1 energy storage facility, the owner shall file a
2 report with the Department certifying that the
3 requirements of this subparagraph (11) have been
4 met; and

5 (12) the owner commits that if selected to
6 receive a grant, it will negotiate a project labor
7 agreement for the construction of the new energy
8 storage facility that includes provisions
9 requiring the parties to the agreement to work
10 together to establish diversity threshold
11 requirements and to ensure best efforts to meet
12 diversity targets, improve diversity at the
13 applicable job site, create diverse apprenticeship
14 opportunities, and create opportunities to employ
15 former coal-fired power plant workers.

16 The Department shall accept applications for this
17 grant program until March 31, 2022 and shall announce
18 the award of grants no later than June 1, 2022. The
19 Department shall make the grant payments to a
20 recipient in equal annual amounts for 10 years
21 following the date the energy storage facility is
22 placed into commercial operation. The annual grant
23 payments to a qualifying energy storage facility shall
24 be \$110,000 per megawatt of energy storage capacity,
25 with total annual grant payments pursuant to this
26 subparagraph (C) for qualifying energy storage

1 facilities not to exceed \$28,050,000 in any year.

2 (D) Grants of funding for energy storage
3 facilities pursuant to subparagraph (C) of this
4 paragraph (10), from the Coal to Solar and Energy
5 Storage Initiative Fund, shall be memorialized in
6 grant contracts between the Department and the
7 recipient. The grant contracts shall specify the date
8 or dates in each year on which the annual grant
9 payments shall be paid.

10 (E) All disbursements from the Coal to Solar and
11 Energy Storage Initiative Fund shall be made only upon
12 warrants of the Comptroller drawn upon the Treasurer
13 as custodian of the Fund upon vouchers signed by the
14 Director of the Department or by the person or persons
15 designated by the Director of the Department for that
16 purpose. The Comptroller is authorized to draw the
17 warrants upon vouchers so signed. The Treasurer shall
18 accept all written warrants so signed and shall be
19 released from liability for all payments made on those
20 warrants.

21 (11) Diversity, equity, and inclusion plans.

22 (A) Each applicant selected in a procurement event
23 to contract to supply renewable energy credits in
24 accordance with this subsection (c-5) and each owner
25 selected by the Department to receive a grant or
26 grants to support the construction and operation of a

1 new energy storage facility or facilities in
2 accordance with this subsection (c-5) shall, within 60
3 days following the Commission's approval of the
4 applicant to contract to supply renewable energy
5 credits or within 60 days following execution of a
6 grant contract with the Department, as applicable,
7 submit to the Commission a diversity, equity, and
8 inclusion plan setting forth the applicant's or
9 owner's numeric goals for the diversity composition of
10 its supplier entities for the new renewable energy
11 facility or new energy storage facility, as
12 applicable, which shall be referred to for purposes of
13 this paragraph (11) as the project, and the
14 applicant's or owner's action plan and schedule for
15 achieving those goals.

16 (B) For purposes of this paragraph (11), diversity
17 composition shall be based on the percentage, which
18 shall be a minimum of 25%, of eligible expenditures
19 for contract awards for materials and services (which
20 shall be defined in the plan) to business enterprises
21 owned by minority persons, women, or persons with
22 disabilities as defined in Section 2 of the Business
23 Enterprise for Minorities, Women, and Persons with
24 Disabilities Act, to LGBTQ business enterprises, to
25 veteran-owned business enterprises, and to business
26 enterprises located in environmental justice

1 communities. The diversity composition goals of the
2 plan may include eligible expenditures in areas for
3 vendor or supplier opportunities in addition to
4 development and construction of the project, and may
5 exclude from eligible expenditures materials and
6 services with limited market availability, limited
7 production and availability from suppliers in the
8 United States, such as solar panels and storage
9 batteries, and material and services that are subject
10 to critical energy infrastructure or cybersecurity
11 requirements or restrictions. The plan may provide
12 that the diversity composition goals may be met
13 through Tier 1 Direct or Tier 2 subcontracting
14 expenditures or a combination thereof for the project.

15 (C) The plan shall provide for, but not be limited
16 to: (i) internal initiatives, including multi-tier
17 initiatives, by the applicant or owner, or by its
18 engineering, procurement and construction contractor
19 if one is used for the project, which for purposes of
20 this paragraph (11) shall be referred to as the EPC
21 contractor, to enable diverse businesses to be
22 considered fairly for selection to provide materials
23 and services; (ii) requirements for the applicant or
24 owner or its EPC contractor to proactively solicit and
25 utilize diverse businesses to provide materials and
26 services; and (iii) requirements for the applicant or

1 owner or its EPC contractor to hire a diverse
2 workforce for the project. The plan shall include a
3 description of the applicant's or owner's diversity
4 recruiting efforts both for the project and for other
5 areas of the applicant's or owner's business
6 operations. The plan shall provide for the imposition
7 of financial penalties on the applicant's or owner's
8 EPC contractor for failure to exercise best efforts to
9 comply with and execute the EPC contractor's diversity
10 obligations under the plan. The plan may provide for
11 the applicant or owner to set aside a portion of the
12 work on the project to serve as an incubation program
13 for qualified businesses, as specified in the plan,
14 owned by minority persons, women, persons with
15 disabilities, LGBTQ persons, and veterans, and
16 businesses located in environmental justice
17 communities, seeking to enter the renewable energy
18 industry.

19 (D) The applicant or owner may submit a revised or
20 updated plan to the Commission from time to time as
21 circumstances warrant. The applicant or owner shall
22 file annual reports with the Commission detailing the
23 applicant's or owner's progress in implementing its
24 plan and achieving its goals and any modifications the
25 applicant or owner has made to its plan to better
26 achieve its diversity, equity and inclusion goals. The

1 applicant or owner shall file a final report on the
2 fifth June 1 following the commercial operation date
3 of the new renewable energy resource or new energy
4 storage facility, but the applicant or owner shall
5 thereafter continue to be subject to applicable
6 reporting requirements of Section 5-117 of the Public
7 Utilities Act.

8 (c-10) Equity accountability system. It is the purpose of
9 this subsection (c-10) to create an equity accountability
10 system, which includes the minimum equity standards for all
11 renewable energy procurements, the equity category of the
12 Adjustable Block Program, and the equity prioritization for
13 noncompetitive procurements, that is successful in advancing
14 priority access to the clean energy economy for businesses and
15 workers from communities that have been excluded from economic
16 opportunities in the energy sector, have been subject to
17 disproportionate levels of pollution, and have
18 disproportionately experienced negative public health
19 outcomes. Further, it is the purpose of this subsection to
20 ensure that this equity accountability system is successful in
21 advancing equity across Illinois by providing access to the
22 clean energy economy for businesses and workers from
23 communities that have been historically excluded from economic
24 opportunities in the energy sector, have been subject to
25 disproportionate levels of pollution, and have
26 disproportionately experienced negative public health

1 outcomes.

2 (1) Minimum equity standards. All applications for
3 renewable energy credit procurements shall comply with
4 specific minimum equity commitments. Starting in the
5 delivery year immediately following the next long-term
6 renewable resources procurement plan, at least 10% of the
7 project workforce for each entity participating in a
8 procurement program outlined in this subsection (c-10)
9 must be done by equity eligible persons or equity eligible
10 contractors. The Agency shall increase the minimum
11 percentage each delivery year thereafter by increments
12 that ensure a statewide average of 30% of the project
13 workforce for each entity participating in a procurement
14 program is done by equity eligible persons or equity
15 eligible contractors by 2030. The Agency shall propose a
16 schedule of percentage increases to the minimum equity
17 standards in its draft revised renewable energy resources
18 procurement plan submitted to the Commission for approval
19 pursuant to paragraph (5) of subsection (b) of Section
20 16-111.5 of the Public Utilities Act. In determining these
21 annual increases, the Agency shall have the discretion to
22 establish different minimum equity standards for different
23 types of procurements and different regions of the State
24 if the Agency finds that doing so will further the
25 purposes of this subsection (c-10). The proposed schedule
26 of annual increases shall be revisited and updated on an

1 annual basis. Revisions shall be developed with
2 stakeholder input, including from equity eligible persons,
3 equity eligible contractors, clean energy industry
4 representatives, and community-based organizations that
5 work with such persons and contractors.

6 (A) At the start of each delivery year, the Agency
7 shall require a compliance plan from each entity
8 participating in a procurement program of subsection
9 (c) of this Section that demonstrates how they will
10 achieve compliance with the minimum equity standard
11 percentage for work completed in that delivery year.
12 If an entity applies for its approved vendor or
13 designee status between delivery years, the Agency
14 shall require a compliance plan at the time of
15 application.

16 (B) Halfway through each delivery year, the Agency
17 shall require each entity participating in a
18 procurement program to confirm that it will achieve
19 compliance in that delivery year, when applicable. The
20 Agency may offer corrective action plans to entities
21 that are not on track to achieve compliance.

22 (C) At the end of each delivery year, each entity
23 participating and completing work in that delivery
24 year in a procurement program of subsection (c) shall
25 submit a report to the Agency that demonstrates how it
26 achieved compliance with the minimum equity standards

1 percentage for that delivery year.

2 (D) The Agency shall prohibit participation in
3 procurement programs by an approved vendor or
4 designee, as applicable, or entities with which an
5 approved vendor or designee, as applicable, shares a
6 common parent company if an approved vendor or
7 designee, as applicable, failed to meet the minimum
8 equity standards for the prior delivery year. Waivers
9 approved for lack of equity eligible persons or equity
10 eligible contractors in a geographic area of a project
11 shall not count against the approved vendor or
12 designee. The Agency shall offer a corrective action
13 plan for any such entities to assist them in obtaining
14 compliance and shall allow continued access to
15 procurement programs upon an approved vendor or
16 designee demonstrating compliance.

17 (E) The Agency shall pursue efficiencies achieved
18 by combining with other approved vendor or designee
19 reporting.

20 (2) Equity accountability system within the Adjustable
21 Block program. The equity category described in item (vi)
22 of subparagraph (K) of subsection (c) is only available to
23 applicants that are equity eligible contractors.
24 Applicants that have Equitable Energy Future
25 Certifications are not eligible for the block described in
26 item (vi) of subparagraph (K) of subsection (c), no matter

1 if the block percentage increases. The Agency shall create
2 a system for tracking and verifying Equitable Energy
3 Future Certifications. Equitable Energy Future
4 Certification can be earned by demonstrating that at least
5 50% of the project workforce, or other appropriate
6 workforce measure as determined by the Agency where
7 certification is on a non-project basis, is done by equity
8 eligible contractors or equity eligible persons.

9 (3) Equity accountability system within competitive
10 procurements. Through its long-term renewable resources
11 procurement plan, the Agency shall develop requirements
12 for ensuring that competitive procurement processes,
13 including utility-scale solar, utility-scale wind, and
14 brownfield site photovoltaic projects, advance the equity
15 goals of this subsection (c-10). Subject to Commission
16 approval, the Agency shall develop bid application
17 requirements and a bid evaluation methodology for ensuring
18 that utilization of equity eligible contractors, whether
19 as bidders or as participants on project development, is
20 optimized, including requiring that winning or successful
21 applicants for utility-scale projects are or will partner
22 with equity eligible contractors and giving preference to
23 bids through which a higher portion of contract value
24 flows to equity eligible contractors. To the extent
25 practicable, entities participating in competitive
26 procurements shall also be required to meet all the equity

1 accountability requirements for approved vendors and their
2 designees under this subsection (c-10). In developing
3 these requirements, the Agency shall also consider whether
4 equity goals can be further advanced through additional
5 measures.

6 (4) In the first revision to the long-term renewable
7 energy resources procurement plan and each revision
8 thereafter, the Agency shall include the following:

9 (A) The current status and number of equity
10 eligible contractors listed in the Energy Workforce
11 Equity Database designed in subsection (c-25),
12 including the number of equity eligible contractors
13 with current certifications as issued by the Agency.

14 (B) A mechanism for measuring, tracking, and
15 reporting project workforce at the approved vendor or
16 designee level, as applicable, which shall include a
17 measurement methodology and records to be made
18 available for audit by the Agency or the Program
19 Administrator.

20 (C) A program for approved vendors, designees,
21 eligible persons, and equity eligible contractors to
22 receive trainings, guidance, and other support from
23 the Agency or its designee regarding the equity
24 category outlined in item (vi) of subparagraph (K) of
25 paragraph (1) of subsection (c) and in meeting the
26 minimum equity standards of this subsection (c-10).

1 (D) A process for certifying equity eligible
2 contractors and equity eligible persons. The
3 certification process shall coordinate with the Energy
4 Workforce Equity Database set forth in subsection
5 (c-25).

6 (E) An application for waiver of the minimum
7 equity standards of this subsection, which the Agency
8 shall have the discretion to grant in rare
9 circumstances. The Agency may grant such a waiver
10 where the applicant provides evidence of significant
11 efforts toward meeting the minimum equity commitment,
12 including: use of the Energy Workforce Equity
13 Database; efforts to hire or contract with entities
14 that hire eligible persons; and efforts to establish
15 contracting relationships with eligible contractors.
16 The Agency shall support applicants in understanding
17 the Energy Workforce Equity Database and other
18 resources for pursuing compliance of the minimum
19 equity standards. Waivers shall be project-specific,
20 unless the Agency deems it necessary to grant a waiver
21 across a portfolio of projects, and in effect for no
22 longer than one year. Any waiver extension or
23 subsequent waiver request from an applicant shall be
24 subject to the requirements of this Section and shall
25 specify efforts made to reach compliance. When
26 considering whether to grant a waiver, and to what

1 extent, the Agency shall consider the degree to which
2 similarly situated applicants have been able to meet
3 these minimum equity commitments. For repeated waiver
4 requests for specific lack of eligible persons or
5 eligible contractors available, the Agency shall make
6 recommendations to target recruitment to add such
7 eligible persons or eligible contractors to the
8 database.

9 (5) The Agency shall collect information about work on
10 projects or portfolios of projects subject to these
11 minimum equity standards to ensure compliance with this
12 subsection (c-10). Reporting in furtherance of this
13 requirement may be combined with other annual reporting
14 requirements. Such reporting shall include proof of
15 certification of each equity eligible contractor or equity
16 eligible person during the applicable time period.

17 (6) The Agency shall keep confidential all information
18 and communication that provides private or personal
19 information.

20 (7) Modifications to the equity accountability system.
21 As part of the update of the long-term renewable resources
22 procurement plan to be initiated in 2023, or sooner if the
23 Agency deems necessary, the Agency shall determine the
24 extent to which the equity accountability system described
25 in this subsection (c-10) has advanced the goals of this
26 amendatory Act of the 102nd General Assembly, including

1 through the inclusion of equity eligible persons, equity
2 eligible contractors, and Equitable Energy Future
3 Certification in renewable energy credit projects. If the
4 Agency finds that the equity accountability system has
5 failed to meet those goals to its fullest potential, the
6 Agency may revise the following criteria for future Agency
7 procurements: (A) the percentage of project workforce, or
8 other appropriate workforce measure, certified as equity
9 eligible persons or equity eligible contractors, as
10 required to meet the thresholds for Equitable Energy
11 Future Certification; (B) definitions for equity
12 investment eligible persons and equity investment eligible
13 community; and (C) such other modifications necessary to
14 advance the goals of this amendatory Act of the 102nd
15 General Assembly effectively. Such revised criteria may
16 also establish distinct equity accountability systems for
17 different types of procurements or different regions of
18 the State if the Agency finds that doing so will further
19 the purposes of such programs. Revisions shall be
20 developed with stakeholder input, including from equity
21 eligible persons, equity eligible contractors, and
22 community-based organizations that work with such persons
23 and contractors.

24 (c-15) Racial discrimination elimination powers and
25 process.

26 (1) Purpose. It is the purpose of this subsection to

1 empower the Agency and other State actors to remedy racial
2 discrimination in Illinois' clean energy economy as
3 effectively and expediently as possible, including through
4 the use of race-conscious remedies, such as race-conscious
5 contracting and hiring goals, as consistent with State and
6 federal law.

7 (2) Racial disparity and discrimination review
8 process.

9 (A) Within one year after awarding contracts using
10 the equity actions processes established in this
11 Section, the Agency shall publish a report evaluating
12 the effectiveness of the equity actions point criteria
13 of this Section in increasing participation of equity
14 eligible persons and equity eligible contractors. The
15 report shall disaggregate participating workers and
16 contractors by race and ethnicity. The report shall be
17 forwarded to the Governor, the General Assembly, and
18 the Illinois Commerce Commission and be made available
19 to the public.

20 (B) As soon as is practicable thereafter, the
21 Agency, in consultation with the Department of
22 Commerce and Economic Opportunity, Department of
23 Labor, and other agencies that may be relevant, shall
24 commission and publish a disparity and availability
25 study that measures the presence and impact of
26 discrimination on minority businesses and workers in

1 Illinois' clean energy economy. The Agency may hire
2 consultants and experts to conduct the disparity and
3 availability study, with the retention of those
4 consultants and experts exempt from the requirements
5 of Section 20-10 of the Illinois Procurement Code. The
6 Illinois Power Agency shall forward a copy of its
7 findings and recommendations to the Governor, the
8 General Assembly, and the Illinois Commerce
9 Commission. If the disparity and availability study
10 establishes a strong basis in evidence that there is
11 discrimination in Illinois' clean energy economy, the
12 Agency, Department of Commerce and Economic
13 Opportunity, Department of Labor, Department of
14 Corrections, and other appropriate agencies shall take
15 appropriate remedial actions, including race-conscious
16 remedial actions as consistent with State and federal
17 law, to effectively remedy this discrimination. Such
18 remedies may include modification of the equity
19 accountability system as described in subsection
20 (c-10).

21 (c-20) Program data collection.

22 (1) Purpose. Data collection, data analysis, and
23 reporting are critical to ensure that the benefits of the
24 clean energy economy provided to Illinois residents and
25 businesses are equitably distributed across the State. The
26 Agency shall collect data from program applicants in order

1 to track and improve equitable distribution of benefits
2 across Illinois communities for all procurements the
3 Agency conducts. The Agency shall use this data to, among
4 other things, measure any potential impact of racial
5 discrimination on the distribution of benefits and provide
6 information necessary to correct any discrimination
7 through methods consistent with State and federal law.

8 (2) Agency collection of program data. The Agency
9 shall collect demographic and geographic data for each
10 entity awarded contracts under any Agency-administered
11 program.

12 (3) Required information to be collected. The Agency
13 shall collect the following information from applicants
14 and program participants where applicable:

15 (A) demographic information, including racial or
16 ethnic identity for real persons employed, contracted,
17 or subcontracted through the program and owners of
18 businesses or entities that apply to receive renewable
19 energy credits from the Agency;

20 (B) geographic location of the residency of real
21 persons employed, contracted, or subcontracted through
22 the program and geographic location of the
23 headquarters of the business or entity that applies to
24 receive renewable energy credits from the Agency; and

25 (C) any other information the Agency determines is
26 necessary for the purpose of achieving the purpose of

1 this subsection.

2 (4) Publication of collected information. The Agency
3 shall publish, at least annually, information on the
4 demographics of program participants on an aggregate
5 basis.

6 (5) Nothing in this subsection shall be interpreted to
7 limit the authority of the Agency, or other agency or
8 department of the State, to require or collect demographic
9 information from applicants of other State programs.

10 (c-25) Energy Workforce Equity Database.

11 (1) The Agency, in consultation with the Department of
12 Commerce and Economic Opportunity, shall create an Energy
13 Workforce Equity Database, and may contract with a third
14 party to do so ("database program administrator"). If the
15 Department decides to contract with a third party, that
16 third party shall be exempt from the requirements of
17 Section 20-10 of the Illinois Procurement Code. The Energy
18 Workforce Equity Database shall be a searchable database
19 of suppliers, vendors, and subcontractors for clean energy
20 industries that is:

21 (A) publicly accessible;

22 (B) easy for people to find and use;

23 (C) organized by company specialty or field;

24 (D) region-specific; and

25 (E) populated with information including, but not
26 limited to, contacts for suppliers, vendors, or

1 subcontractors who are minority and women-owned
2 business enterprise certified or who participate or
3 have participated in any of the programs described in
4 this Act.

5 (2) The Agency shall create an easily accessible,
6 public facing online tool using the database information
7 that includes, at a minimum, the following:

8 (A) a map of environmental justice and equity
9 investment eligible communities;

10 (B) job postings and recruiting opportunities;

11 (C) a means by which recruiting clean energy
12 companies can find and interact with current or former
13 participants of clean energy workforce training
14 programs;

15 (D) information on workforce training service
16 providers and training opportunities available to
17 prospective workers;

18 (E) renewable energy company diversity reporting;

19 (F) a list of equity eligible contractors with
20 their contact information, types of work performed,
21 and locations worked in;

22 (G) reporting on outcomes of the programs
23 described in the workforce programs of the Energy
24 Transition Act, including information such as, but not
25 limited to, retention rate, graduation rate, and
26 placement rates of trainees; and

1 (H) information about the Jobs and Environmental
2 Justice Grant Program, the Clean Energy Jobs and
3 Justice Fund, and other sources of capital.

4 (3) The Agency shall ensure the database is regularly
5 updated to ensure information is current and shall
6 coordinate with the Department of Commerce and Economic
7 Opportunity to ensure that it includes information on
8 individuals and entities that are or have participated in
9 the Clean Jobs Workforce Network Program, Clean Energy
10 Contractor Incubator Program, Returning Residents Clean
11 Jobs Training Program, or Clean Energy Primes Contractor
12 Accelerator Program.

13 (c-30) Enforcement of equity accountability system.

14 (1) Enforcement of minimum equity standards. All
15 entities seeking renewable energy credits must submit an
16 annual report to demonstrate compliance with each of the
17 equity commitments required under subsection (c-10). If
18 the Agency concludes the entity has not met or maintained
19 its minimum equity standards required under the applicable
20 subparagraphs under subsection (c-10), the Agency shall
21 deny the entity's ability to participate in procurement
22 programs in subsection (c), including by withholding
23 approved vendor or designee status. The Agency may require
24 the entity to enter into a corrective action plan. An
25 entity that is not recertified for failing to meet
26 required equity actions in subparagraph (c-10) may reapply

1 once they have a corrective action plan and achieve
2 compliance with the minimum equity standards.

3 (2) Enforcement of Equitable Energy Future
4 Certification. All entities using Equitable Energy Future
5 Certification in applying for renewable energy credit
6 procurements must submit a report at project energization
7 demonstrating that they met the required Equitable Energy
8 Future Certification thresholds. The Agency shall
9 determine an appropriate reporting frequency for entities
10 that are granted Equitable Energy Future Certification for
11 a portfolio of projects. The Agency may impose penalties
12 on entities that fail to meet the Equitable Energy Future
13 Certification thresholds, which may include, but are not
14 limited to: reduction in final REC price, contributions to
15 the Clean Jobs Workforce Hubs, or Illinois Climate Works
16 Preapprenticeship Program and suspension from using
17 Equitable Energy Future Certification for future projects
18 or a portfolio of projects.

19 (d) Clean coal portfolio standard.

20 (1) The procurement plans shall include electricity
21 generated using clean coal. Each utility shall enter into
22 one or more sourcing agreements with the initial clean
23 coal facility, as provided in paragraph (3) of this
24 subsection (d), covering electricity generated by the
25 initial clean coal facility representing at least 5% of
26 each utility's total supply to serve the load of eligible

1 retail customers in 2015 and each year thereafter, as
2 described in paragraph (3) of this subsection (d), subject
3 to the limits specified in paragraph (2) of this
4 subsection (d). It is the goal of the State that by January
5 1, 2025, 25% of the electricity used in the State shall be
6 generated by cost-effective clean coal facilities. For
7 purposes of this subsection (d), "cost-effective" means
8 that the expenditures pursuant to such sourcing agreements
9 do not cause the limit stated in paragraph (2) of this
10 subsection (d) to be exceeded and do not exceed cost-based
11 benchmarks, which shall be developed to assess all
12 expenditures pursuant to such sourcing agreements covering
13 electricity generated by clean coal facilities, other than
14 the initial clean coal facility, by the procurement
15 administrator, in consultation with the Commission staff,
16 Agency staff, and the procurement monitor and shall be
17 subject to Commission review and approval.

18 A utility party to a sourcing agreement shall
19 immediately retire any emission credits that it receives
20 in connection with the electricity covered by such
21 agreement.

22 Utilities shall maintain adequate records documenting
23 the purchases under the sourcing agreement to comply with
24 this subsection (d) and shall file an accounting with the
25 load forecast that must be filed with the Agency by July 15
26 of each year, in accordance with subsection (d) of Section

1 16-111.5 of the Public Utilities Act.

2 A utility shall be deemed to have complied with the
3 clean coal portfolio standard specified in this subsection
4 (d) if the utility enters into a sourcing agreement as
5 required by this subsection (d).

6 (2) For purposes of this subsection (d), the required
7 execution of sourcing agreements with the initial clean
8 coal facility for a particular year shall be measured as a
9 percentage of the actual amount of electricity
10 (megawatt-hours) supplied by the electric utility to
11 eligible retail customers in the planning year ending
12 immediately prior to the agreement's execution. For
13 purposes of this subsection (d), the amount paid per
14 kilowatthour means the total amount paid for electric
15 service expressed on a per kilowatthour basis. For
16 purposes of this subsection (d), the total amount paid for
17 electric service includes without limitation amounts paid
18 for supply, transmission, distribution, surcharges and
19 add-on taxes.

20 Notwithstanding the requirements of this subsection
21 (d), the total amount paid under sourcing agreements with
22 clean coal facilities pursuant to the procurement plan for
23 any given year shall be reduced by an amount necessary to
24 limit the annual estimated average net increase due to the
25 costs of these resources included in the amounts paid by
26 eligible retail customers in connection with electric

1 service to:

2 (A) in 2010, no more than 0.5% of the amount paid
3 per kilowatthour by those customers during the year
4 ending May 31, 2009;

5 (B) in 2011, the greater of an additional 0.5% of
6 the amount paid per kilowatthour by those customers
7 during the year ending May 31, 2010 or 1% of the amount
8 paid per kilowatthour by those customers during the
9 year ending May 31, 2009;

10 (C) in 2012, the greater of an additional 0.5% of
11 the amount paid per kilowatthour by those customers
12 during the year ending May 31, 2011 or 1.5% of the
13 amount paid per kilowatthour by those customers during
14 the year ending May 31, 2009;

15 (D) in 2013, the greater of an additional 0.5% of
16 the amount paid per kilowatthour by those customers
17 during the year ending May 31, 2012 or 2% of the amount
18 paid per kilowatthour by those customers during the
19 year ending May 31, 2009; and

20 (E) thereafter, the total amount paid under
21 sourcing agreements with clean coal facilities
22 pursuant to the procurement plan for any single year
23 shall be reduced by an amount necessary to limit the
24 estimated average net increase due to the cost of
25 these resources included in the amounts paid by
26 eligible retail customers in connection with electric

1 service to no more than the greater of (i) 2.015% of
2 the amount paid per kilowatthour by those customers
3 during the year ending May 31, 2009 or (ii) the
4 incremental amount per kilowatthour paid for these
5 resources in 2013. These requirements may be altered
6 only as provided by statute.

7 No later than June 30, 2015, the Commission shall
8 review the limitation on the total amount paid under
9 sourcing agreements, if any, with clean coal facilities
10 pursuant to this subsection (d) and report to the General
11 Assembly its findings as to whether that limitation unduly
12 constrains the amount of electricity generated by
13 cost-effective clean coal facilities that is covered by
14 sourcing agreements.

15 (3) Initial clean coal facility. In order to promote
16 development of clean coal facilities in Illinois, each
17 electric utility subject to this Section shall execute a
18 sourcing agreement to source electricity from a proposed
19 clean coal facility in Illinois (the "initial clean coal
20 facility") that will have a nameplate capacity of at least
21 500 MW when commercial operation commences, that has a
22 final Clean Air Act permit on June 1, 2009 (the effective
23 date of Public Act 95-1027), and that will meet the
24 definition of clean coal facility in Section 1-10 of this
25 Act when commercial operation commences. The sourcing
26 agreements with this initial clean coal facility shall be

1 subject to both approval of the initial clean coal
2 facility by the General Assembly and satisfaction of the
3 requirements of paragraph (4) of this subsection (d) and
4 shall be executed within 90 days after any such approval
5 by the General Assembly. The Agency and the Commission
6 shall have authority to inspect all books and records
7 associated with the initial clean coal facility during the
8 term of such a sourcing agreement. A utility's sourcing
9 agreement for electricity produced by the initial clean
10 coal facility shall include:

11 (A) a formula contractual price (the "contract
12 price") approved pursuant to paragraph (4) of this
13 subsection (d), which shall:

14 (i) be determined using a cost of service
15 methodology employing either a level or deferred
16 capital recovery component, based on a capital
17 structure consisting of 45% equity and 55% debt,
18 and a return on equity as may be approved by the
19 Federal Energy Regulatory Commission, which in any
20 case may not exceed the lower of 11.5% or the rate
21 of return approved by the General Assembly
22 pursuant to paragraph (4) of this subsection (d);
23 and

24 (ii) provide that all miscellaneous net
25 revenue, including but not limited to net revenue
26 from the sale of emission allowances, if any,

1 substitute natural gas, if any, grants or other
2 support provided by the State of Illinois or the
3 United States Government, firm transmission
4 rights, if any, by-products produced by the
5 facility, energy or capacity derived from the
6 facility and not covered by a sourcing agreement
7 pursuant to paragraph (3) of this subsection (d)
8 or item (5) of subsection (d) of Section 16-115 of
9 the Public Utilities Act, whether generated from
10 the synthesis gas derived from coal, from SNG, or
11 from natural gas, shall be credited against the
12 revenue requirement for this initial clean coal
13 facility;

14 (B) power purchase provisions, which shall:

15 (i) provide that the utility party to such
16 sourcing agreement shall pay the contract price
17 for electricity delivered under such sourcing
18 agreement;

19 (ii) require delivery of electricity to the
20 regional transmission organization market of the
21 utility that is party to such sourcing agreement;

22 (iii) require the utility party to such
23 sourcing agreement to buy from the initial clean
24 coal facility in each hour an amount of energy
25 equal to all clean coal energy made available from
26 the initial clean coal facility during such hour

1 times a fraction, the numerator of which is such
2 utility's retail market sales of electricity
3 (expressed in kilowatthours sold) in the State
4 during the prior calendar month and the
5 denominator of which is the total retail market
6 sales of electricity (expressed in kilowatthours
7 sold) in the State by utilities during such prior
8 month and the sales of electricity (expressed in
9 kilowatthours sold) in the State by alternative
10 retail electric suppliers during such prior month
11 that are subject to the requirements of this
12 subsection (d) and paragraph (5) of subsection (d)
13 of Section 16-115 of the Public Utilities Act,
14 provided that the amount purchased by the utility
15 in any year will be limited by paragraph (2) of
16 this subsection (d); and

17 (iv) be considered pre-existing contracts in
18 such utility's procurement plans for eligible
19 retail customers;

20 (C) contract for differences provisions, which
21 shall:

22 (i) require the utility party to such sourcing
23 agreement to contract with the initial clean coal
24 facility in each hour with respect to an amount of
25 energy equal to all clean coal energy made
26 available from the initial clean coal facility

1 during such hour times a fraction, the numerator
2 of which is such utility's retail market sales of
3 electricity (expressed in kilowatthours sold) in
4 the utility's service territory in the State
5 during the prior calendar month and the
6 denominator of which is the total retail market
7 sales of electricity (expressed in kilowatthours
8 sold) in the State by utilities during such prior
9 month and the sales of electricity (expressed in
10 kilowatthours sold) in the State by alternative
11 retail electric suppliers during such prior month
12 that are subject to the requirements of this
13 subsection (d) and paragraph (5) of subsection (d)
14 of Section 16-115 of the Public Utilities Act,
15 provided that the amount paid by the utility in
16 any year will be limited by paragraph (2) of this
17 subsection (d);

18 (ii) provide that the utility's payment
19 obligation in respect of the quantity of
20 electricity determined pursuant to the preceding
21 clause (i) shall be limited to an amount equal to
22 (1) the difference between the contract price
23 determined pursuant to subparagraph (A) of
24 paragraph (3) of this subsection (d) and the
25 day-ahead price for electricity delivered to the
26 regional transmission organization market of the

1 utility that is party to such sourcing agreement
2 (or any successor delivery point at which such
3 utility's supply obligations are financially
4 settled on an hourly basis) (the "reference
5 price") on the day preceding the day on which the
6 electricity is delivered to the initial clean coal
7 facility busbar, multiplied by (2) the quantity of
8 electricity determined pursuant to the preceding
9 clause (i); and

10 (iii) not require the utility to take physical
11 delivery of the electricity produced by the
12 facility;

13 (D) general provisions, which shall:

14 (i) specify a term of no more than 30 years,
15 commencing on the commercial operation date of the
16 facility;

17 (ii) provide that utilities shall maintain
18 adequate records documenting purchases under the
19 sourcing agreements entered into to comply with
20 this subsection (d) and shall file an accounting
21 with the load forecast that must be filed with the
22 Agency by July 15 of each year, in accordance with
23 subsection (d) of Section 16-111.5 of the Public
24 Utilities Act;

25 (iii) provide that all costs associated with
26 the initial clean coal facility will be

1 periodically reported to the Federal Energy
2 Regulatory Commission and to purchasers in
3 accordance with applicable laws governing
4 cost-based wholesale power contracts;

5 (iv) permit the Illinois Power Agency to
6 assume ownership of the initial clean coal
7 facility, without monetary consideration and
8 otherwise on reasonable terms acceptable to the
9 Agency, if the Agency so requests no less than 3
10 years prior to the end of the stated contract
11 term;

12 (v) require the owner of the initial clean
13 coal facility to provide documentation to the
14 Commission each year, starting in the facility's
15 first year of commercial operation, accurately
16 reporting the quantity of carbon emissions from
17 the facility that have been captured and
18 sequestered and report any quantities of carbon
19 released from the site or sites at which carbon
20 emissions were sequestered in prior years, based
21 on continuous monitoring of such sites. If, in any
22 year after the first year of commercial operation,
23 the owner of the facility fails to demonstrate
24 that the initial clean coal facility captured and
25 sequestered at least 50% of the total carbon
26 emissions that the facility would otherwise emit

1 or that sequestration of emissions from prior
2 years has failed, resulting in the release of
3 carbon dioxide into the atmosphere, the owner of
4 the facility must offset excess emissions. Any
5 such carbon offsets must be permanent, additional,
6 verifiable, real, located within the State of
7 Illinois, and legally and practicably enforceable.
8 The cost of such offsets for the facility that are
9 not recoverable shall not exceed \$15 million in
10 any given year. No costs of any such purchases of
11 carbon offsets may be recovered from a utility or
12 its customers. All carbon offsets purchased for
13 this purpose and any carbon emission credits
14 associated with sequestration of carbon from the
15 facility must be permanently retired. The initial
16 clean coal facility shall not forfeit its
17 designation as a clean coal facility if the
18 facility fails to fully comply with the applicable
19 carbon sequestration requirements in any given
20 year, provided the requisite offsets are
21 purchased. However, the Attorney General, on
22 behalf of the People of the State of Illinois, may
23 specifically enforce the facility's sequestration
24 requirement and the other terms of this contract
25 provision. Compliance with the sequestration
26 requirements and offset purchase requirements

1 specified in paragraph (3) of this subsection (d)
2 shall be reviewed annually by an independent
3 expert retained by the owner of the initial clean
4 coal facility, with the advance written approval
5 of the Attorney General. The Commission may, in
6 the course of the review specified in item (vii),
7 reduce the allowable return on equity for the
8 facility if the facility willfully fails to comply
9 with the carbon capture and sequestration
10 requirements set forth in this item (v);

11 (vi) include limits on, and accordingly
12 provide for modification of, the amount the
13 utility is required to source under the sourcing
14 agreement consistent with paragraph (2) of this
15 subsection (d);

16 (vii) require Commission review: (1) to
17 determine the justness, reasonableness, and
18 prudence of the inputs to the formula referenced
19 in subparagraphs (A)(i) through (A)(iii) of
20 paragraph (3) of this subsection (d), prior to an
21 adjustment in those inputs including, without
22 limitation, the capital structure and return on
23 equity, fuel costs, and other operations and
24 maintenance costs and (2) to approve the costs to
25 be passed through to customers under the sourcing
26 agreement by which the utility satisfies its

1 statutory obligations. Commission review shall
2 occur no less than every 3 years, regardless of
3 whether any adjustments have been proposed, and
4 shall be completed within 9 months;

5 (viii) limit the utility's obligation to such
6 amount as the utility is allowed to recover
7 through tariffs filed with the Commission,
8 provided that neither the clean coal facility nor
9 the utility waives any right to assert federal
10 pre-emption or any other argument in response to a
11 purported disallowance of recovery costs;

12 (ix) limit the utility's or alternative retail
13 electric supplier's obligation to incur any
14 liability until such time as the facility is in
15 commercial operation and generating power and
16 energy and such power and energy is being
17 delivered to the facility busbar;

18 (x) provide that the owner or owners of the
19 initial clean coal facility, which is the
20 counterparty to such sourcing agreement, shall
21 have the right from time to time to elect whether
22 the obligations of the utility party thereto shall
23 be governed by the power purchase provisions or
24 the contract for differences provisions;

25 (xi) append documentation showing that the
26 formula rate and contract, insofar as they relate

1 to the power purchase provisions, have been
2 approved by the Federal Energy Regulatory
3 Commission pursuant to Section 205 of the Federal
4 Power Act;

5 (xii) provide that any changes to the terms of
6 the contract, insofar as such changes relate to
7 the power purchase provisions, are subject to
8 review under the public interest standard applied
9 by the Federal Energy Regulatory Commission
10 pursuant to Sections 205 and 206 of the Federal
11 Power Act; and

12 (xiii) conform with customary lender
13 requirements in power purchase agreements used as
14 the basis for financing non-utility generators.

15 (4) Effective date of sourcing agreements with the
16 initial clean coal facility. Any proposed sourcing
17 agreement with the initial clean coal facility shall not
18 become effective unless the following reports are prepared
19 and submitted and authorizations and approvals obtained:

20 (i) Facility cost report. The owner of the initial
21 clean coal facility shall submit to the Commission,
22 the Agency, and the General Assembly a front-end
23 engineering and design study, a facility cost report,
24 method of financing (including but not limited to
25 structure and associated costs), and an operating and
26 maintenance cost quote for the facility (collectively

1 "facility cost report"), which shall be prepared in
2 accordance with the requirements of this paragraph (4)
3 of subsection (d) of this Section, and shall provide
4 the Commission and the Agency access to the work
5 papers, relied upon documents, and any other backup
6 documentation related to the facility cost report.

7 (ii) Commission report. Within 6 months following
8 receipt of the facility cost report, the Commission,
9 in consultation with the Agency, shall submit a report
10 to the General Assembly setting forth its analysis of
11 the facility cost report. Such report shall include,
12 but not be limited to, a comparison of the costs
13 associated with electricity generated by the initial
14 clean coal facility to the costs associated with
15 electricity generated by other types of generation
16 facilities, an analysis of the rate impacts on
17 residential and small business customers over the life
18 of the sourcing agreements, and an analysis of the
19 likelihood that the initial clean coal facility will
20 commence commercial operation by and be delivering
21 power to the facility's busbar by 2016. To assist in
22 the preparation of its report, the Commission, in
23 consultation with the Agency, may hire one or more
24 experts or consultants, the costs of which shall be
25 paid for by the owner of the initial clean coal
26 facility. The Commission and Agency may begin the

1 process of selecting such experts or consultants prior
2 to receipt of the facility cost report.

3 (iii) General Assembly approval. The proposed
4 sourcing agreements shall not take effect unless,
5 based on the facility cost report and the Commission's
6 report, the General Assembly enacts authorizing
7 legislation approving (A) the projected price, stated
8 in cents per kilowatthour, to be charged for
9 electricity generated by the initial clean coal
10 facility, (B) the projected impact on residential and
11 small business customers' bills over the life of the
12 sourcing agreements, and (C) the maximum allowable
13 return on equity for the project; and

14 (iv) Commission review. If the General Assembly
15 enacts authorizing legislation pursuant to
16 subparagraph (iii) approving a sourcing agreement, the
17 Commission shall, within 90 days of such enactment,
18 complete a review of such sourcing agreement. During
19 such time period, the Commission shall implement any
20 directive of the General Assembly, resolve any
21 disputes between the parties to the sourcing agreement
22 concerning the terms of such agreement, approve the
23 form of such agreement, and issue an order finding
24 that the sourcing agreement is prudent and reasonable.
25 The facility cost report shall be prepared as follows:

26 (A) The facility cost report shall be prepared by

1 duly licensed engineering and construction firms
2 detailing the estimated capital costs payable to one
3 or more contractors or suppliers for the engineering,
4 procurement and construction of the components
5 comprising the initial clean coal facility and the
6 estimated costs of operation and maintenance of the
7 facility. The facility cost report shall include:

8 (i) an estimate of the capital cost of the
9 core plant based on one or more front end
10 engineering and design studies for the
11 gasification island and related facilities. The
12 core plant shall include all civil, structural,
13 mechanical, electrical, control, and safety
14 systems.

15 (ii) an estimate of the capital cost of the
16 balance of the plant, including any capital costs
17 associated with sequestration of carbon dioxide
18 emissions and all interconnects and interfaces
19 required to operate the facility, such as
20 transmission of electricity, construction or
21 backfeed power supply, pipelines to transport
22 substitute natural gas or carbon dioxide, potable
23 water supply, natural gas supply, water supply,
24 water discharge, landfill, access roads, and coal
25 delivery.

26 The quoted construction costs shall be expressed

1 in nominal dollars as of the date that the quote is
2 prepared and shall include capitalized financing costs
3 during construction, taxes, insurance, and other
4 owner's costs, and an assumed escalation in materials
5 and labor beyond the date as of which the construction
6 cost quote is expressed.

7 (B) The front end engineering and design study for
8 the gasification island and the cost study for the
9 balance of plant shall include sufficient design work
10 to permit quantification of major categories of
11 materials, commodities and labor hours, and receipt of
12 quotes from vendors of major equipment required to
13 construct and operate the clean coal facility.

14 (C) The facility cost report shall also include an
15 operating and maintenance cost quote that will provide
16 the estimated cost of delivered fuel, personnel,
17 maintenance contracts, chemicals, catalysts,
18 consumables, spares, and other fixed and variable
19 operations and maintenance costs. The delivered fuel
20 cost estimate will be provided by a recognized third
21 party expert or experts in the fuel and transportation
22 industries. The balance of the operating and
23 maintenance cost quote, excluding delivered fuel
24 costs, will be developed based on the inputs provided
25 by duly licensed engineering and construction firms
26 performing the construction cost quote, potential

1 vendors under long-term service agreements and plant
2 operating agreements, or recognized third party plant
3 operator or operators.

4 The operating and maintenance cost quote
5 (including the cost of the front end engineering and
6 design study) shall be expressed in nominal dollars as
7 of the date that the quote is prepared and shall
8 include taxes, insurance, and other owner's costs, and
9 an assumed escalation in materials and labor beyond
10 the date as of which the operating and maintenance
11 cost quote is expressed.

12 (D) The facility cost report shall also include an
13 analysis of the initial clean coal facility's ability
14 to deliver power and energy into the applicable
15 regional transmission organization markets and an
16 analysis of the expected capacity factor for the
17 initial clean coal facility.

18 (E) Amounts paid to third parties unrelated to the
19 owner or owners of the initial clean coal facility to
20 prepare the core plant construction cost quote,
21 including the front end engineering and design study,
22 and the operating and maintenance cost quote will be
23 reimbursed through Coal Development Bonds.

24 (5) Re-powering and retrofitting coal-fired power
25 plants previously owned by Illinois utilities to qualify
26 as clean coal facilities. During the 2009 procurement

1 planning process and thereafter, the Agency and the
2 Commission shall consider sourcing agreements covering
3 electricity generated by power plants that were previously
4 owned by Illinois utilities and that have been or will be
5 converted into clean coal facilities, as defined by
6 Section 1-10 of this Act. Pursuant to such procurement
7 planning process, the owners of such facilities may
8 propose to the Agency sourcing agreements with utilities
9 and alternative retail electric suppliers required to
10 comply with subsection (d) of this Section and item (5) of
11 subsection (d) of Section 16-115 of the Public Utilities
12 Act, covering electricity generated by such facilities. In
13 the case of sourcing agreements that are power purchase
14 agreements, the contract price for electricity sales shall
15 be established on a cost of service basis. In the case of
16 sourcing agreements that are contracts for differences,
17 the contract price from which the reference price is
18 subtracted shall be established on a cost of service
19 basis. The Agency and the Commission may approve any such
20 utility sourcing agreements that do not exceed cost-based
21 benchmarks developed by the procurement administrator, in
22 consultation with the Commission staff, Agency staff and
23 the procurement monitor, subject to Commission review and
24 approval. The Commission shall have authority to inspect
25 all books and records associated with these clean coal
26 facilities during the term of any such contract.

1 (6) Costs incurred under this subsection (d) or
2 pursuant to a contract entered into under this subsection
3 (d) shall be deemed prudently incurred and reasonable in
4 amount and the electric utility shall be entitled to full
5 cost recovery pursuant to the tariffs filed with the
6 Commission.

7 (d-5) Zero emission standard.

8 (1) Beginning with the delivery year commencing on
9 June 1, 2017, the Agency shall, for electric utilities
10 that serve at least 100,000 retail customers in this
11 State, procure contracts with zero emission facilities
12 that are reasonably capable of generating cost-effective
13 zero emission credits in an amount approximately equal to
14 16% of the actual amount of electricity delivered by each
15 electric utility to retail customers in the State during
16 calendar year 2014. For an electric utility serving fewer
17 than 100,000 retail customers in this State that
18 requested, under Section 16-111.5 of the Public Utilities
19 Act, that the Agency procure power and energy for all or a
20 portion of the utility's Illinois load for the delivery
21 year commencing June 1, 2016, the Agency shall procure
22 contracts with zero emission facilities that are
23 reasonably capable of generating cost-effective zero
24 emission credits in an amount approximately equal to 16%
25 of the portion of power and energy to be procured by the
26 Agency for the utility. The duration of the contracts

1 procured under this subsection (d-5) shall be for a term
2 of 10 years ending May 31, 2027. The quantity of zero
3 emission credits to be procured under the contracts shall
4 be all of the zero emission credits generated by the zero
5 emission facility in each delivery year; however, if the
6 zero emission facility is owned by more than one entity,
7 then the quantity of zero emission credits to be procured
8 under the contracts shall be the amount of zero emission
9 credits that are generated from the portion of the zero
10 emission facility that is owned by the winning supplier.

11 The 16% value identified in this paragraph (1) is the
12 average of the percentage targets in subparagraph (B) of
13 paragraph (1) of subsection (c) of this Section for the 5
14 delivery years beginning June 1, 2017.

15 The procurement process shall be subject to the
16 following provisions:

17 (A) Those zero emission facilities that intend to
18 participate in the procurement shall submit to the
19 Agency the following eligibility information for each
20 zero emission facility on or before the date
21 established by the Agency:

22 (i) the in-service date and remaining useful
23 life of the zero emission facility;

24 (ii) the amount of power generated annually
25 for each of the years 2005 through 2015, and the
26 projected zero emission credits to be generated

1 over the remaining useful life of the zero
2 emission facility, which shall be used to
3 determine the capability of each facility;

4 (iii) the annual zero emission facility cost
5 projections, expressed on a per megawatthour
6 basis, over the next 6 delivery years, which shall
7 include the following: operation and maintenance
8 expenses; fully allocated overhead costs, which
9 shall be allocated using the methodology developed
10 by the Institute for Nuclear Power Operations;
11 fuel expenditures; non-fuel capital expenditures;
12 spent fuel expenditures; a return on working
13 capital; the cost of operational and market risks
14 that could be avoided by ceasing operation; and
15 any other costs necessary for continued
16 operations, provided that "necessary" means, for
17 purposes of this item (iii), that the costs could
18 reasonably be avoided only by ceasing operations
19 of the zero emission facility; and

20 (iv) a commitment to continue operating, for
21 the duration of the contract or contracts executed
22 under the procurement held under this subsection
23 (d-5), the zero emission facility that produces
24 the zero emission credits to be procured in the
25 procurement.

26 The information described in item (iii) of this

1 subparagraph (A) may be submitted on a confidential
2 basis and shall be treated and maintained by the
3 Agency, the procurement administrator, and the
4 Commission as confidential and proprietary and exempt
5 from disclosure under subparagraphs (a) and (g) of
6 paragraph (1) of Section 7 of the Freedom of
7 Information Act. The Office of Attorney General shall
8 have access to, and maintain the confidentiality of,
9 such information pursuant to Section 6.5 of the
10 Attorney General Act.

11 (B) The price for each zero emission credit
12 procured under this subsection (d-5) for each delivery
13 year shall be in an amount that equals the Social Cost
14 of Carbon, expressed on a price per megawatthour
15 basis. However, to ensure that the procurement remains
16 affordable to retail customers in this State if
17 electricity prices increase, the price in an
18 applicable delivery year shall be reduced below the
19 Social Cost of Carbon by the amount ("Price
20 Adjustment") by which the market price index for the
21 applicable delivery year exceeds the baseline market
22 price index for the consecutive 12-month period ending
23 May 31, 2016. If the Price Adjustment is greater than
24 or equal to the Social Cost of Carbon in an applicable
25 delivery year, then no payments shall be due in that
26 delivery year. The components of this calculation are

1 defined as follows:

2 (i) Social Cost of Carbon: The Social Cost of
3 Carbon is \$16.50 per megawatthour, which is based
4 on the U.S. Interagency Working Group on Social
5 Cost of Carbon's price in the August 2016
6 Technical Update using a 3% discount rate,
7 adjusted for inflation for each year of the
8 program. Beginning with the delivery year
9 commencing June 1, 2023, the price per
10 megawatthour shall increase by \$1 per
11 megawatthour, and continue to increase by an
12 additional \$1 per megawatthour each delivery year
13 thereafter.

14 (ii) Baseline market price index: The baseline
15 market price index for the consecutive 12-month
16 period ending May 31, 2016 is \$31.40 per
17 megawatthour, which is based on the sum of (aa)
18 the average day-ahead energy price across all
19 hours of such 12-month period at the PJM
20 Interconnection LLC Northern Illinois Hub, (bb)
21 50% multiplied by the Base Residual Auction, or
22 its successor, capacity price for the rest of the
23 RTO zone group determined by PJM Interconnection
24 LLC, divided by 24 hours per day, and (cc) 50%
25 multiplied by the Planning Resource Auction, or
26 its successor, capacity price for Zone 4

1 determined by the Midcontinent Independent System
2 Operator, Inc., divided by 24 hours per day.

3 (iii) Market price index: The market price
4 index for a delivery year shall be the sum of
5 projected energy prices and projected capacity
6 prices determined as follows:

7 (aa) Projected energy prices: the
8 projected energy prices for the applicable
9 delivery year shall be calculated once for the
10 year using the forward market price for the
11 PJM Interconnection, LLC Northern Illinois
12 Hub. The forward market price shall be
13 calculated as follows: the energy forward
14 prices for each month of the applicable
15 delivery year averaged for each trade date
16 during the calendar year immediately preceding
17 that delivery year to produce a single energy
18 forward price for the delivery year. The
19 forward market price calculation shall use
20 data published by the Intercontinental
21 Exchange, or its successor.

22 (bb) Projected capacity prices:

23 (I) For the delivery years commencing
24 June 1, 2017, June 1, 2018, and June 1,
25 2019, the projected capacity price shall
26 be equal to the sum of (1) 50% multiplied

1 by the Base Residual Auction, or its
2 successor, price for the rest of the RTO
3 zone group as determined by PJM
4 Interconnection LLC, divided by 24 hours
5 per day and, (2) 50% multiplied by the
6 resource auction price determined in the
7 resource auction administered by the
8 Midcontinent Independent System Operator,
9 Inc., in which the largest percentage of
10 load cleared for Local Resource Zone 4,
11 divided by 24 hours per day, and where
12 such price is determined by the
13 Midcontinent Independent System Operator,
14 Inc.

15 (II) For the delivery year commencing
16 June 1, 2020, and each year thereafter,
17 the projected capacity price shall be
18 equal to the sum of (1) 50% multiplied by
19 the Base Residual Auction, or its
20 successor, price for the ComEd zone as
21 determined by PJM Interconnection LLC,
22 divided by 24 hours per day, and (2) 50%
23 multiplied by the resource auction price
24 determined in the resource auction
25 administered by the Midcontinent
26 Independent System Operator, Inc., in

1 which the largest percentage of load
2 cleared for Local Resource Zone 4, divided
3 by 24 hours per day, and where such price
4 is determined by the Midcontinent
5 Independent System Operator, Inc.

6 For purposes of this subsection (d-5):

7 "Rest of the RTO" and "ComEd Zone" shall have
8 the meaning ascribed to them by PJM
9 Interconnection, LLC.

10 "RTO" means regional transmission
11 organization.

12 (C) No later than 45 days after June 1, 2017 (the
13 effective date of Public Act 99-906), the Agency shall
14 publish its proposed zero emission standard
15 procurement plan. The plan shall be consistent with
16 the provisions of this paragraph (1) and shall provide
17 that winning bids shall be selected based on public
18 interest criteria that include, but are not limited
19 to, minimizing carbon dioxide emissions that result
20 from electricity consumed in Illinois and minimizing
21 sulfur dioxide, nitrogen oxide, and particulate matter
22 emissions that adversely affect the citizens of this
23 State. In particular, the selection of winning bids
24 shall take into account the incremental environmental
25 benefits resulting from the procurement, such as any
26 existing environmental benefits that are preserved by

1 the procurements held under Public Act 99-906 and
2 would cease to exist if the procurements were not
3 held, including the preservation of zero emission
4 facilities. The plan shall also describe in detail how
5 each public interest factor shall be considered and
6 weighted in the bid selection process to ensure that
7 the public interest criteria are applied to the
8 procurement and given full effect.

9 For purposes of developing the plan, the Agency
10 shall consider any reports issued by a State agency,
11 board, or commission under House Resolution 1146 of
12 the 98th General Assembly and paragraph (4) of
13 subsection (d) of this Section, as well as publicly
14 available analyses and studies performed by or for
15 regional transmission organizations that serve the
16 State and their independent market monitors.

17 Upon publishing of the zero emission standard
18 procurement plan, copies of the plan shall be posted
19 and made publicly available on the Agency's website.
20 All interested parties shall have 10 days following
21 the date of posting to provide comment to the Agency on
22 the plan. All comments shall be posted to the Agency's
23 website. Following the end of the comment period, but
24 no more than 60 days later than June 1, 2017 (the
25 effective date of Public Act 99-906), the Agency shall
26 revise the plan as necessary based on the comments

1 received and file its zero emission standard
2 procurement plan with the Commission.

3 If the Commission determines that the plan will
4 result in the procurement of cost-effective zero
5 emission credits, then the Commission shall, after
6 notice and hearing, but no later than 45 days after the
7 Agency filed the plan, approve the plan or approve
8 with modification. For purposes of this subsection
9 (d-5), "cost effective" means the projected costs of
10 procuring zero emission credits from zero emission
11 facilities do not cause the limit stated in paragraph
12 (2) of this subsection to be exceeded.

13 (C-5) As part of the Commission's review and
14 acceptance or rejection of the procurement results,
15 the Commission shall, in its public notice of
16 successful bidders:

17 (i) identify how the winning bids satisfy the
18 public interest criteria described in subparagraph
19 (C) of this paragraph (1) of minimizing carbon
20 dioxide emissions that result from electricity
21 consumed in Illinois and minimizing sulfur
22 dioxide, nitrogen oxide, and particulate matter
23 emissions that adversely affect the citizens of
24 this State;

25 (ii) specifically address how the selection of
26 winning bids takes into account the incremental

1 environmental benefits resulting from the
2 procurement, including any existing environmental
3 benefits that are preserved by the procurements
4 held under Public Act 99-906 and would have ceased
5 to exist if the procurements had not been held,
6 such as the preservation of zero emission
7 facilities;

8 (iii) quantify the environmental benefit of
9 preserving the resources identified in item (ii)
10 of this subparagraph (C-5), including the
11 following:

12 (aa) the value of avoided greenhouse gas
13 emissions measured as the product of the zero
14 emission facilities' output over the contract
15 term multiplied by the U.S. Environmental
16 Protection Agency eGrid subregion carbon
17 dioxide emission rate and the U.S. Interagency
18 Working Group on Social Cost of Carbon's price
19 in the August 2016 Technical Update using a 3%
20 discount rate, adjusted for inflation for each
21 delivery year; and

22 (bb) the costs of replacement with other
23 zero carbon dioxide resources, including wind
24 and photovoltaic, based upon the simple
25 average of the following:

26 (I) the price, or if there is more

1 than one price, the average of the prices,
2 paid for renewable energy credits from new
3 utility-scale wind projects in the
4 procurement events specified in item (i)
5 of subparagraph (G) of paragraph (1) of
6 subsection (c) of this Section; and

7 (II) the price, or if there is more
8 than one price, the average of the prices,
9 paid for renewable energy credits from new
10 utility-scale solar projects and
11 brownfield site photovoltaic projects in
12 the procurement events specified in item
13 (ii) of subparagraph (G) of paragraph (1)
14 of subsection (c) of this Section and,
15 after January 1, 2015, renewable energy
16 credits from photovoltaic distributed
17 generation projects in procurement events
18 held under subsection (c) of this Section.

19 Each utility shall enter into binding contractual
20 arrangements with the winning suppliers.

21 The procurement described in this subsection
22 (d-5), including, but not limited to, the execution of
23 all contracts procured, shall be completed no later
24 than May 10, 2017. Based on the effective date of
25 Public Act 99-906, the Agency and Commission may, as
26 appropriate, modify the various dates and timelines

1 under this subparagraph and subparagraphs (C) and (D)
2 of this paragraph (1). The procurement and plan
3 approval processes required by this subsection (d-5)
4 shall be conducted in conjunction with the procurement
5 and plan approval processes required by subsection (c)
6 of this Section and Section 16-111.5 of the Public
7 Utilities Act, to the extent practicable.
8 Notwithstanding whether a procurement event is
9 conducted under Section 16-111.5 of the Public
10 Utilities Act, the Agency shall immediately initiate a
11 procurement process on June 1, 2017 (the effective
12 date of Public Act 99-906).

13 (D) Following the procurement event described in
14 this paragraph (1) and consistent with subparagraph
15 (B) of this paragraph (1), the Agency shall calculate
16 the payments to be made under each contract for the
17 next delivery year based on the market price index for
18 that delivery year. The Agency shall publish the
19 payment calculations no later than May 25, 2017 and
20 every May 25 thereafter.

21 (E) Notwithstanding the requirements of this
22 subsection (d-5), the contracts executed under this
23 subsection (d-5) shall provide that the zero emission
24 facility may, as applicable, suspend or terminate
25 performance under the contracts in the following
26 instances:

1 (i) A zero emission facility shall be excused
2 from its performance under the contract for any
3 cause beyond the control of the resource,
4 including, but not restricted to, acts of God,
5 flood, drought, earthquake, storm, fire,
6 lightning, epidemic, war, riot, civil disturbance
7 or disobedience, labor dispute, labor or material
8 shortage, sabotage, acts of public enemy,
9 explosions, orders, regulations or restrictions
10 imposed by governmental, military, or lawfully
11 established civilian authorities, which, in any of
12 the foregoing cases, by exercise of commercially
13 reasonable efforts the zero emission facility
14 could not reasonably have been expected to avoid,
15 and which, by the exercise of commercially
16 reasonable efforts, it has been unable to
17 overcome. In such event, the zero emission
18 facility shall be excused from performance for the
19 duration of the event, including, but not limited
20 to, delivery of zero emission credits, and no
21 payment shall be due to the zero emission facility
22 during the duration of the event.

23 (ii) A zero emission facility shall be
24 permitted to terminate the contract if legislation
25 is enacted into law by the General Assembly that
26 imposes or authorizes a new tax, special

1 assessment, or fee on the generation of
2 electricity, the ownership or leasehold of a
3 generating unit, or the privilege or occupation of
4 such generation, ownership, or leasehold of
5 generation units by a zero emission facility.
6 However, the provisions of this item (ii) do not
7 apply to any generally applicable tax, special
8 assessment or fee, or requirements imposed by
9 federal law.

10 (iii) A zero emission facility shall be
11 permitted to terminate the contract in the event
12 that the resource requires capital expenditures in
13 excess of \$40,000,000 that were neither known nor
14 reasonably foreseeable at the time it executed the
15 contract and that a prudent owner or operator of
16 such resource would not undertake.

17 (iv) A zero emission facility shall be
18 permitted to terminate the contract in the event
19 the Nuclear Regulatory Commission terminates the
20 resource's license.

21 (F) If the zero emission facility elects to
22 terminate a contract under subparagraph (E) of this
23 paragraph (1), then the Commission shall reopen the
24 docket in which the Commission approved the zero
25 emission standard procurement plan under subparagraph
26 (C) of this paragraph (1) and, after notice and

1 hearing, enter an order acknowledging the contract
2 termination election if such termination is consistent
3 with the provisions of this subsection (d-5).

4 (2) For purposes of this subsection (d-5), the amount
5 paid per kilowatthour means the total amount paid for
6 electric service expressed on a per kilowatthour basis.
7 For purposes of this subsection (d-5), the total amount
8 paid for electric service includes, without limitation,
9 amounts paid for supply, transmission, distribution,
10 surcharges, and add-on taxes.

11 Notwithstanding the requirements of this subsection
12 (d-5), the contracts executed under this subsection (d-5)
13 shall provide that the total of zero emission credits
14 procured under a procurement plan shall be subject to the
15 limitations of this paragraph (2). For each delivery year,
16 the contractual volume receiving payments in such year
17 shall be reduced for all retail customers based on the
18 amount necessary to limit the net increase that delivery
19 year to the costs of those credits included in the amounts
20 paid by eligible retail customers in connection with
21 electric service to no more than 1.65% of the amount paid
22 per kilowatthour by eligible retail customers during the
23 year ending May 31, 2009. The result of this computation
24 shall apply to and reduce the procurement for all retail
25 customers, and all those customers shall pay the same
26 single, uniform cents per kilowatthour charge under

1 subsection (k) of Section 16-108 of the Public Utilities
2 Act. To arrive at a maximum dollar amount of zero emission
3 credits to be paid for the particular delivery year, the
4 resulting per kilowatthour amount shall be applied to the
5 actual amount of kilowatthours of electricity delivered by
6 the electric utility in the delivery year immediately
7 prior to the procurement, to all retail customers in its
8 service territory. Unpaid contractual volume for any
9 delivery year shall be paid in any subsequent delivery
10 year in which such payments can be made without exceeding
11 the amount specified in this paragraph (2). The
12 calculations required by this paragraph (2) shall be made
13 only once for each procurement plan year. Once the
14 determination as to the amount of zero emission credits to
15 be paid is made based on the calculations set forth in this
16 paragraph (2), no subsequent rate impact determinations
17 shall be made and no adjustments to those contract amounts
18 shall be allowed. All costs incurred under those contracts
19 and in implementing this subsection (d-5) shall be
20 recovered by the electric utility as provided in this
21 Section.

22 No later than June 30, 2019, the Commission shall
23 review the limitation on the amount of zero emission
24 credits procured under this subsection (d-5) and report to
25 the General Assembly its findings as to whether that
26 limitation unduly constrains the procurement of

1 cost-effective zero emission credits.

2 (3) Six years after the execution of a contract under
3 this subsection (d-5), the Agency shall determine whether
4 the actual zero emission credit payments received by the
5 supplier over the 6-year period exceed the Average ZEC
6 Payment. In addition, at the end of the term of a contract
7 executed under this subsection (d-5), or at the time, if
8 any, a zero emission facility's contract is terminated
9 under subparagraph (E) of paragraph (1) of this subsection
10 (d-5), then the Agency shall determine whether the actual
11 zero emission credit payments received by the supplier
12 over the term of the contract exceed the Average ZEC
13 Payment, after taking into account any amounts previously
14 credited back to the utility under this paragraph (3). If
15 the Agency determines that the actual zero emission credit
16 payments received by the supplier over the relevant period
17 exceed the Average ZEC Payment, then the supplier shall
18 credit the difference back to the utility. The amount of
19 the credit shall be remitted to the applicable electric
20 utility no later than 120 days after the Agency's
21 determination, which the utility shall reflect as a credit
22 on its retail customer bills as soon as practicable;
23 however, the credit remitted to the utility shall not
24 exceed the total amount of payments received by the
25 facility under its contract.

26 For purposes of this Section, the Average ZEC Payment

1 shall be calculated by multiplying the quantity of zero
2 emission credits delivered under the contract times the
3 average contract price. The average contract price shall
4 be determined by subtracting the amount calculated under
5 subparagraph (B) of this paragraph (3) from the amount
6 calculated under subparagraph (A) of this paragraph (3),
7 as follows:

8 (A) The average of the Social Cost of Carbon, as
9 defined in subparagraph (B) of paragraph (1) of this
10 subsection (d-5), during the term of the contract.

11 (B) The average of the market price indices, as
12 defined in subparagraph (B) of paragraph (1) of this
13 subsection (d-5), during the term of the contract,
14 minus the baseline market price index, as defined in
15 subparagraph (B) of paragraph (1) of this subsection
16 (d-5).

17 If the subtraction yields a negative number, then the
18 Average ZEC Payment shall be zero.

19 (4) Cost-effective zero emission credits procured from
20 zero emission facilities shall satisfy the applicable
21 definitions set forth in Section 1-10 of this Act.

22 (5) The electric utility shall retire all zero
23 emission credits used to comply with the requirements of
24 this subsection (d-5).

25 (6) Electric utilities shall be entitled to recover
26 all of the costs associated with the procurement of zero

1 emission credits through an automatic adjustment clause
2 tariff in accordance with subsection (k) and (m) of
3 Section 16-108 of the Public Utilities Act, and the
4 contracts executed under this subsection (d-5) shall
5 provide that the utilities' payment obligations under such
6 contracts shall be reduced if an adjustment is required
7 under subsection (m) of Section 16-108 of the Public
8 Utilities Act.

9 (7) This subsection (d-5) shall become inoperative on
10 January 1, 2028.

11 (d-10) Nuclear Plant Assistance; carbon mitigation
12 credits.

13 (1) The General Assembly finds:

14 (A) The health, welfare, and prosperity of all
15 Illinois citizens require that the State of Illinois act
16 to avoid and not increase carbon emissions from electric
17 generation sources while continuing to ensure affordable,
18 stable, and reliable electricity to all citizens.

19 (B) Absent immediate action by the State to preserve
20 existing carbon-free energy resources, those resources may
21 retire, and the electric generation needs of Illinois'
22 retail customers may be met instead by facilities that
23 emit significant amounts of carbon pollution and other
24 harmful air pollutants at a high social and economic cost
25 until Illinois is able to develop other forms of clean
26 energy.

1 (C) The General Assembly finds that nuclear power
2 generation is necessary for the State's transition to 100%
3 clean energy, and ensuring continued operation of nuclear
4 plants advances environmental and public health interests
5 through providing carbon-free electricity while reducing
6 the air pollution profile of the Illinois energy
7 generation fleet.

8 (D) The clean energy attributes of nuclear generation
9 facilities support the State in its efforts to achieve
10 100% clean energy.

11 (E) The State currently invests in various forms of
12 clean energy, including, but not limited to, renewable
13 energy, energy efficiency, and low-emission vehicles,
14 among others.

15 (F) The Environmental Protection Agency commissioned
16 an independent audit which provided a detailed assessment
17 of the financial condition of the Illinois nuclear fleet
18 to evaluate its financial viability and whether the
19 environmental benefits of such resources were at risk. The
20 report identified the risk of losing the environmental
21 benefits of several specific nuclear units. The report
22 also identified that the LaSalle County Generating Station
23 will continue to operate through 2026 and therefore is not
24 eligible to participate in the carbon mitigation credit
25 program.

26 (G) Nuclear plants provide carbon-free energy, which

1 helps to avoid many health-related negative impacts for
2 Illinois residents.

3 (H) The procurement of carbon mitigation credits
4 representing the environmental benefits of carbon-free
5 generation will further the State's efforts at achieving
6 100% clean energy and decarbonizing the electricity sector
7 in a safe, reliable, and affordable manner. Further, the
8 procurement of carbon emission credits will enhance the
9 health and welfare of Illinois residents through decreased
10 reliance on more highly polluting generation.

11 (I) The General Assembly therefore finds it necessary
12 to establish carbon mitigation credits to ensure decreased
13 reliance on more carbon-intensive energy resources, for
14 transitioning to a fully decarbonized electricity sector,
15 and to help ensure health and welfare of the State's
16 residents.

17 (2) As used in this subsection:

18 "Baseline costs" means costs used to establish a customer
19 protection cap that have been evaluated through an independent
20 audit of a carbon-free energy resource conducted by the
21 Environmental Protection Agency that evaluated projected
22 annual costs for operation and maintenance expenses; fully
23 allocated overhead costs, which shall be allocated using the
24 methodology developed by the Institute for Nuclear Power
25 Operations; fuel expenditures; nonfuel capital expenditures;
26 spent fuel expenditures; a return on working capital; the cost

1 of operational and market risks that could be avoided by
2 ceasing operation; and any other costs necessary for continued
3 operations, provided that "necessary" means, for purposes of
4 this definition, that the costs could reasonably be avoided
5 only by ceasing operations of the carbon-free energy resource.

6 "Carbon mitigation credit" means a tradable credit that
7 represents the carbon emission reduction attributes of one
8 megawatt-hour of energy produced from a carbon-free energy
9 resource.

10 "Carbon-free energy resource" means a generation facility
11 that: (1) is fueled by nuclear power; and (2) is
12 interconnected to PJM Interconnection, LLC.

13 (3) Procurement.

14 (A) Beginning with the delivery year commencing on
15 June 1, 2022, the Agency shall, for electric utilities
16 servicing at least 3,000,000 retail customers in the State,
17 seek to procure contracts for no more than approximately
18 54,500,000 cost-effective carbon mitigation credits from
19 carbon-free energy resources because such credits are
20 necessary to support current levels of carbon-free energy
21 generation and ensure the State meets its carbon dioxide
22 emissions reduction goals. The Agency shall not make a
23 partial award of a contract for carbon mitigation credits
24 covering a fractional amount of a carbon-free energy
25 resource's projected output.

26 (B) Each carbon-free energy resource that intends to

1 participate in a procurement shall be required to submit
2 to the Agency the following information for the resource
3 on or before the date established by the Agency:

4 (i) the in-service date and remaining useful life
5 of the carbon-free energy resource;

6 (ii) the amount of power generated annually for
7 each of the past 10 years, which shall be used to
8 determine the capability of each facility;

9 (iii) a commitment to be reflected in any contract
10 entered into pursuant to this subsection (d-10) to
11 continue operating the carbon-free energy resource at
12 a capacity factor of at least 88% annually on average
13 for the duration of the contract or contracts executed
14 under the procurement held under this subsection
15 (d-10), except in an instance described in
16 subparagraph (E) of paragraph (1) of subsection (d-5)
17 of this Section or made impracticable as a result of
18 compliance with law or regulation;

19 (iv) financial need and the risk of loss of the
20 environmental benefits of such resource, which shall
21 include the following information:

22 (I) the carbon-free energy resource's cost
23 projections, expressed on a per megawatt-hour
24 basis, over the next 5 delivery years, which shall
25 include the following: operation and maintenance
26 expenses; fully allocated overhead costs, which

1 shall be allocated using the methodology developed
2 by the Institute for Nuclear Power Operations;
3 fuel expenditures; nonfuel capital expenditures;
4 spent fuel expenditures; a return on working
5 capital; the cost of operational and market risks
6 that could be avoided by ceasing operation; and
7 any other costs necessary for continued
8 operations, provided that "necessary" means, for
9 purposes of this subitem (I), that the costs could
10 reasonably be avoided only by ceasing operations
11 of the carbon-free energy resource; and

12 (II) the carbon-free energy resource's revenue
13 projections, including energy, capacity, ancillary
14 services, any other direct State support, known or
15 anticipated federal attribute credits, known or
16 anticipated tax credits, and any other direct
17 federal support.

18 The information described in this subparagraph (B) may
19 be submitted on a confidential basis and shall be treated
20 and maintained by the Agency, the procurement
21 administrator, and the Commission as confidential and
22 proprietary and exempt from disclosure under subparagraphs
23 (a) and (g) of paragraph (1) of Section 7 of the Freedom of
24 Information Act. The Office of the Attorney General shall
25 have access to, and maintain the confidentiality of, such
26 information pursuant to Section 6.5 of the Attorney

1 General Act.

2 (C) The Agency shall solicit bids for the contracts
3 described in this subsection (d-10) from carbon-free
4 energy resources that have satisfied the requirements of
5 subparagraph (B) of this paragraph (3). The contracts
6 procured pursuant to a procurement event shall reflect,
7 and be subject to, the following terms, requirements, and
8 limitations:

9 (i) Contracts are for delivery of carbon
10 mitigation credits, and are not energy or capacity
11 sales contracts requiring physical delivery. Pursuant
12 to item (iii), contract payments shall fully deduct
13 the value of any monetized federal production tax
14 credits, credits issued pursuant to a federal clean
15 energy standard, and other federal credits if
16 applicable.

17 (ii) Contracts for carbon mitigation credits shall
18 commence with the delivery year beginning on June 1,
19 2022 and shall be for a term of 5 delivery years
20 concluding on May 31, 2027.

21 (iii) The price per carbon mitigation credit to be
22 paid under a contract for a given delivery year shall
23 be equal to an accepted bid price less the sum of:

24 (I) one of the following energy price indices,
25 selected by the bidder at the time of the bid for
26 the term of the contract:

1 (aa) the weighted-average hourly day-ahead
2 price for the applicable delivery year at the
3 busbar of all resources procured pursuant to
4 this subsection (d-10), weighted by actual
5 production from the resources; or

6 (bb) the projected energy price for the
7 PJM Interconnection, LLC Northern Illinois Hub
8 for the applicable delivery year determined
9 according to subitem (aa) of item (iii) of
10 subparagraph (B) of paragraph (1) of
11 subsection (d-5).

12 (II) the Base Residual Auction Capacity Price
13 for the ComEd zone as determined by PJM
14 Interconnection, LLC, divided by 24 hours per day,
15 for the applicable delivery year for the first 3
16 delivery years, and then any subsequent delivery
17 years unless the PJM Interconnection, LLC applies
18 the Minimum Offer Price Rule to participating
19 carbon-free energy resources because they supply
20 carbon mitigation credits pursuant to this Section
21 at which time, upon notice by the carbon-free
22 energy resource to the Commission and subject to
23 the Commission's confirmation, the value under
24 this subitem shall be zero, as further described
25 in the carbon mitigation credit procurement plan;
26 and

1 (III) any value of monetized federal tax
2 credits, direct payments, or similar subsidy
3 provided to the carbon-free energy resource from
4 any unit of government that is not already
5 reflected in energy prices.

6 If the price-per-megawatt-hour calculation
7 performed under item (iii) of this subparagraph (C)
8 for a given delivery year results in a net positive
9 value, then the electric utility counterparty to the
10 contract shall multiply such net value by the
11 applicable contract quantity and remit the amount to
12 the supplier.

13 To protect retail customers from retail rate
14 impacts that may arise upon the initiation of carbon
15 policy changes, if the price-per-megawatt-hour
16 calculation performed under item (iii) of this
17 subparagraph (C) for a given delivery year results in
18 a net negative value, then the supplier counterparty
19 to the contract shall multiply such net value by the
20 applicable contract quantity and remit such amount to
21 the electric utility counterparty. The electric
22 utility shall reflect such amounts remitted by
23 suppliers as a credit on its retail customer bills as
24 soon as practicable.

25 (iv) to ensure that retail customers in Northern
26 Illinois do not pay more for carbon mitigation credits

1 than the value such credits provide, and
2 notwithstanding the provisions of this subsection
3 (d-10), the Agency shall not accept bids for contracts
4 that exceed a customer protection cap equal to the
5 baseline costs of carbon-free energy resources.

6 The baseline costs for the applicable year shall
7 be the following:

8 (I) For the delivery year beginning June 1,
9 2022, the baseline costs shall be an amount equal
10 to \$30.30 per megawatt-hour.

11 (II) For the delivery year beginning June 1,
12 2023, the baseline costs shall be an amount equal
13 to \$32.50 per megawatt-hour.

14 (III) For the delivery year beginning June 1,
15 2024, the baseline costs shall be an amount equal
16 to \$33.43 per megawatt-hour.

17 (IV) For the delivery year beginning June 1,
18 2025, the baseline costs shall be an amount equal
19 to \$33.50 per megawatt-hour.

20 (V) For the delivery year beginning June 1,
21 2026, the baseline costs shall be an amount equal
22 to \$34.50 per megawatt-hour.

23 An Environmental Protection Agency consultant
24 forecast, included in a report issued April 14, 2021,
25 projects that a carbon-free energy resource has the
26 opportunity to earn on average approximately \$30.28

1 per megawatt-hour, for the sale of energy and capacity
2 during the time period between 2022 and 2027.
3 Therefore, the sale of carbon mitigation credits
4 provides the opportunity to receive an additional
5 amount per megawatt-hour in addition to the projected
6 prices for energy and capacity.

7 Although actual energy and capacity prices may
8 vary from year-to-year, the General Assembly finds
9 that this customer protection cap will help ensure
10 that the cost of carbon mitigation credits will be
11 less than its value, based upon the social cost of
12 carbon identified in the Technical Support Document
13 issued in February 2021 by the U.S. Interagency
14 Working Group on Social Cost of Greenhouse Gases and
15 the PJM Interconnection, LLC carbon dioxide marginal
16 emission rate for 2020, and that a carbon-free energy
17 resource receiving payment for carbon mitigation
18 credits receives no more than necessary to keep those
19 units in operation.

20 (D) No later than 7 days after the effective date of
21 this amendatory Act of the 102nd General Assembly, the
22 Agency shall publish its proposed carbon mitigation credit
23 procurement plan. The Plan shall provide that winning bids
24 shall be selected by taking into consideration which
25 resources best match public interest criteria that
26 include, but are not limited to, minimizing carbon dioxide

1 emissions that result from electricity consumed in
2 Illinois and minimizing sulfur dioxide, nitrogen oxide,
3 and particulate matter emissions that adversely affect the
4 citizens of this State. The selection of winning bids
5 shall also take into account the incremental environmental
6 benefits resulting from the procurement or procurements,
7 such as any existing environmental benefits that are
8 preserved by a procurement held under this subsection
9 (d-10) and would cease to exist if the procurement were
10 not held, including the preservation of carbon-free energy
11 resources. For those bidders having the same public
12 interest criteria score, the relative ranking of such
13 bidders shall be determined by price. The Plan shall
14 describe in detail how each public interest factor shall
15 be considered and weighted in the bid selection process to
16 ensure that the public interest criteria are applied to
17 the procurement. The Plan shall, to the extent practical
18 and permissible by federal law, ensure that successful
19 bidders make commercially reasonable efforts to apply for
20 federal tax credits, direct payments, or similar subsidy
21 programs that support carbon-free generation and for which
22 the successful bidder is eligible. Upon publishing of the
23 carbon mitigation credit procurement plan, copies of the
24 plan shall be posted and made publicly available on the
25 Agency's website. All interested parties shall have 7 days
26 following the date of posting to provide comment to the

1 Agency on the plan. All comments shall be posted to the
2 Agency's website. Following the end of the comment period,
3 but no more than 19 days later than the effective date of
4 this amendatory Act of the 102nd General Assembly, the
5 Agency shall revise the plan as necessary based on the
6 comments received and file its carbon mitigation credit
7 procurement plan with the Commission.

8 (E) If the Commission determines that the plan is
9 likely to result in the procurement of cost-effective
10 carbon mitigation credits, then the Commission shall,
11 after notice and hearing and opportunity for comment, but
12 no later than 42 days after the Agency filed the plan,
13 approve the plan or approve it with modification. For
14 purposes of this subsection (d-10), "cost-effective" means
15 carbon mitigation credits that are procured from
16 carbon-free energy resources at prices that are within the
17 limits specified in this paragraph (3). As part of the
18 Commission's review and acceptance or rejection of the
19 procurement results, the Commission shall, in its public
20 notice of successful bidders:

21 (i) identify how the selected carbon-free energy
22 resources satisfy the public interest criteria
23 described in this paragraph (3) of minimizing carbon
24 dioxide emissions that result from electricity
25 consumed in Illinois and minimizing sulfur dioxide,
26 nitrogen oxide, and particulate matter emissions that

1 adversely affect the citizens of this State;

2 (ii) specifically address how the selection of
3 carbon-free energy resources takes into account the
4 incremental environmental benefits resulting from the
5 procurement, including any existing environmental
6 benefits that are preserved by the procurements held
7 under this amendatory Act of the 102nd General
8 Assembly and would have ceased to exist if the
9 procurements had not been held, such as the
10 preservation of carbon-free energy resources;

11 (iii) quantify the environmental benefit of
12 preserving the carbon-free energy resources procured
13 pursuant to this subsection (d-10), including the
14 following:

15 (I) an assessment value of avoided greenhouse
16 gas emissions measured as the product of the
17 carbon-free energy resources' output over the
18 contract term, using generally accepted
19 methodologies for the valuation of avoided
20 emissions; and

21 (II) an assessment of costs of replacement
22 with other carbon-free energy resources and
23 renewable energy resources, including wind and
24 photovoltaic generation, based upon an assessment
25 of the prices paid for renewable energy credits
26 through programs and procurements conducted

1 pursuant to subsection (c) of Section 1-75 of this
2 Act, and the additional storage necessary to
3 produce the same or similar capability of matching
4 customer usage patterns.

5 (F) The procurements described in this paragraph (3),
6 including, but not limited to, the execution of all
7 contracts procured, shall be completed no later than
8 December 3, 2021. The procurement and plan approval
9 processes required by this paragraph (3) shall be
10 conducted in conjunction with the procurement and plan
11 approval processes required by Section 16-111.5 of the
12 Public Utilities Act, to the extent practicable. However,
13 the Agency and Commission may, as appropriate, modify the
14 various dates and timelines under this subparagraph and
15 subparagraphs (D) and (E) of this paragraph (3) to meet
16 the December 3, 2021 contract execution deadline.
17 Following the completion of such procurements, and
18 consistent with this paragraph (3), the Agency shall
19 calculate the payments to be made under each contract in a
20 timely fashion.

21 (F-1) Costs incurred by the electric utility pursuant
22 to a contract authorized by this subsection (d-10) shall
23 be deemed prudently incurred and reasonable in amount, and
24 the electric utility shall be entitled to full cost
25 recovery pursuant to a tariff or tariffs filed with the
26 Commission.

1 (G) The counterparty electric utility shall retire all
2 carbon mitigation credits used to comply with the
3 requirements of this subsection (d-10).

4 (H) If a carbon-free energy resource is sold to
5 another owner, the rights, obligations, and commitments
6 under this subsection (d-10) shall continue to the
7 subsequent owner.

8 (I) This subsection (d-10) shall become inoperative on
9 January 1, 2028.

10 (e) The draft procurement plans are subject to public
11 comment, as required by Section 16-111.5 of the Public
12 Utilities Act.

13 (f) The Agency shall submit the final procurement plan to
14 the Commission. The Agency shall revise a procurement plan if
15 the Commission determines that it does not meet the standards
16 set forth in Section 16-111.5 of the Public Utilities Act.

17 (g) The Agency shall assess fees to each affected utility
18 to recover the costs incurred in preparation of the annual
19 procurement plan for the utility.

20 (h) The Agency shall assess fees to each bidder to recover
21 the costs incurred in connection with a competitive
22 procurement process.

23 (i) A renewable energy credit, carbon emission credit, ~~or~~
24 zero emission credit, or carbon mitigation credit can only be
25 used once to comply with a single portfolio or other standard
26 as set forth in subsection (c), subsection (d), or subsection

1 (d-5) of this Section, respectively. A renewable energy
2 credit, carbon emission credit, ~~or~~ zero emission credit, or
3 carbon mitigation credit cannot be used to satisfy the
4 requirements of more than one standard. If more than one type
5 of credit is issued for the same megawatt hour of energy, only
6 one credit can be used to satisfy the requirements of a single
7 standard. After such use, the credit must be retired together
8 with any other credits issued for the same megawatt hour of
9 energy.

10 (Source: P.A. 100-863, eff. 8-14-18; 101-81, eff. 7-12-19;
11 101-113, eff. 1-1-20.)

12 (20 ILCS 3855/1-92)

13 Sec. 1-92. Aggregation of electrical load by
14 municipalities, townships, and counties.

15 (a) The corporate authorities of a municipality, township
16 board, or county board of a county may adopt an ordinance under
17 which it may aggregate in accordance with this Section
18 residential and small commercial retail electrical loads
19 located, respectively, within the municipality, the township,
20 or the unincorporated areas of the county and, for that
21 purpose, may solicit bids and enter into service agreements to
22 facilitate for those loads the sale and purchase of
23 electricity and related services and equipment.

24 The corporate authorities, township board, or county board
25 may also exercise such authority jointly with any other

1 municipality, township, or county. Two or more municipalities,
2 townships, or counties, or a combination of both, may initiate
3 a process jointly to authorize aggregation by a majority vote
4 of each particular municipality, township, or county as
5 required by this Section.

6 If the corporate authorities, township board, or the
7 county board seek to operate the aggregation program as an
8 opt-out program for residential and small commercial retail
9 customers, then prior to the adoption of an ordinance with
10 respect to aggregation of residential and small commercial
11 retail electric loads, the corporate authorities of a
12 municipality, the township board, or the county board of a
13 county shall submit a referendum to its residents to determine
14 whether or not the aggregation program shall operate as an
15 opt-out program for residential and small commercial retail
16 customers. Any county board that seeks to submit such a
17 referendum to its residents shall do so only in unincorporated
18 areas of the county where no electric aggregation ordinance
19 has been adopted.

20 In addition to the notice and conduct requirements of the
21 general election law, notice of the referendum shall state
22 briefly the purpose of the referendum. The question of whether
23 the corporate authorities, the township board, or the county
24 board shall adopt an opt-out aggregation program for
25 residential and small commercial retail customers shall be
26 submitted to the electors of the municipality, township board,

1 or county board at a regular election and approved by a
2 majority of the electors voting on the question. The corporate
3 authorities, township board, or county board must certify to
4 the proper election authority, which must submit the question
5 at an election in accordance with the Election Code.

6 The election authority must submit the question in
7 substantially the following form:

8 Shall the (municipality, township, or county in which
9 the question is being voted upon) have the authority to
10 arrange for the supply of electricity for its residential
11 and small commercial retail customers who have not opted
12 out of such program?

13 The election authority must record the votes as "Yes" or "No".

14 If a majority of the electors voting on the question vote
15 in the affirmative, then the corporate authorities, township
16 board, or county board may implement an opt-out aggregation
17 program for residential and small commercial retail customers.

18 A referendum must pass in each particular municipality,
19 township, or county that is engaged in the aggregation
20 program. If the referendum fails, then the corporate
21 authorities, township board, or county board shall operate the
22 aggregation program as an opt-in program for residential and
23 small commercial retail customers.

24 An ordinance under this Section shall specify whether the
25 aggregation will occur only with the prior consent of each
26 person owning, occupying, controlling, or using an electric

1 load center proposed to be aggregated. Nothing in this
2 Section, however, authorizes the aggregation of electric loads
3 that are served or authorized to be served by an electric
4 cooperative as defined by and pursuant to the Electric
5 Supplier Act or loads served by a municipality that owns and
6 operates its own electric distribution system. No aggregation
7 shall take effect unless approved by a majority of the members
8 of the corporate authority, township board, or county board
9 voting upon the ordinance.

10 A governmental aggregator under this Section is not a
11 public utility or an alternative retail electric supplier.

12 For purposes of this Section, "township" means the portion
13 of a township that is an unincorporated portion of a county
14 that is not otherwise a part of a municipality. In addition to
15 such other limitations as are included in this Section, a
16 township board shall only have authority to aggregate
17 residential and small commercial customer loads in accordance
18 with this Section if the county board of the county in which
19 the township is located (i) is not also submitting a
20 referendum to its residents at the same general election that
21 the township board proposes to submit a referendum under this
22 subsection (a), (ii) has not received authorization through
23 passage of a referendum to operate an opt-out aggregation
24 program for residential and small commercial retail customers
25 under this subsection (a), and (iii) has not otherwise enacted
26 an ordinance under this subsection (a) authorizing the

1 operation of an opt-in aggregation program for residential and
2 small commercial retail customers as described in this
3 Section.

4 (b) Upon the applicable requisite authority under this
5 Section, the corporate authorities, the township board, or the
6 county board, with assistance from the Illinois Power Agency,
7 shall develop a plan of operation and governance for the
8 aggregation program so authorized. Before adopting a plan
9 under this Section, the corporate authorities, township board,
10 or county board shall hold at least 2 public hearings on the
11 plan. Before the first hearing, the corporate authorities,
12 township board, or county board shall publish notice of the
13 hearings once a week for 2 consecutive weeks in a newspaper of
14 general circulation in the jurisdiction. The notice shall
15 summarize the plan and state the date, time, and location of
16 each hearing. Any load aggregation plan established pursuant
17 to this Section shall:

18 (1) provide for universal access to all applicable
19 residential customers and equitable treatment of
20 applicable residential customers;

21 (2) describe demand management and energy efficiency
22 services to be provided to each class of customers; and

23 (3) meet any requirements established by law
24 concerning aggregated service offered pursuant to this
25 Section.

26 (c) The process for soliciting bids for electricity and

1 other related services and awarding proposed agreements for
2 the purchase of electricity and other related services shall
3 be conducted in the following order:

4 (1) The corporate authorities, township board, or
5 county board may solicit bids for electricity and other
6 related services. The bid specifications may include a
7 provision requiring the bidder to disclose the fuel type
8 of electricity to be procured or generated on behalf of
9 the aggregation program customers. The corporate
10 authorities, township board, or county board may consider
11 the proposed source of electricity to be procured or
12 generated to be put into the grid on behalf of aggregation
13 program customers in the competitive bidding process. The
14 Agency and Commission may collaborate to issue joint
15 guidance on voluntary uniform standards for bidder
16 disclosures of the source of electricity to be procured or
17 generated to be put into the grid on behalf of aggregation
18 program customers.

19 (1.5) A township board shall request from the electric
20 utility those residential and small commercial customers
21 within their aggregate area either by zip code or zip
22 codes or other means as determined by the electric
23 utility. The electric utility shall then provide to the
24 township board the residential and small commercial
25 customers, including the names and addresses of
26 residential and small commercial customers,

1 electronically. The township board shall be responsible
2 for authenticating the residential and small commercial
3 customers contained in this listing and providing edits of
4 the data to affirm, add, or delete the residential and
5 small commercial customers located within its
6 jurisdiction. The township board shall provide the edited
7 list to the electric utility in an electronic format or
8 other means selected by the electric utility and certify
9 that the information is accurate.

10 (2) Notwithstanding Section 16-122 of the Public
11 Utilities Act and Section 2HH of the Consumer Fraud and
12 Deceptive Business Practices Act, an electric utility that
13 provides residential and small commercial retail electric
14 service in the aggregate area must, upon request of the
15 corporate authorities, township board, or the county board
16 in the aggregate area, submit to the requesting party, in
17 an electronic format, those account numbers, names, and
18 addresses of residential and small commercial retail
19 customers in the aggregate area that are reflected in the
20 electric utility's records at the time of the request;
21 provided, however, that any township board has first
22 provided an accurate customer list to the electric utility
23 as provided for herein.

24 Any corporate authority, township board, or county board
25 receiving customer information from an electric utility shall
26 be subject to the limitations on the disclosure of the

1 information described in Section 16-122 of the Public
2 Utilities Act and Section 2HH of the Consumer Fraud and
3 Deceptive Business Practices Act, and an electric utility
4 shall not be held liable for any claims arising out of the
5 provision of information pursuant to this item (2).

6 (d) If the corporate authorities, township board, or
7 county board operate under an opt-in program for residential
8 and small commercial retail customers, then the corporate
9 authorities, township board, or county board shall comply with
10 all of the following:

11 (1) Within 60 days after receiving the bids, the
12 corporate authorities, township board, or county board
13 shall allow residential and small commercial retail
14 customers to commit to the terms and conditions of a bid
15 that has been selected by the corporate authorities,
16 township board, or county board.

17 (2) If (A) the corporate authorities, township board,
18 or county board award proposed agreements for the purchase
19 of electricity and other related services and (B) an
20 agreement is reached between the corporate authorities,
21 township board, or county board for those services, then
22 customers committed to the terms and conditions according
23 to item (1) of this subsection (d) shall be committed to
24 the agreement.

25 (e) If the corporate authorities, township board, or
26 county board operate as an opt-out program for residential and

1 small commercial retail customers, then it shall be the duty
2 of the aggregated entity to fully inform residential and small
3 commercial retail customers in advance that they have the
4 right to opt out of the aggregation program. The disclosure
5 shall prominently state all charges to be made and shall
6 include full disclosure of the cost to obtain service pursuant
7 to Section 16-103 of the Public Utilities Act, how to access
8 it, and the fact that it is available to them without penalty,
9 if they are currently receiving service under that Section.
10 The Illinois Power Agency shall furnish, without charge, to
11 any citizen a list of all supply options available to them in a
12 format that allows comparison of prices and products.

13 (f) Any person or entity retained by a municipality or
14 county, or jointly by more than one such unit of local
15 government, to provide input, guidance, or advice in the
16 selection of an electricity supplier for an aggregation
17 program shall disclose in writing to the involved units of
18 local government the nature of any relationship through which
19 the person or entity may receive, either directly or
20 indirectly, commissions or other remuneration as a result of
21 the selection of any particular electricity supplier. The
22 written disclosure must be made prior to formal approval by
23 the involved units of local government of any professional
24 services agreement with the person or entity, or no later than
25 October 1, 2012 with respect to any such professional services
26 agreement entered into prior to the effective date of this

1 amendatory Act of the 97th General Assembly. The disclosure
2 shall cover all direct and indirect relationships through
3 which commissions or remuneration may result, including the
4 pooling of commissions or remuneration among multiple persons
5 or entities, and shall identify all involved electricity
6 suppliers. The disclosure requirements in this subsection (f)
7 are to be liberally construed to ensure that the nature of
8 financial interests are fully revealed, and these disclosure
9 requirements shall apply regardless of whether the involved
10 person or entity is licensed under Section 16-115C of the
11 Public Utilities Act. Any person or entity that fails to make
12 the disclosure required under this subsection (f) is liable to
13 the involved units of local government in an amount equal to
14 all compensation paid to such person or entity by the units of
15 local government for the input, guidance, or advice in the
16 selection of an electricity supplier, plus reasonable
17 attorneys fees and court costs incurred by the units of local
18 government in connection with obtaining such amount.

19 (g) The Illinois Power Agency shall provide assistance to
20 municipalities, townships, counties, or associations working
21 with municipalities to help complete the plan and bidding
22 process.

23 (h) This Section does not prohibit municipalities or
24 counties from entering into an intergovernmental agreement to
25 aggregate residential and small commercial retail electric
26 loads.

1 (i) No later than June 1, 2023, the Illinois Power Agency
2 shall produce a report assessing how aggregation of electrical
3 load by municipalities, townships, and counties can be used to
4 help meet the renewable energy goals outlined in this Act.
5 This report shall contain, at a minimum, an assessment of
6 other states' utilization of load aggregation in meeting
7 renewable energy goals, any known or expected barriers in
8 utilizing load aggregation for meeting renewable energy goals,
9 and recommendations for possible changes in State law
10 necessary for electrical load aggregation to be a driver of
11 new renewable energy project development. This report shall be
12 published on the Agency's website and delivered to the
13 Governor and General Assembly. To assist with developing this
14 report, the Agency may retain the services of its expert
15 consulting firm used to develop its procurement plans as
16 provided in paragraph (1) of subsection (a) of Section 1-75.

17 (Source: P.A. 97-338, eff. 8-12-11; 97-823, eff. 7-18-12;
18 97-1067, eff. 8-24-12; 98-404, eff. 1-1-14; 98-434, eff.
19 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14.)

20 (20 ILCS 3855/1-125)

21 Sec. 1-125. Agency annual reports.

22 (a) By February 15 of each year, the Agency shall report
23 annually to the Governor and the General Assembly on the
24 operations and transactions of the Agency. The annual report
25 shall include, but not be limited to, each of the following:

1 (1) The average quantity, price, and term of all
2 contracts for electricity procured under the procurement
3 plans for electric utilities.

4 (2) (Blank).

5 (3) The quantity, price, and rate impact of all energy
6 efficiency and demand response measures purchased for
7 electric utilities, and any measures included in the
8 procurement plan pursuant to Section 16-111.5B of the
9 Public Utilities Act.

10 (4) The amount of power and energy produced by each
11 Agency facility.

12 (5) The quantity of electricity supplied by each
13 Agency facility to municipal electric systems,
14 governmental aggregators, or rural electric cooperatives
15 in Illinois.

16 (6) The revenues as allocated by the Agency to each
17 facility.

18 (7) The costs as allocated by the Agency to each
19 facility.

20 (8) The accumulated depreciation for each facility.

21 (9) The status of any projects under development.

22 (10) Basic financial and operating information
23 specifically detailed for the reporting year and
24 including, but not limited to, income and expense
25 statements, balance sheets, and changes in financial
26 position, all in accordance with generally accepted

1 accounting principles, debt structure, and a summary of
2 funds on a cash basis.

3 (11) The average quantity, price, contract type and
4 term, and rate impact of all renewable resources procured
5 ~~purchased~~ under the long-term renewable resources
6 ~~electricity~~ procurement plans for electric utilities.

7 (12) A comparison of the costs associated with the
8 Agency's procurement of renewable energy resources to (A)
9 the Agency's costs associated with electricity generated
10 by other types of generation facilities and (B) the
11 benefits associated with the Agency's procurement of
12 renewable energy resources.

13 (13) An analysis of the rate impacts associated with
14 the Illinois Power Agency's procurement of renewable
15 resources, including, but not limited to, any long-term
16 contracts, on the eligible retail customers of electric
17 utilities. The analysis shall include the Agency's
18 estimate of the total dollar impact that the Agency's
19 procurement of renewable resources has had on the annual
20 electricity bills of the customer classes that comprise
21 each eligible retail customer class taking service from an
22 electric utility.

23 (14) (Blank). ~~An analysis of how the operation of the~~
24 ~~alternative compliance payment mechanism, any long-term~~
25 ~~contracts, or other aspects of the applicable renewable~~
26 ~~portfolio standards impacts the rates of customers of~~

1 ~~alternative retail electric suppliers.~~

2 (b) In addition to reporting on the transactions and
3 operations of the Agency, the Agency shall also endeavor to
4 report on the following items through its annual report,
5 recognizing that full and accurate information may not be
6 available for certain items:

7 (1) The overall nameplate capacity amount of installed
8 and scheduled renewable energy generation capacity
9 physically located in Illinois.

10 (2) The percentage of installed and scheduled
11 renewable energy generation capacity as a share of overall
12 electricity generation capacity physically located in
13 Illinois.

14 (3) The amount of megawatt hours produced by renewable
15 energy generation capacity physically located in Illinois
16 for the preceding delivery year.

17 (4) The percentage of megawatt hours produced by
18 renewable energy generation capacity physically located in
19 Illinois as a share of overall electricity generation from
20 facilities physically located in Illinois for the
21 preceding delivery year.

22 (5) The renewable portfolio standard expenditures made
23 pursuant to paragraph (1) of subsection (c) of Section
24 1-75 and the total scheduled and installed renewable
25 generation capacity expected to result from these
26 investments. This information shall include the total cost

1 of REC delivery contracts of the renewable portfolio
2 standard by project category, including, but not limited
3 to, renewable energy credits delivery contracts entered
4 into pursuant to subparagraphs (C), (G), (K), and (R) of
5 paragraph (1) of subsection (c) Section 1-75. The Agency
6 shall also report on the total amount of customer load
7 featuring renewable portfolio standard compliance
8 obligations scheduled to be met by self-direct customers
9 pursuant to subparagraph (R) of paragraph (1) of
10 subsection (c) of Section 1-75, as well as the minimum
11 annual quantities of renewable energy credits scheduled to
12 be retired by those customers and amount of installed
13 renewable energy generating capacity used to meet the
14 requirements of subparagraph (R) of paragraph (1) of
15 subsection (c) of Section 1-75.

16 The Agency may seek assistance from the Illinois Commerce
17 Commission in developing its annual report and may also retain
18 the services of its expert consulting firm used to develop its
19 procurement plans as outlined in paragraph (1) of subsection
20 (a) of Section 1-75. Confidential or commercially sensitive
21 business information provided by retail customers, alternative
22 retail electric suppliers, or other parties shall be kept
23 confidential by the Agency consistent with Section 1-120, but
24 may be publicly reported in aggregate form.

25 (Source: P.A. 99-536, eff. 7-8-16.)

1 (20 ILCS 3855/1-128 new)

2 Sec. 1-128. Nonprofit Electric Generation Task Force.

3 (a) By January 1, 2028, the Nonprofit Electric Generation
4 Task Force shall be established to assess the technological,
5 economic, and regulatory feasibility as well as legislative
6 support mechanisms necessary to achieve the carbon emission
7 reduction targets described in Section 9.15 of the
8 Environmental Protection Act through the use of carbon
9 capture, sequestration, and utilization technology.

10 (b) The Task Force shall consist of the following members:

11 (1) one representative of the Prairie Research
12 Institute at the University of Illinois, appointed by the
13 Governor with the advice and consent of the Senate;

14 (2) one representative of an association representing
15 municipal utilities, joint municipal electric power
16 agencies, or municipal electric generators with an
17 ownership interest in Prairie State Generating Company,
18 appointed by the Governor with the advice and consent of
19 the Senate;

20 (3) one representative of an association of electric
21 cooperatives with ownership interests in Prairie State
22 Generating Company, appointed by the Governor with the
23 advice and consent of the Senate;

24 (4) one representative of a labor union or building
25 trade with technical experience at a coal generation
26 facility, appointed by the Governor with the advice and

1 consent of the Senate;

2 (5) the Director of Natural Resources, or his or her
3 designee;

4 (6) the Governor, or his or her designee;

5 (7) one expert in power sector reliability, appointed
6 by the Governor with the advice and consent of the Senate;

7 (8) one expert in financing large scale power sector
8 carbon reduction projects, appointed by the Governor with
9 the advice and consent of the Senate;

10 (9) one designee of the President of the Senate;

11 (10) one designee of the Speaker of the House;

12 (11) one designee of the Senate Minority Leader; and

13 (12) one designee of the House Minority Leader.

14 (c) The Task Force shall have the following duties:

15 (1) investigating the technical and financial options
16 to install carbon capture, sequestration, utilization, and
17 direct air capture at the Prairie State Generation Campus;

18 (2) assessing the existing regulatory construct and
19 any legislative support mechanisms necessary to reduce
20 carbon at the Prairie State Generating Company in
21 accordance with Section 9.15 of the Environmental
22 Protection Act; and

23 (3) preparing and filing a report with the Governor
24 and the General Assembly that sets forth the Task Force's
25 findings.

26 (d) The Task Force may hire an independent third-party

1 auditor with relevant financial expertise to conduct a
2 financial audit of the Prairie State Generating Company,
3 including an examination of potential financial solutions to
4 alleviate the existing indirect debt obligations facing the
5 joint indirect Prairie State Generating Company owners in
6 Illinois. The audit shall include a review of the existing
7 debt structure for the Prairie State Generating Company and
8 the individual finances of each joint direct company owner in
9 Illinois in order to recommend an appropriate and equitable
10 method for allocating any funds, whether from the State or
11 federal government, or any other legal source, that may be
12 provided to support the joint indirect owners in Illinois. Any
13 commercially sensitive information reviewed pursuant to this
14 audit shall be reasonably redacted from the Task Force's final
15 report and shall not be subject to disclosure under the
16 Freedom of Information Act.

17 Section 90-35. The State Finance Act is amended by adding
18 Sections 5.935, 5.936, and 5.937 as follows:

19 (30 ILCS 105/5.935 new)

20 Sec. 5.935. The Coal to Solar and Energy Storage
21 Initiative Fund.

22 (30 ILCS 105/5.936 new)

23 Sec. 5.936. The Energy Transition Assistance Fund.

1 (30 ILCS 105/5.937 new)

2 Sec. 5.937. The Consumer Intervenor Compensation Fund.

3 Section 90-36. The Illinois Procurement Code is amended by
4 changing Section 1-10 as follows:

5 (30 ILCS 500/1-10)

6 Sec. 1-10. Application.

7 (a) This Code applies only to procurements for which
8 bidders, offerors, potential contractors, or contractors were
9 first solicited on or after July 1, 1998. This Code shall not
10 be construed to affect or impair any contract, or any
11 provision of a contract, entered into based on a solicitation
12 prior to the implementation date of this Code as described in
13 Article 99, including, but not limited to, any covenant
14 entered into with respect to any revenue bonds or similar
15 instruments. All procurements for which contracts are
16 solicited between the effective date of Articles 50 and 99 and
17 July 1, 1998 shall be substantially in accordance with this
18 Code and its intent.

19 (b) This Code shall apply regardless of the source of the
20 funds with which the contracts are paid, including federal
21 assistance moneys. This Code shall not apply to:

22 (1) Contracts between the State and its political
23 subdivisions or other governments, or between State

1 governmental bodies, except as specifically provided in
2 this Code.

3 (2) Grants, except for the filing requirements of
4 Section 20-80.

5 (3) Purchase of care, except as provided in Section
6 5-30.6 of the Illinois Public Aid Code and this Section.

7 (4) Hiring of an individual as employee and not as an
8 independent contractor, whether pursuant to an employment
9 code or policy or by contract directly with that
10 individual.

11 (5) Collective bargaining contracts.

12 (6) Purchase of real estate, except that notice of
13 this type of contract with a value of more than \$25,000
14 must be published in the Procurement Bulletin within 10
15 calendar days after the deed is recorded in the county of
16 jurisdiction. The notice shall identify the real estate
17 purchased, the names of all parties to the contract, the
18 value of the contract, and the effective date of the
19 contract.

20 (7) Contracts necessary to prepare for anticipated
21 litigation, enforcement actions, or investigations,
22 provided that the chief legal counsel to the Governor
23 shall give his or her prior approval when the procuring
24 agency is one subject to the jurisdiction of the Governor,
25 and provided that the chief legal counsel of any other
26 procuring entity subject to this Code shall give his or

1 her prior approval when the procuring entity is not one
2 subject to the jurisdiction of the Governor.

3 (8) (Blank).

4 (9) Procurement expenditures by the Illinois
5 Conservation Foundation when only private funds are used.

6 (10) (Blank).

7 (11) Public-private agreements entered into according
8 to the procurement requirements of Section 20 of the
9 Public-Private Partnerships for Transportation Act and
10 design-build agreements entered into according to the
11 procurement requirements of Section 25 of the
12 Public-Private Partnerships for Transportation Act.

13 (12) Contracts for legal, financial, and other
14 professional and artistic services entered into on or
15 before December 31, 2018 by the Illinois Finance Authority
16 in which the State of Illinois is not obligated. Such
17 contracts shall be awarded through a competitive process
18 authorized by the Board of the Illinois Finance Authority
19 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
20 50-35, and 50-37 of this Code, as well as the final
21 approval by the Board of the Illinois Finance Authority of
22 the terms of the contract.

23 (13) Contracts for services, commodities, and
24 equipment to support the delivery of timely forensic
25 science services in consultation with and subject to the
26 approval of the Chief Procurement Officer as provided in

1 subsection (d) of Section 5-4-3a of the Unified Code of
2 Corrections, except for the requirements of Sections
3 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
4 Code; however, the Chief Procurement Officer may, in
5 writing with justification, waive any certification
6 required under Article 50 of this Code. For any contracts
7 for services which are currently provided by members of a
8 collective bargaining agreement, the applicable terms of
9 the collective bargaining agreement concerning
10 subcontracting shall be followed.

11 On and after January 1, 2019, this paragraph (13),
12 except for this sentence, is inoperative.

13 (14) Contracts for participation expenditures required
14 by a domestic or international trade show or exhibition of
15 an exhibitor, member, or sponsor.

16 (15) Contracts with a railroad or utility that
17 requires the State to reimburse the railroad or utilities
18 for the relocation of utilities for construction or other
19 public purpose. Contracts included within this paragraph
20 (15) shall include, but not be limited to, those
21 associated with: relocations, crossings, installations,
22 and maintenance. For the purposes of this paragraph (15),
23 "railroad" means any form of non-highway ground
24 transportation that runs on rails or electromagnetic
25 guideways and "utility" means: (1) public utilities as
26 defined in Section 3-105 of the Public Utilities Act, (2)

1 telecommunications carriers as defined in Section 13-202
2 of the Public Utilities Act, (3) electric cooperatives as
3 defined in Section 3.4 of the Electric Supplier Act, (4)
4 telephone or telecommunications cooperatives as defined in
5 Section 13-212 of the Public Utilities Act, (5) rural
6 water or waste water systems with 10,000 connections or
7 less, (6) a holder as defined in Section 21-201 of the
8 Public Utilities Act, and (7) municipalities owning or
9 operating utility systems consisting of public utilities
10 as that term is defined in Section 11-117-2 of the
11 Illinois Municipal Code.

12 (16) Procurement expenditures necessary for the
13 Department of Public Health to provide the delivery of
14 timely newborn screening services in accordance with the
15 Newborn Metabolic Screening Act.

16 (17) Procurement expenditures necessary for the
17 Department of Agriculture, the Department of Financial and
18 Professional Regulation, the Department of Human Services,
19 and the Department of Public Health to implement the
20 Compassionate Use of Medical Cannabis Program and Opioid
21 Alternative Pilot Program requirements and ensure access
22 to medical cannabis for patients with debilitating medical
23 conditions in accordance with the Compassionate Use of
24 Medical Cannabis Program Act.

25 (18) This Code does not apply to any procurements
26 necessary for the Department of Agriculture, the

1 Department of Financial and Professional Regulation, the
2 Department of Human Services, the Department of Commerce
3 and Economic Opportunity, and the Department of Public
4 Health to implement the Cannabis Regulation and Tax Act if
5 the applicable agency has made a good faith determination
6 that it is necessary and appropriate for the expenditure
7 to fall within this exemption and if the process is
8 conducted in a manner substantially in accordance with the
9 requirements of Sections 20-160, 25-60, 30-22, 50-5,
10 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
11 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
12 Section 50-35, compliance applies only to contracts or
13 subcontracts over \$100,000. Notice of each contract
14 entered into under this paragraph (18) that is related to
15 the procurement of goods and services identified in
16 paragraph (1) through (9) of this subsection shall be
17 published in the Procurement Bulletin within 14 calendar
18 days after contract execution. The Chief Procurement
19 Officer shall prescribe the form and content of the
20 notice. Each agency shall provide the Chief Procurement
21 Officer, on a monthly basis, in the form and content
22 prescribed by the Chief Procurement Officer, a report of
23 contracts that are related to the procurement of goods and
24 services identified in this subsection. At a minimum, this
25 report shall include the name of the contractor, a
26 description of the supply or service provided, the total

1 amount of the contract, the term of the contract, and the
2 exception to this Code utilized. A copy of any or all of
3 these contracts shall be made available to the Chief
4 Procurement Officer immediately upon request. The Chief
5 Procurement Officer shall submit a report to the Governor
6 and General Assembly no later than November 1 of each year
7 that includes, at a minimum, an annual summary of the
8 monthly information reported to the Chief Procurement
9 Officer. This exemption becomes inoperative 5 years after
10 June 25, 2019 (the effective date of Public Act 101-27)
11 ~~this amendatory Act of the 101st General Assembly.~~

12 (19) Procurement expenditures necessary for the
13 Illinois Commerce Commission to hire third-party
14 facilitators pursuant to Sections 16-105.17 and Section
15 16-108.18 of the Public Utilities Act or an ombudsman
16 pursuant to Section 16-107.5 of the Public Utilities Act,
17 a facilitator pursuant to Section 16-105.17 of the Public
18 Utilities Act, or a grid auditor pursuant to Section
19 16-105.10 of the Public Utilities Act.

20 Notwithstanding any other provision of law, for contracts
21 entered into on or after October 1, 2017 under an exemption
22 provided in any paragraph of this subsection (b), except
23 paragraph (1), (2), or (5), each State agency shall post to the
24 appropriate procurement bulletin the name of the contractor, a
25 description of the supply or service provided, the total
26 amount of the contract, the term of the contract, and the

1 exception to the Code utilized. The chief procurement officer
2 shall submit a report to the Governor and General Assembly no
3 later than November 1 of each year that shall include, at a
4 minimum, an annual summary of the monthly information reported
5 to the chief procurement officer.

6 (c) This Code does not apply to the electric power
7 procurement process provided for under Section 1-75 of the
8 Illinois Power Agency Act and Section 16-111.5 of the Public
9 Utilities Act.

10 (d) Except for Section 20-160 and Article 50 of this Code,
11 and as expressly required by Section 9.1 of the Illinois
12 Lottery Law, the provisions of this Code do not apply to the
13 procurement process provided for under Section 9.1 of the
14 Illinois Lottery Law.

15 (e) This Code does not apply to the process used by the
16 Capital Development Board to retain a person or entity to
17 assist the Capital Development Board with its duties related
18 to the determination of costs of a clean coal SNG brownfield
19 facility, as defined by Section 1-10 of the Illinois Power
20 Agency Act, as required in subsection (h-3) of Section 9-220
21 of the Public Utilities Act, including calculating the range
22 of capital costs, the range of operating and maintenance
23 costs, or the sequestration costs or monitoring the
24 construction of clean coal SNG brownfield facility for the
25 full duration of construction.

26 (f) (Blank).

1 (g) (Blank).

2 (h) This Code does not apply to the process to procure or
3 contracts entered into in accordance with Sections 11-5.2 and
4 11-5.3 of the Illinois Public Aid Code.

5 (i) Each chief procurement officer may access records
6 necessary to review whether a contract, purchase, or other
7 expenditure is or is not subject to the provisions of this
8 Code, unless such records would be subject to attorney-client
9 privilege.

10 (j) This Code does not apply to the process used by the
11 Capital Development Board to retain an artist or work or works
12 of art as required in Section 14 of the Capital Development
13 Board Act.

14 (k) This Code does not apply to the process to procure
15 contracts, or contracts entered into, by the State Board of
16 Elections or the State Electoral Board for hearing officers
17 appointed pursuant to the Election Code.

18 (l) This Code does not apply to the processes used by the
19 Illinois Student Assistance Commission to procure supplies and
20 services paid for from the private funds of the Illinois
21 Prepaid Tuition Fund. As used in this subsection (l), "private
22 funds" means funds derived from deposits paid into the
23 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

24 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
25 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
26 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised

1 9-17-19.)

2 Section 90-36a. The Business Enterprise for Minorities,
3 Women, and Persons with Disabilities Act is amended by
4 changing Sections 4f and 7 as follows:

5 (30 ILCS 575/4f)

6 (Text of Section before amendment by P.A. 101-657, Article
7 40, Section 40-130)

8 (Section scheduled to be repealed on June 30, 2024)

9 Sec. 4f. Award of State contracts.

10 (1) It is hereby declared to be the public policy of the
11 State of Illinois to promote and encourage each State agency
12 and public institution of higher education to use businesses
13 owned by minorities, women, and persons with disabilities in
14 the area of goods and services, including, but not limited to,
15 insurance services, investment management services,
16 information technology services, accounting services,
17 architectural and engineering services, and legal services.
18 Furthermore, each State agency and public institution of
19 higher education shall utilize such firms to the greatest
20 extent feasible within the bounds of financial and fiduciary
21 prudence, and take affirmative steps to remove any barriers to
22 the full participation of such firms in the procurement and
23 contracting opportunities afforded.

24 (a) When a State agency or public institution of

1 higher education, other than a community college, awards a
2 contract for insurance services, for each State agency or
3 public institution of higher education, it shall be the
4 aspirational goal to use insurance brokers owned by
5 minorities, women, and persons with disabilities as
6 defined by this Act, for not less than 20% of the total
7 annual premiums or fees; provided that, contracts
8 representing at least 11% of the total annual premiums or
9 fees shall be awarded to businesses owned by minorities;
10 contracts representing at least 7% of the total annual
11 premiums or fees shall be awarded to women-owned
12 businesses; and contracts representing at least 2% of the
13 total annual premiums or fees shall be awarded to
14 businesses owned by persons with disabilities.

15 (b) When a State agency or public institution of
16 higher education, other than a community college, awards a
17 contract for investment services, for each State agency or
18 public institution of higher education, it shall be the
19 aspirational goal to use emerging investment managers
20 owned by minorities, women, and persons with disabilities
21 as defined by this Act, for not less than 20% of the total
22 funds under management; provided that, contracts
23 representing at least 11% of the total funds under
24 management shall be awarded to businesses owned by
25 minorities; contracts representing at least 7% of the
26 total funds under management shall be awarded to

1 women-owned businesses; and contracts representing at
2 least 2% of the total funds under management shall be
3 awarded to businesses owned by persons with disabilities.
4 Furthermore, it is the aspirational goal that not less
5 than 20% of the direct asset managers of the State funds be
6 minorities, women, and persons with disabilities.

7 (c) When a State agency or public institution of
8 higher education, other than a community college, awards
9 contracts for information technology services, accounting
10 services, architectural and engineering services, and
11 legal services, for each State agency and public
12 institution of higher education, it shall be the
13 aspirational goal to use such firms owned by minorities,
14 women, and persons with disabilities as defined by this
15 Act and lawyers who are minorities, women, and persons
16 with disabilities as defined by this Act, for not less
17 than 20% of the total dollar amount of State contracts;
18 provided that, contracts representing at least 11% of the
19 total dollar amount of State contracts shall be awarded to
20 businesses owned by minorities or minority lawyers;
21 contracts representing at least 7% of the total dollar
22 amount of State contracts shall be awarded to women-owned
23 businesses or women who are lawyers; and contracts
24 representing at least 2% of the total dollar amount of
25 State contracts shall be awarded to businesses owned by
26 persons with disabilities or persons with disabilities who

1 are lawyers.

2 (d) When a community college awards a contract for
3 insurance services, investment services, information
4 technology services, accounting services, architectural
5 and engineering services, and legal services, it shall be
6 the aspirational goal of each community college to use
7 businesses owned by minorities, women, and persons with
8 disabilities as defined in this Act for not less than 20%
9 of the total amount spent on contracts for these services
10 collectively; provided that, contracts representing at
11 least 11% of the total amount spent on contracts for these
12 services shall be awarded to businesses owned by
13 minorities; contracts representing at least 7% of the
14 total amount spent on contracts for these services shall
15 be awarded to women-owned businesses; and contracts
16 representing at least 2% of the total amount spent on
17 contracts for these services shall be awarded to
18 businesses owned by persons with disabilities. When a
19 community college awards contracts for investment
20 services, contracts awarded to investment managers who are
21 not emerging investment managers as defined in this Act
22 shall not be considered businesses owned by minorities,
23 women, or persons with disabilities for the purposes of
24 this Section.

25 (e) When a State agency or public institution of
26 higher education issues competitive solicitations and the

1 award history for a service or supply category shows
2 awards to a class of business owners that are
3 underrepresented, the Council shall determine the reason
4 for the disparity and shall identify potential and
5 appropriate methods to minimize or eliminate the cause for
6 the disparity.

7 If any State agency or public institution of higher
8 education contract is eligible to be paid for or
9 reimbursed, in whole or in part, with federal-aid funds,
10 grants, or loans, and the provisions of this paragraph (e)
11 would result in the loss of those federal-aid funds,
12 grants, or loans, then the contract is exempt from the
13 provisions of this paragraph (e) in order to remain
14 eligible for those federal-aid funds, grants, or loans.

15 (2) As used in this Section:

16 "Accounting services" means the measurement,
17 processing and communication of financial information
18 about economic entities including, but is not limited to,
19 financial accounting, management accounting, auditing,
20 cost containment and auditing services, taxation and
21 accounting information systems.

22 "Architectural and engineering services" means
23 professional services of an architectural or engineering
24 nature, or incidental services, that members of the
25 architectural and engineering professions, and individuals
26 in their employ, may logically or justifiably perform,

1 including studies, investigations, surveying and mapping,
2 tests, evaluations, consultations, comprehensive
3 planning, program management, conceptual designs, plans
4 and specifications, value engineering, construction phase
5 services, soils engineering, drawing reviews, preparation
6 of operating and maintenance manuals, and other related
7 services.

8 "Emerging investment manager" means an investment
9 manager or claims consultant having assets under
10 management below \$10 billion or otherwise adjudicating
11 claims.

12 "Information technology services" means, but is not
13 limited to, specialized technology-oriented solutions by
14 combining the processes and functions of software,
15 hardware, networks, telecommunications, web designers,
16 cloud developing resellers, and electronics.

17 "Insurance broker" means an insurance brokerage firm,
18 claims administrator, or both, that procures, places all
19 lines of insurance, or administers claims with annual
20 premiums or fees of at least \$5,000,000 but not more than
21 \$10,000,000.

22 "Legal services" means work performed by a lawyer
23 including, but not limited to, contracts in anticipation
24 of litigation, enforcement actions, or investigations.

25 (3) Each State agency and public institution of higher
26 education shall adopt policies that identify its plan and

1 implementation procedures for increasing the use of service
2 firms owned by minorities, women, and persons with
3 disabilities.

4 (4) Except as provided in subsection (5), the Council
5 shall file no later than March 1 of each year an annual report
6 to the Governor, the Bureau on Apprenticeship Programs and
7 Clean Energy Jobs, and the General Assembly. The report filed
8 with the General Assembly shall be filed as required in
9 Section 3.1 of the General Assembly Organization Act. This
10 report shall: (i) identify the service firms used by each
11 State agency and public institution of higher education, (ii)
12 identify the actions it has undertaken to increase the use of
13 service firms owned by minorities, women, and persons with
14 disabilities, including encouraging non-minority-owned firms
15 to use other service firms owned by minorities, women, and
16 persons with disabilities as subcontractors when the
17 opportunities arise, (iii) state any recommendations made by
18 the Council to each State agency and public institution of
19 higher education to increase participation by the use of
20 service firms owned by minorities, women, and persons with
21 disabilities, and (iv) include the following:

22 (A) For insurance services: the names of the insurance
23 brokers or claims consultants used, the total of risk
24 managed by each State agency and public institution of
25 higher education by insurance brokers, the total
26 commissions, fees paid, or both, the lines or insurance

1 policies placed, and the amount of premiums placed; and
2 the percentage of the risk managed by insurance brokers,
3 the percentage of total commission, fees paid, or both,
4 the lines or insurance policies placed, and the amount of
5 premiums placed with each by the insurance brokers owned
6 by minorities, women, and persons with disabilities by
7 each State agency and public institution of higher
8 education.

9 (B) For investment management services: the names of
10 the investment managers used, the total funds under
11 management of investment managers; the total commissions,
12 fees paid, or both; the total and percentage of funds
13 under management of emerging investment managers owned by
14 minorities, women, and persons with disabilities,
15 including the total and percentage of total commissions,
16 fees paid, or both by each State agency and public
17 institution of higher education.

18 (C) The names of service firms, the percentage and
19 total dollar amount paid for professional services by
20 category by each State agency and public institution of
21 higher education.

22 (D) The names of service firms, the percentage and
23 total dollar amount paid for services by category to firms
24 owned by minorities, women, and persons with disabilities
25 by each State agency and public institution of higher
26 education.

1 (E) The total number of contracts awarded for services
2 by category and the total number of contracts awarded to
3 firms owned by minorities, women, and persons with
4 disabilities by each State agency and public institution
5 of higher education.

6 (5) For community college districts, the Business
7 Enterprise Council shall only report the following information
8 for each community college district: (i) the name of the
9 community colleges in the district, (ii) the name and contact
10 information of a person at each community college appointed to
11 be the single point of contact for vendors owned by
12 minorities, women, or persons with disabilities, (iii) the
13 policy of the community college district concerning certified
14 vendors, (iv) the certifications recognized by the community
15 college district for determining whether a business is owned
16 or controlled by a minority, woman, or person with a
17 disability, (v) outreach efforts conducted by the community
18 college district to increase the use of certified vendors,
19 (vi) the total expenditures by the community college district
20 in the prior fiscal year in the divisions of work specified in
21 paragraphs (a), (b), and (c) of subsection (1) of this Section
22 and the amount paid to certified vendors in those divisions of
23 work, and (vii) the total number of contracts entered into for
24 the divisions of work specified in paragraphs (a), (b), and
25 (c) of subsection (1) of this Section and the total number of
26 contracts awarded to certified vendors providing these

1 services to the community college district. The Business
2 Enterprise Council shall not make any utilization reports
3 under this Act for community college districts for Fiscal Year
4 2015 and Fiscal Year 2016, but shall make the report required
5 by this subsection for Fiscal Year 2017 and for each fiscal
6 year thereafter. The Business Enterprise Council shall report
7 the information in items (i), (ii), (iii), and (iv) of this
8 subsection beginning in September of 2016. The Business
9 Enterprise Council may collect the data needed to make its
10 report from the Illinois Community College Board.

11 (6) The status of the utilization of services shall be
12 discussed at each of the regularly scheduled Business
13 Enterprise Council meetings. Time shall be allotted for the
14 Council to receive, review, and discuss the progress of the
15 use of service firms owned by minorities, women, and persons
16 with disabilities by each State agency and public institution
17 of higher education; and any evidence regarding past or
18 present racial, ethnic, or gender-based discrimination which
19 directly impacts a State agency or public institution of
20 higher education contracting with such firms. If after
21 reviewing such evidence the Council finds that there is or has
22 been such discrimination against a specific group, race or
23 sex, the Council shall establish sheltered markets or adjust
24 existing sheltered markets tailored to address the Council's
25 specific findings for the divisions of work specified in
26 paragraphs (a), (b), and (c) of subsection (1) of this

1 Section.

2 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
3 101-657, Article 5, Section 5-10, eff. 7-1-21 (See Section 25
4 of P.A. 102-29 for effective date of P.A. 101-657, Article 5,
5 Section 5-10); 102-29, eff. 6-25-21.)

6 (Text of Section after amendment by P.A. 101-657, Article
7 40, Section 40-130)

8 (Section scheduled to be repealed on June 30, 2024)

9 Sec. 4f. Award of State contracts.

10 (1) It is hereby declared to be the public policy of the
11 State of Illinois to promote and encourage each State agency
12 and public institution of higher education to use businesses
13 owned by minorities, women, and persons with disabilities in
14 the area of goods and services, including, but not limited to,
15 insurance services, investment management services,
16 information technology services, accounting services,
17 architectural and engineering services, and legal services.
18 Furthermore, each State agency and public institution of
19 higher education shall utilize such firms to the greatest
20 extent feasible within the bounds of financial and fiduciary
21 prudence, and take affirmative steps to remove any barriers to
22 the full participation of such firms in the procurement and
23 contracting opportunities afforded.

24 (a) When a State agency or public institution of
25 higher education, other than a community college, awards a

1 contract for insurance services, for each State agency or
2 public institution of higher education, it shall be the
3 aspirational goal to use insurance brokers owned by
4 minorities, women, and persons with disabilities as
5 defined by this Act, for not less than 20% of the total
6 annual premiums or fees; provided that, contracts
7 representing at least 11% of the total annual premiums or
8 fees shall be awarded to businesses owned by minorities;
9 contracts representing at least 7% of the total annual
10 premiums or fees shall be awarded to women-owned
11 businesses; and contracts representing at least 2% of the
12 total annual premiums or fees shall be awarded to
13 businesses owned by persons with disabilities.

14 (b) When a State agency or public institution of
15 higher education, other than a community college, awards a
16 contract for investment services, for each State agency or
17 public institution of higher education, it shall be the
18 aspirational goal to use emerging investment managers
19 owned by minorities, women, and persons with disabilities
20 as defined by this Act, for not less than 20% of the total
21 funds under management; provided that, contracts
22 representing at least 11% of the total funds under
23 management shall be awarded to businesses owned by
24 minorities; contracts representing at least 7% of the
25 total funds under management shall be awarded to
26 women-owned businesses; and contracts representing at

1 least 2% of the total funds under management shall be
2 awarded to businesses owned by persons with disabilities.
3 Furthermore, it is the aspirational goal that not less
4 than 20% of the direct asset managers of the State funds be
5 minorities, women, and persons with disabilities.

6 (c) When a State agency or public institution of
7 higher education, other than a community college, awards
8 contracts for information technology services, accounting
9 services, architectural and engineering services, and
10 legal services, for each State agency and public
11 institution of higher education, it shall be the
12 aspirational goal to use such firms owned by minorities,
13 women, and persons with disabilities as defined by this
14 Act and lawyers who are minorities, women, and persons
15 with disabilities as defined by this Act, for not less
16 than 20% of the total dollar amount of State contracts;
17 provided that, contracts representing at least 11% of the
18 total dollar amount of State contracts shall be awarded to
19 businesses owned by minorities or minority lawyers;
20 contracts representing at least 7% of the total dollar
21 amount of State contracts shall be awarded to women-owned
22 businesses or women who are lawyers; and contracts
23 representing at least 2% of the total dollar amount of
24 State contracts shall be awarded to businesses owned by
25 persons with disabilities or persons with disabilities who
26 are lawyers.

1 (d) When a community college awards a contract for
2 insurance services, investment services, information
3 technology services, accounting services, architectural
4 and engineering services, and legal services, it shall be
5 the aspirational goal of each community college to use
6 businesses owned by minorities, women, and persons with
7 disabilities as defined in this Act for not less than 20%
8 of the total amount spent on contracts for these services
9 collectively; provided that, contracts representing at
10 least 11% of the total amount spent on contracts for these
11 services shall be awarded to businesses owned by
12 minorities; contracts representing at least 7% of the
13 total amount spent on contracts for these services shall
14 be awarded to women-owned businesses; and contracts
15 representing at least 2% of the total amount spent on
16 contracts for these services shall be awarded to
17 businesses owned by persons with disabilities. When a
18 community college awards contracts for investment
19 services, contracts awarded to investment managers who are
20 not emerging investment managers as defined in this Act
21 shall not be considered businesses owned by minorities,
22 women, or persons with disabilities for the purposes of
23 this Section.

24 (2) As used in this Section:

25 "Accounting services" means the measurement,
26 processing and communication of financial information

1 about economic entities including, but is not limited to,
2 financial accounting, management accounting, auditing,
3 cost containment and auditing services, taxation and
4 accounting information systems.

5 "Architectural and engineering services" means
6 professional services of an architectural or engineering
7 nature, or incidental services, that members of the
8 architectural and engineering professions, and individuals
9 in their employ, may logically or justifiably perform,
10 including studies, investigations, surveying and mapping,
11 tests, evaluations, consultations, comprehensive
12 planning, program management, conceptual designs, plans
13 and specifications, value engineering, construction phase
14 services, soils engineering, drawing reviews, preparation
15 of operating and maintenance manuals, and other related
16 services.

17 "Emerging investment manager" means an investment
18 manager or claims consultant having assets under
19 management below \$10 billion or otherwise adjudicating
20 claims.

21 "Information technology services" means, but is not
22 limited to, specialized technology-oriented solutions by
23 combining the processes and functions of software,
24 hardware, networks, telecommunications, web designers,
25 cloud developing resellers, and electronics.

26 "Insurance broker" means an insurance brokerage firm,

1 claims administrator, or both, that procures, places all
2 lines of insurance, or administers claims with annual
3 premiums or fees of at least \$5,000,000 but not more than
4 \$10,000,000.

5 "Legal services" means work performed by a lawyer
6 including, but not limited to, contracts in anticipation
7 of litigation, enforcement actions, or investigations.

8 (3) Each State agency and public institution of higher
9 education shall adopt policies that identify its plan and
10 implementation procedures for increasing the use of service
11 firms owned by minorities, women, and persons with
12 disabilities. All plan and implementation procedures for
13 increasing the use of service firms owned by minorities,
14 women, and persons with disabilities must be submitted to and
15 approved by the Commission on Equity and Inclusion on an
16 annual basis.

17 (4) Except as provided in subsection (5), the Council
18 shall file no later than March 1 of each year an annual report
19 to the Governor, the Bureau on Apprenticeship Programs and
20 Clean Energy Jobs, and the General Assembly. The report filed
21 with the General Assembly shall be filed as required in
22 Section 3.1 of the General Assembly Organization Act. This
23 report shall: (i) identify the service firms used by each
24 State agency and public institution of higher education, (ii)
25 identify the actions it has undertaken to increase the use of
26 service firms owned by minorities, women, and persons with

1 disabilities, including encouraging non-minority-owned firms
2 to use other service firms owned by minorities, women, and
3 persons with disabilities as subcontractors when the
4 opportunities arise, (iii) state any recommendations made by
5 the Council to each State agency and public institution of
6 higher education to increase participation by the use of
7 service firms owned by minorities, women, and persons with
8 disabilities, and (iv) include the following:

9 (A) For insurance services: the names of the insurance
10 brokers or claims consultants used, the total of risk
11 managed by each State agency and public institution of
12 higher education by insurance brokers, the total
13 commissions, fees paid, or both, the lines or insurance
14 policies placed, and the amount of premiums placed; and
15 the percentage of the risk managed by insurance brokers,
16 the percentage of total commission, fees paid, or both,
17 the lines or insurance policies placed, and the amount of
18 premiums placed with each by the insurance brokers owned
19 by minorities, women, and persons with disabilities by
20 each State agency and public institution of higher
21 education.

22 (B) For investment management services: the names of
23 the investment managers used, the total funds under
24 management of investment managers; the total commissions,
25 fees paid, or both; the total and percentage of funds
26 under management of emerging investment managers owned by

1 minorities, women, and persons with disabilities,
2 including the total and percentage of total commissions,
3 fees paid, or both by each State agency and public
4 institution of higher education.

5 (C) The names of service firms, the percentage and
6 total dollar amount paid for professional services by
7 category by each State agency and public institution of
8 higher education.

9 (D) The names of service firms, the percentage and
10 total dollar amount paid for services by category to firms
11 owned by minorities, women, and persons with disabilities
12 by each State agency and public institution of higher
13 education.

14 (E) The total number of contracts awarded for services
15 by category and the total number of contracts awarded to
16 firms owned by minorities, women, and persons with
17 disabilities by each State agency and public institution
18 of higher education.

19 (5) For community college districts, the Business
20 Enterprise Council shall only report the following information
21 for each community college district: (i) the name of the
22 community colleges in the district, (ii) the name and contact
23 information of a person at each community college appointed to
24 be the single point of contact for vendors owned by
25 minorities, women, or persons with disabilities, (iii) the
26 policy of the community college district concerning certified

1 vendors, (iv) the certifications recognized by the community
2 college district for determining whether a business is owned
3 or controlled by a minority, woman, or person with a
4 disability, (v) outreach efforts conducted by the community
5 college district to increase the use of certified vendors,
6 (vi) the total expenditures by the community college district
7 in the prior fiscal year in the divisions of work specified in
8 paragraphs (a), (b), and (c) of subsection (1) of this Section
9 and the amount paid to certified vendors in those divisions of
10 work, and (vii) the total number of contracts entered into for
11 the divisions of work specified in paragraphs (a), (b), and
12 (c) of subsection (1) of this Section and the total number of
13 contracts awarded to certified vendors providing these
14 services to the community college district. The Business
15 Enterprise Council shall not make any utilization reports
16 under this Act for community college districts for Fiscal Year
17 2015 and Fiscal Year 2016, but shall make the report required
18 by this subsection for Fiscal Year 2017 and for each fiscal
19 year thereafter. The Business Enterprise Council shall report
20 the information in items (i), (ii), (iii), and (iv) of this
21 subsection beginning in September of 2016. The Business
22 Enterprise Council may collect the data needed to make its
23 report from the Illinois Community College Board.

24 (6) The status of the utilization of services shall be
25 discussed at each of the regularly scheduled Business
26 Enterprise Council meetings. Time shall be allotted for the

1 Council to receive, review, and discuss the progress of the
2 use of service firms owned by minorities, women, and persons
3 with disabilities by each State agency and public institution
4 of higher education; and any evidence regarding past or
5 present racial, ethnic, or gender-based discrimination which
6 directly impacts a State agency or public institution of
7 higher education contracting with such firms. If after
8 reviewing such evidence the Council finds that there is or has
9 been such discrimination against a specific group, race or
10 sex, the Council shall establish sheltered markets or adjust
11 existing sheltered markets tailored to address the Council's
12 specific findings for the divisions of work specified in
13 paragraphs (a), (b), and (c) of subsection (1) of this
14 Section.

15 (Source: P.A. 101-170, eff. 1-1-20; 101-657, Article 5,
16 Section 5-10, eff. 7-1-21 (See Section 25 of P.A. 102-29 for
17 effective date of P.A. 101-657, Article 5, Section 5-10);
18 101-657, Article 40, Section 40-130, eff. 1-1-22; 102-29, eff.
19 6-25-21.)

20 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

21 (Text of Section before amendment by P.A. 101-657)

22 (Section scheduled to be repealed on June 30, 2024)

23 Sec. 7. Exemptions; waivers; publication of data.

24 (1) Individual contract exemptions. The Council, at the
25 written request of the affected agency, public institution of

1 higher education, or recipient of a grant or loan of State
2 funds of \$250,000 or more complying with Section 45 of the
3 State Finance Act, may permit an individual contract or
4 contract package, (related contracts being bid or awarded
5 simultaneously for the same project or improvements) be made
6 wholly or partially exempt from State contracting goals for
7 businesses owned by minorities, women, and persons with
8 disabilities prior to the advertisement for bids or
9 solicitation of proposals whenever there has been a
10 determination, reduced to writing and based on the best
11 information available at the time of the determination, that
12 there is an insufficient number of businesses owned by
13 minorities, women, and persons with disabilities to ensure
14 adequate competition and an expectation of reasonable prices
15 on bids or proposals solicited for the individual contract or
16 contract package in question. Any such exemptions shall be
17 given by the Council to the Bureau on Apprenticeship Programs
18 and Clean Energy Jobs.

19 (a) Written request for contract exemption. A written
20 request for an individual contract exemption must include,
21 but is not limited to, the following:

22 (i) a list of eligible businesses owned by
23 minorities, women, and persons with disabilities;

24 (ii) a clear demonstration that the number of
25 eligible businesses identified in subparagraph (i)
26 above is insufficient to ensure adequate competition;

1 (iii) the difference in cost between the contract
2 proposals being offered by businesses owned by
3 minorities, women, and persons with disabilities and
4 the agency or public institution of higher education's
5 expectations of reasonable prices on bids or proposals
6 within that class; and

7 (iv) a list of eligible businesses owned by
8 minorities, women, and persons with disabilities that
9 the contractor has used in the current and prior
10 fiscal years.

11 (b) Determination. The Council's determination
12 concerning an individual contract exemption must consider,
13 at a minimum, the following:

14 (i) the justification for the requested exemption,
15 including whether diligent efforts were undertaken to
16 identify and solicit eligible businesses owned by
17 minorities, women, and persons with disabilities;

18 (ii) the total number of exemptions granted to the
19 affected agency, public institution of higher
20 education, or recipient of a grant or loan of State
21 funds of \$250,000 or more complying with Section 45 of
22 the State Finance Act that have been granted by the
23 Council in the current and prior fiscal years; and

24 (iii) the percentage of contracts awarded by the
25 agency or public institution of higher education to
26 eligible businesses owned by minorities, women, and

1 persons with disabilities in the current and prior
2 fiscal years.

3 (2) Class exemptions.

4 (a) Creation. The Council, at the written request of
5 the affected agency or public institution of higher
6 education, may permit an entire class of contracts be made
7 exempt from State contracting goals for businesses owned
8 by minorities, women, and persons with disabilities
9 whenever there has been a determination, reduced to
10 writing and based on the best information available at the
11 time of the determination, that there is an insufficient
12 number of qualified businesses owned by minorities, women,
13 and persons with disabilities to ensure adequate
14 competition and an expectation of reasonable prices on
15 bids or proposals within that class. Any such exemption
16 shall be given by the Council to the Bureau on
17 Apprenticeship Programs and Clean Energy Jobs.

18 (a-1) Written request for class exemption. A written
19 request for a class exemption must include, but is not
20 limited to, the following:

21 (i) a list of eligible businesses owned by
22 minorities, women, and persons with disabilities;

23 (ii) a clear demonstration that the number of
24 eligible businesses identified in subparagraph (i)
25 above is insufficient to ensure adequate competition;

26 (iii) the difference in cost between the contract

1 proposals being offered by eligible businesses owned
2 by minorities, women, and persons with disabilities
3 and the agency or public institution of higher
4 education's expectations of reasonable prices on bids
5 or proposals within that class; and

6 (iv) the number of class exemptions the affected
7 agency or public institution of higher education
8 requested in the current and prior fiscal years.

9 (a-2) Determination. The Council's determination
10 concerning class exemptions must consider, at a minimum,
11 the following:

12 (i) the justification for the requested exemption,
13 including whether diligent efforts were undertaken to
14 identify and solicit eligible businesses owned by
15 minorities, women, and persons with disabilities;

16 (ii) the total number of class exemptions granted
17 to the requesting agency or public institution of
18 higher education that have been granted by the Council
19 in the current and prior fiscal years; and

20 (iii) the percentage of contracts awarded by the
21 agency or public institution of higher education to
22 eligible businesses owned by minorities, women, and
23 persons with disabilities the current and prior fiscal
24 years.

25 (b) Limitation. Any such class exemption shall not be
26 permitted for a period of more than one year at a time.

1 (3) Waivers. Where a particular contract requires a
2 contractor to meet a goal established pursuant to this Act,
3 the contractor shall have the right to request a waiver from
4 such requirements. The Council shall grant the waiver where
5 the contractor demonstrates that there has been made a good
6 faith effort to comply with the goals for participation by
7 businesses owned by minorities, women, and persons with
8 disabilities. Any such waiver shall also be transmitted in
9 writing to the Bureau on Apprenticeship Programs and Clean
10 Energy Jobs.

11 (a) Request for waiver. A contractor's request for a
12 waiver under this subsection (3) must include, but is not
13 limited to, the following, if available:

14 (i) a list of eligible businesses owned by
15 minorities, women, and persons with disabilities that
16 pertain to the class of contracts in the requested
17 waiver;

18 (ii) a clear demonstration that the number of
19 eligible businesses identified in subparagraph (i)
20 above is insufficient to ensure competition;

21 (iii) the difference in cost between the contract
22 proposals being offered by businesses owned by
23 minorities, women, and persons with disabilities and
24 the agency or the public institution of higher
25 education's expectations of reasonable prices on bids
26 or proposals within that class; and

1 (iv) a list of businesses owned by minorities,
2 women, and persons with disabilities that the
3 contractor has used in the current and prior fiscal
4 years.

5 (b) Determination. The Council's determination
6 concerning waivers must include following:

7 (i) the justification for the requested waiver,
8 including whether the requesting contractor made a
9 good faith effort to identify and solicit eligible
10 businesses owned by minorities, women, and persons
11 with disabilities;

12 (ii) the total number of waivers the contractor
13 has been granted by the Council in the current and
14 prior fiscal years;

15 (iii) the percentage of contracts awarded by the
16 agency or public institution of higher education to
17 eligible businesses owned by minorities, women, and
18 persons with disabilities in the current and prior
19 fiscal years; and

20 (iv) the contractor's use of businesses owned by
21 minorities, women, and persons with disabilities in
22 the current and prior fiscal years.

23 (3.5) (Blank).

24 (4) Conflict with other laws. In the event that any State
25 contract, which otherwise would be subject to the provisions
26 of this Act, is or becomes subject to federal laws or

1 regulations which conflict with the provisions of this Act or
2 actions of the State taken pursuant hereto, the provisions of
3 the federal laws or regulations shall apply and the contract
4 shall be interpreted and enforced accordingly.

5 (5) Each chief procurement officer, as defined in the
6 Illinois Procurement Code, shall maintain on his or her
7 official Internet website a database of the following: (i)
8 waivers granted under this Section with respect to contracts
9 under his or her jurisdiction; (ii) a State agency or public
10 institution of higher education's written request for an
11 exemption of an individual contract or an entire class of
12 contracts; and (iii) the Council's written determination
13 granting or denying a request for an exemption of an
14 individual contract or an entire class of contracts. The
15 database, which shall be updated periodically as necessary,
16 shall be searchable by contractor name and by contracting
17 State agency.

18 (6) Each chief procurement officer, as defined by the
19 Illinois Procurement Code, shall maintain on its website a
20 list of all firms that have been prohibited from bidding,
21 offering, or entering into a contract with the State of
22 Illinois as a result of violations of this Act.

23 Each public notice required by law of the award of a State
24 contract shall include for each bid or offer submitted for
25 that contract the following: (i) the bidder's or offeror's
26 name, (ii) the bid amount, (iii) the name or names of the

1 certified firms identified in the bidder's or offeror's
2 submitted utilization plan, and (iv) the bid's amount and
3 percentage of the contract awarded to businesses owned by
4 minorities, women, and persons with disabilities identified in
5 the utilization plan.

6 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
7 101-601, eff. 1-1-20; 102-29, eff. 6-25-21.)

8 (Text of Section after amendment by P.A. 101-657)

9 (Section scheduled to be repealed on June 30, 2024)

10 Sec. 7. Exemptions; waivers; publication of data.

11 (1) Individual contract exemptions. The Council, at the
12 written request of the affected agency, public institution of
13 higher education, or recipient of a grant or loan of State
14 funds of \$250,000 or more complying with Section 45 of the
15 State Finance Act, may permit an individual contract or
16 contract package, (related contracts being bid or awarded
17 simultaneously for the same project or improvements) be made
18 wholly or partially exempt from State contracting goals for
19 businesses owned by minorities, women, and persons with
20 disabilities prior to the advertisement for bids or
21 solicitation of proposals whenever there has been a
22 determination, reduced to writing and based on the best
23 information available at the time of the determination, that
24 there is an insufficient number of businesses owned by
25 minorities, women, and persons with disabilities to ensure

1 adequate competition and an expectation of reasonable prices
2 on bids or proposals solicited for the individual contract or
3 contract package in question. Any such exemptions shall be
4 given by the Council to the Bureau on Apprenticeship Programs
5 and Clean Energy Jobs.

6 (a) Written request for contract exemption. A written
7 request for an individual contract exemption must include,
8 but is not limited to, the following:

9 (i) a list of eligible businesses owned by
10 minorities, women, and persons with disabilities;

11 (ii) a clear demonstration that the number of
12 eligible businesses identified in subparagraph (i)
13 above is insufficient to ensure adequate competition;

14 (iii) the difference in cost between the contract
15 proposals being offered by businesses owned by
16 minorities, women, and persons with disabilities and
17 the agency or public institution of higher education's
18 expectations of reasonable prices on bids or proposals
19 within that class; and

20 (iv) a list of eligible businesses owned by
21 minorities, women, and persons with disabilities that
22 the contractor has used in the current and prior
23 fiscal years.

24 (b) Determination. The Council's determination
25 concerning an individual contract exemption must consider,
26 at a minimum, the following:

1 (i) the justification for the requested exemption,
2 including whether diligent efforts were undertaken to
3 identify and solicit eligible businesses owned by
4 minorities, women, and persons with disabilities;

5 (ii) the total number of exemptions granted to the
6 affected agency, public institution of higher
7 education, or recipient of a grant or loan of State
8 funds of \$250,000 or more complying with Section 45 of
9 the State Finance Act that have been granted by the
10 Council in the current and prior fiscal years; and

11 (iii) the percentage of contracts awarded by the
12 agency or public institution of higher education to
13 eligible businesses owned by minorities, women, and
14 persons with disabilities in the current and prior
15 fiscal years.

16 (2) Class exemptions.

17 (a) Creation. The Council, at the written request of
18 the affected agency or public institution of higher
19 education, may permit an entire class of contracts be made
20 exempt from State contracting goals for businesses owned
21 by minorities, women, and persons with disabilities
22 whenever there has been a determination, reduced to
23 writing and based on the best information available at the
24 time of the determination, that there is an insufficient
25 number of qualified businesses owned by minorities, women,
26 and persons with disabilities to ensure adequate

1 competition and an expectation of reasonable prices on
2 bids or proposals within that class. Any such exemption
3 shall be given by the Council to the Bureau on
4 Apprenticeship Programs and Clean Energy Jobs.

5 (a-1) Written request for class exemption. A written
6 request for a class exemption must include, but is not
7 limited to, the following:

8 (i) a list of eligible businesses owned by
9 minorities, women, and persons with disabilities;

10 (ii) a clear demonstration that the number of
11 eligible businesses identified in subparagraph (i)
12 above is insufficient to ensure adequate competition;

13 (iii) the difference in cost between the contract
14 proposals being offered by eligible businesses owned
15 by minorities, women, and persons with disabilities
16 and the agency or public institution of higher
17 education's expectations of reasonable prices on bids
18 or proposals within that class; and

19 (iv) the number of class exemptions the affected
20 agency or public institution of higher education
21 requested in the current and prior fiscal years.

22 (a-2) Determination. The Council's determination
23 concerning class exemptions must consider, at a minimum,
24 the following:

25 (i) the justification for the requested exemption,
26 including whether diligent efforts were undertaken to

1 identify and solicit eligible businesses owned by
2 minorities, women, and persons with disabilities;

3 (ii) the total number of class exemptions granted
4 to the requesting agency or public institution of
5 higher education that have been granted by the Council
6 in the current and prior fiscal years; and

7 (iii) the percentage of contracts awarded by the
8 agency or public institution of higher education to
9 eligible businesses owned by minorities, women, and
10 persons with disabilities the current and prior fiscal
11 years.

12 (b) Limitation. Any such class exemption shall not be
13 permitted for a period of more than one year at a time.

14 (3) Waivers. Where a particular contract requires a
15 contractor to meet a goal established pursuant to this Act,
16 the contractor shall have the right to request a waiver from
17 such requirements prior to the contract award. The Council
18 shall grant the waiver when the contractor demonstrates that
19 there has been made a good faith effort to comply with the
20 goals for participation by businesses owned by minorities,
21 women, and persons with disabilities. Any such waiver shall
22 also be transmitted in writing to the Bureau on Apprenticeship
23 Programs and Clean Energy Jobs.

24 (a) Request for waiver. A contractor's request for a
25 waiver under this subsection (3) must include, but is not
26 limited to, the following, if available:

1 (i) a list of eligible businesses owned by
2 minorities, women, and persons with disabilities that
3 pertain to the scope of work of the contract. Eligible
4 businesses are only eligible if the business is
5 certified for the products or work advertised in the
6 solicitation;

7 (ii) (blank);

8 (iia) a clear demonstration that the contractor
9 selected portions of the work to be performed by
10 eligible businesses owned by minorities, women, and
11 persons with disabilities, solicited through all
12 reasonable and available means eligible businesses,
13 and negotiated in good faith with interested eligible
14 businesses;

15 (iib) documentation demonstrating that businesses
16 owned by minorities, women, and persons with
17 disabilities are not rejected as being unqualified
18 without sound reasons based on a thorough
19 investigation of their capabilities;

20 (iii) documentation demonstrating that the
21 contract proposals being offered by businesses owned
22 by minorities, women, and persons with disabilities
23 are excessive or unreasonable; and

24 (iv) a list of businesses owned by minorities,
25 women, and persons with disabilities that the
26 contractor has used in the current and prior fiscal

1 years.

2 (b) Determination. The Council's determination
3 concerning waivers must include following:

4 (i) the justification for the requested waiver,
5 including whether the requesting contractor made a
6 good faith effort to identify and solicit eligible
7 businesses owned by minorities, women, and persons
8 with disabilities;

9 (ii) the total number of waivers the contractor
10 has been granted by the Council in the current and
11 prior fiscal years;

12 (iii) (blank); and

13 (iv) the contractor's use of businesses owned by
14 minorities, women, and persons with disabilities in
15 the current and prior fiscal years.

16 (3.5) (Blank).

17 (4) Conflict with other laws. In the event that any State
18 contract, which otherwise would be subject to the provisions
19 of this Act, is or becomes subject to federal laws or
20 regulations which conflict with the provisions of this Act or
21 actions of the State taken pursuant hereto, the provisions of
22 the federal laws or regulations shall apply and the contract
23 shall be interpreted and enforced accordingly.

24 (5) Each chief procurement officer, as defined in the
25 Illinois Procurement Code, shall maintain on his or her
26 official Internet website a database of the following: (i)

1 waivers granted under this Section with respect to contracts
2 under his or her jurisdiction; (ii) a State agency or public
3 institution of higher education's written request for an
4 exemption of an individual contract or an entire class of
5 contracts; and (iii) the Council's written determination
6 granting or denying a request for an exemption of an
7 individual contract or an entire class of contracts. The
8 database, which shall be updated periodically as necessary,
9 shall be searchable by contractor name and by contracting
10 State agency.

11 (6) Each chief procurement officer, as defined by the
12 Illinois Procurement Code, shall maintain on its website a
13 list of all firms that have been prohibited from bidding,
14 offering, or entering into a contract with the State of
15 Illinois as a result of violations of this Act.

16 Each public notice required by law of the award of a State
17 contract shall include for each bid or offer submitted for
18 that contract the following: (i) the bidder's or offeror's
19 name, (ii) the bid amount, (iii) the name or names of the
20 certified firms identified in the bidder's or offeror's
21 submitted utilization plan, and (iv) the bid's amount and
22 percentage of the contract awarded to businesses owned by
23 minorities, women, and persons with disabilities identified in
24 the utilization plan.

25 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
26 101-657, eff. 1-1-22; 102-29, eff. 6-25-21.)

1 (35 ILCS 5/206 rep.)

2 Section 90-37. The Illinois Income Tax Act is amended by
3 repealing Section 206.

4 Section 90-39. The Property Tax Code is amended by
5 changing Sections 1-130, 10-5, and 10-610 as follows:

6 (35 ILCS 200/1-130)

7 Sec. 1-130. Property; real property; real estate; land;
8 tract; lot.

9 (a) The land itself, with all things contained therein,
10 and also all buildings, structures and improvements, and other
11 permanent fixtures thereon, including all oil, gas, coal, and
12 other minerals in the land and the right to remove oil, gas and
13 other minerals, excluding coal, from the land, and all rights
14 and privileges belonging or pertaining thereto, except where
15 otherwise specified by this Code. Not included therein are
16 low-income housing tax credits authorized by Section 42 of the
17 Internal Revenue Code, 26 U.S.C. 42.

18 (b) Notwithstanding any other provision of law, mobile
19 homes and manufactured homes that (i) are located outside of
20 mobile home parks and (ii) are taxed under the Mobile Home
21 Local Services Tax Act on the effective date of this
22 amendatory Act of the 96th General Assembly shall continue to
23 be taxed under the Mobile Home Local Services Tax Act and shall

1 not be assessed and taxed as real property until the home is
2 sold or transferred or until the home is relocated to a
3 different parcel of land outside of a mobile home park. If a
4 mobile home or manufactured home described in this subsection
5 (b) is sold, transferred, or relocated to a different parcel
6 of land outside of a mobile home park, then the home shall be
7 assessed and taxed as real property whether or not that mobile
8 home or manufactured home is affixed to a permanent
9 foundation, as defined in Section 5-5 of the Conveyance and
10 Encumbrance of Manufactured Homes as Real Property and
11 Severance Act, or installed on a permanent foundation, and
12 whether or not such mobile home or manufactured home is real
13 property as defined in Section 5-35 of the Conveyance and
14 Encumbrance of Manufactured Homes as Real Property and
15 Severance Act. Mobile homes and manufactured homes that are
16 located outside of mobile home parks and assessed and taxed as
17 real property on the effective date of this amendatory Act of
18 the 96th General Assembly shall continue to be assessed and
19 taxed as real property whether or not those mobile homes or
20 manufactured homes are affixed to a permanent foundation as
21 defined in the Conveyance and Encumbrance of Manufactured
22 Homes as Real Property and Severance Act or installed on
23 permanent foundations and whether or not those mobile homes or
24 manufactured homes are real property as defined in the
25 Conveyance and Encumbrance of Manufactured Homes as Real
26 Property and Severance Act. If a mobile or manufactured home

1 that is located outside of a mobile home park is relocated to a
2 mobile home park, it must be considered chattel and must be
3 taxed according to the Mobile Home Local Services Tax Act. The
4 owner of a mobile home or manufactured home that is located
5 outside of a mobile home park may file a request with the chief
6 county assessment officer that the home be taxed as real
7 property.

8 (c) Mobile homes and manufactured homes that are located
9 in mobile home parks must be taxed according to the Mobile Home
10 Local Services Tax Act.

11 (d) If the provisions of this Section conflict with the
12 Illinois Manufactured Housing and Mobile Home Safety Act, the
13 Mobile Home Local Services Tax Act, the Mobile Home Park Act,
14 or any other provision of law with respect to the taxation of
15 mobile homes or manufactured homes located outside of mobile
16 home parks, the provisions of this Section shall control.

17 (e) Spent fuel pools and dry cask storage systems in which
18 nuclear fuel is stored and is pending further or final
19 disposal from a nuclear power plant that was decommissioned
20 before January 1, 2021 shall be considered real property and
21 be assessable.

22 (Source: P.A. 98-749, eff. 7-16-14.)

23 (35 ILCS 200/10-5)

24 Sec. 10-5. Solar energy systems; definitions. It is the
25 policy of this State that the use of solar energy systems

1 should be encouraged because they conserve nonrenewable
2 resources, reduce pollution and promote the health and
3 well-being of the people of this State, and should be valued in
4 relation to these benefits.

5 (a) "Solar energy" means radiant energy received from the
6 sun at wave lengths suitable for heat transfer, photosynthetic
7 use, or photovoltaic use.

8 (b) "Solar collector" means

9 (1) An assembly, structure, or design, including
10 passive elements, used for gathering, concentrating, or
11 absorbing direct and indirect solar energy, specially
12 designed for holding a substantial amount of useful
13 thermal energy and to transfer that energy to a gas,
14 solid, or liquid or to use that energy directly; or

15 (2) A mechanism that absorbs solar energy and converts
16 it into electricity; or

17 (3) A mechanism or process used for gathering solar
18 energy through wind or thermal gradients; or

19 (4) A component used to transfer thermal energy to a
20 gas, solid, or liquid, or to convert it into electricity.

21 (c) "Solar storage mechanism" means equipment or elements
22 (such as piping and transfer mechanisms, containers, heat
23 exchangers, or controls thereof, and gases, solids, liquids,
24 or combinations thereof) that are utilized for storing solar
25 energy, gathered by a solar collector, for subsequent use.

26 (d) "Solar energy system" means

1 (1) (A) A complete assembly, structure, or design of
2 solar collector, or a solar storage mechanism, which uses
3 solar energy for generating electricity that is primarily
4 consumed on the property on which the solar energy system
5 resides, or for heating or cooling gases, solids, liquids,
6 or other materials for the primary benefit of the property
7 on which the solar energy system resides;

8 (B) The design, materials, or elements of a system and
9 its maintenance, operation, and labor components, and the
10 necessary components, if any, of supplemental conventional
11 energy systems designed or constructed to interface with a
12 solar energy system; ~~and~~

13 (C) Any legal, financial, or institutional orders,
14 certificates, or mechanisms, including easements, leases,
15 and agreements, required to ensure continued access to
16 solar energy, its source, or its use in a solar energy
17 system, and including monitoring and educational elements
18 of a demonstration project; ~~or.~~

19 (D) Photovoltaic electricity generation systems
20 subject to power purchase agreements or leases for solar
21 energy between a third-party owner, an operator, or both,
22 and an end user of electricity, where such systems are
23 located on the end user of electricity's side of the
24 electric meter and which primarily are used to offset the
25 electricity load of the end user behind whose electric
26 meter the system is connected. A system primarily is used

1 to offset the electricity load of the end user of
2 electricity if the system is estimated to produce 110% or
3 fewer kilowatt-hours of electricity than consumed by the
4 end user of electricity at such meter in the last 12 full
5 months prior to the system being placed in service.

6 (2) "Solar energy system" does not include:

7 (A) Distribution equipment that is equally usable
8 in a conventional energy system except for those
9 components of the equipment that are necessary for
10 meeting the requirements of efficient solar energy
11 utilization;

12 (B) Components of a solar energy system that serve
13 structural, insulating, protective, shading,
14 aesthetic, or other non-solar energy utilization
15 purposes, as defined in the regulations of the
16 Department of Commerce and Economic Opportunity; or
17 ~~and~~

18 (C) A commercial solar energy system, as defined
19 by this Code, in counties with fewer than 3,000,000
20 inhabitants.

21 (3) The solar energy system shall conform to the
22 standards for those systems established by regulation of
23 the Department of Commerce and Economic Opportunity.

24 (Source: P.A. 100-781, eff. 8-10-18.)

25 (35 ILCS 200/10-610)

1 Sec. 10-610. Applicability.

2 (a) The provisions of this Division apply for assessment
3 years 2007 through 2035 ~~2021~~.

4 (b) The provisions of this Division do not apply to wind
5 energy devices that are owned by any person or entity that is
6 otherwise exempt from taxation under the Property Tax Code.

7 (Source: P.A. 99-825, eff. 8-16-16.)

8 Section 90-43. The School Code is amended by changing
9 Section 10-22.11 as follows:

10 (105 ILCS 5/10-22.11) (from Ch. 122, par. 10-22.11)

11 Sec. 10-22.11. Lease of school property.

12 (a) To lease school property to another school district,
13 municipality or body politic and corporate for a term of not to
14 exceed 25 years, except as otherwise provided in this Section,
15 and upon such terms and conditions as may be agreed if in the
16 opinion of the school board use of such property will not be
17 needed by the district during the term of such lease;
18 provided, the school board shall not make or renew any lease
19 for a term longer than 10 years, nor alter the terms of any
20 lease whose unexpired term may exceed 10 years without the
21 vote of 2/3 of the full membership of the board.

22 (b) Whenever the school board considers such action
23 advisable and in the best interests of the school district, to
24 lease vacant school property for a period not exceeding 51

1 years to a private not for profit school organization for use
 2 in the care of persons with a mental disability who are
 3 trainable and educable in the district or in the education of
 4 the gifted children in the district. Before leasing such
 5 property to a private not for profit school organization, the
 6 school board must adopt a resolution for the leasing of such
 7 property, fixing the period and price therefor, and order
 8 submitted to referendum at an election to be held in the
 9 district as provided in the general election law, the question
 10 of whether the lease should be entered into. Thereupon, the
 11 secretary shall certify to the proper election authorities the
 12 proposition for submission in accordance with the general
 13 election law. If the majority of the voters voting upon the
 14 proposition vote in favor of the leasing, the school board may
 15 proceed with the leasing. The proposition shall be in
 16 substantially the following form:

17 -----
 18 Shall School District No. of
 19 County, Illinois lease to YES
 20 (here name and identify the
 21 lessee) the following described vacant -----
 22 school property (here describe the
 23 property) for a term of years NO
 24 for the sum of Dollars?
 25 -----

26 This paragraph (b) shall not be construed in such a manner

1 as to relieve the responsibility of the Board of Education as
2 set out in Article 14 of the School Code.

3 (c) To lease school buildings and land to suitable lessees
4 for educational purposes or for any other purpose which serves
5 the interests of the community, for a term not to exceed 25
6 years and upon such terms and conditions as may be agreed upon
7 by the parties, when such buildings and land are declared by
8 the board to be unnecessary or unsuitable or inconvenient for
9 a school or the uses of the district during the term of the
10 lease and when, in the opinion of the board, the best interests
11 of the residents of the school district will be enhanced by
12 entering into such a lease. Such leases shall include
13 provisions for adequate insurance for both liability and
14 property damage or loss, and reasonable charges for
15 maintenance and depreciation of such buildings and land.

16 (d) Notwithstanding any other provision to the contrary, a
17 lease for vacant school property may exceed 25 years for
18 renewable energy resources, as defined in Section 1-10 of the
19 Illinois Power Agency Act.

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 Section 90-45. The University of Illinois Act is amended
22 by adding Section 120 as follows:

23 (110 ILCS 305/120 new)

24 Sec. 120. Carbon capture, utilization, and storage report.

1 (a) Subject to appropriation, the Prairie Research
2 Institute at the University of Illinois at Urbana-Champaign,
3 in consultation with an intergovernmental advisory committee,
4 must file a report on the potential for carbon capture,
5 utilization, and storage as a climate mitigation technology
6 throughout Illinois with the Governor and the General Assembly
7 no later than December 31, 2022. The report shall provide an
8 assessment of Illinois subsurface storage resources, a
9 description of existing and selected subsurface storage
10 projects, and best practices for carbon storage. Additionally,
11 the report shall provide recommendations for policy and
12 regulatory needs at the State level based on its findings, and
13 shall, at a minimum, address all the following areas:

14 (1) carbon capture, utilization, and storage current
15 status and future storage resource potential in the State.
16 Enhanced Oil Recovery shall remain outside the scope of
17 this study;

18 (2) procedures, standards, and safeguards for the
19 storage of carbon dioxide;

20 (3) permitting processes and the coordination with
21 applicable federal law or regulatory commissions,
22 including the Class VI injection well permitting process;

23 (4) economic impact, job creation, and job retention
24 from carbon capture, utilization, and storage that both
25 protects the environment and supports short-term and
26 long-term economic growth;

1 (5) development of knowledge capacity of appropriate
2 State agencies and stakeholders;

3 (6) environmental justice and stakeholder issues
4 related to carbon capture, utilization, and storage
5 throughout the State;

6 (7) leveraging federal policies and public-private
7 partnerships for research, design, and development to
8 benefit the State;

9 (8) liability for the storage and monitoring
10 maintenance of the carbon dioxide after the completion of
11 a carbon capture, utilization, and storage project;

12 (9) acquisition, ownership, and amalgamation of pore
13 space for carbon capture, utilization, and storage;

14 (10) methodologies to establish any necessary fees,
15 costs, or offsets; and

16 (11) any risks to health, safety, the environment, and
17 property uses or values.

18 (b) In developing the report under this Section, the
19 Prairie Research Institute shall form an advisory committee,
20 which shall be composed of all the following members:

21 (1) the Director of the Environmental Protection
22 Agency, or his or her designee;

23 (2) the Director of Natural Resources, or his or her
24 designee;

25 (3) the Director of Commerce and Economic Opportunity,
26 or his or her designee;

1 (4) the Director of the Illinois Emergency Management
2 Agency, or his or her designee;

3 (5) the Director of Agriculture, or his or her
4 designee;

5 (6) the Attorney General, or his or her designee;

6 (7) one member of the Senate, appointed by the
7 President of the Senate;

8 (8) one member of the House of Representatives,
9 appointed by the Speaker of the House of Representatives;

10 (9) one member of the Senate, appointed by the
11 Minority Leader of the Senate; and

12 (10) one member of the House of Representatives,
13 appointed by the Minority Leader of the House of
14 Representatives.

15 (c) No later than 60 days after the effective date of this
16 amendatory Act of the 102nd General Assembly, the advisory
17 committee shall hold its first meeting at the call of the
18 Executive Director of the Prairie Research Institute, at which
19 meeting the members shall select a chairperson from among
20 themselves. After its first meeting, the committee shall meet
21 at the call of the chairperson. Members of the committee shall
22 serve without compensation. The Prairie Research Committee
23 shall provide administrative support to the committee.

24 (d) The Prairie Research Institute shall also engage with
25 interested stakeholders throughout the State to gain insights
26 into socio-economic perspectives from environmental justice

1 organizations, environmental non-governmental organizations,
2 industry, landowners, farm bureaus, manufacturing, labor
3 unions, and others.

4 (e) This Section is repealed on January 1, 2023.

5 Section 90-50. The Public Utilities Act is amended by
6 changing Sections 5-117, 8-103B, 8-406, 9-241, 16-107.5,
7 16-107.6, 16-108, 16-111.5, and 16-127 and by adding Sections
8 4-604, 4-604.5, 4-605, 8-201.8, 8-201.10, 8-218, 8-402.2,
9 8-512, 9-228, 9-229, 16-105.5, 16-105.6, 16-105.7, 16-105.10,
10 16-105.17, 16-108.18, 16-108.19, 16-108.20, 16-108.21,
11 16-108.25, 16-108.30, 16-111.10, 16-135, and 17-900 as
12 follows:

13 (220 ILCS 5/4-604 new)

14 Sec. 4-604. Electric and gas public utilities ethical
15 conduct and transparency.

16 (a) It is the policy of this State that, as regulated,
17 monopoly entities providing essential services, public
18 utilities must adhere to the highest standards of ethical
19 conduct. It is in the public interest to ensure ethical public
20 utility conduct of the highest standards. It is therefore
21 necessary for the public interest, safety, and welfare of the
22 State and of public utility customers to develop rigorous
23 ethical standards and scrutinize and limit public utility
24 actions, expenditures, and contracting. It is also necessary

1 to provide increased transparency to ensure ethical public
2 utility conduct.

3 (b) The standards set forth in this Section and the
4 Illinois Administrative Code rules implementing this Section
5 shall apply, to the extent practicable, to electric and gas
6 public utilities and their energy-related subsidiaries.

7 (c) Public Utility Ethics and Compliance Monitor. To
8 ensure that public utilities meet the highest level of ethical
9 standards, including, but not limited to, those standards
10 established in this Section, the Commission shall, within 60
11 days after the effective date of this amendatory Act of the
12 102nd General Assembly, establish an Ethics and Accountability
13 Division at the Commission and shall create a new position of
14 Public Utility Ethics and Compliance Monitor who reports to
15 the Executive Director of the Commission. The role of the
16 Public Utility Ethics and Compliance Monitor shall be to
17 oversee electric and gas public utilities' compliance with the
18 standards established in this Section, the Illinois
19 Administrative Code, and any other regulatory or statutory
20 obligation regarding standards of ethical conduct. The
21 responsibilities of the Public Utility Ethics and Compliance
22 Monitor shall include:

23 (1) Hiring additional staff for the Ethics and
24 Accountability Division, as deemed necessary to fulfill
25 the duties imposed under this Section.

26 (2) Overseeing each public utility's Chief Compliance

1 and Ethics Officer's monitoring, auditing, investigation,
2 enforcement, reporting, disciplinary activities, and any
3 other actions required of the Chief Compliance and Ethics
4 Officer pursuant to subsection (d) of this Section. If the
5 Public Utility Ethics and Compliance Monitor finds a
6 public utility has not complied with the standards set
7 forth in this Section, or with administrative rules
8 implementing this Section, the Public Utility Ethics and
9 Compliance Monitor shall detail such deficiencies in a
10 report to the Commission and shall include a
11 recommendation for Commission action.

12 (3) Documenting violations of the standards in this
13 Section or in related Sections of the Illinois
14 Administrative Code and, in coordination with the
15 utility's Chief Compliance and Ethics Officer, ensuring
16 each public utility administers appropriate internal
17 disciplinary actions and provides transparent reporting to
18 the Commission. If there are violations of the standards
19 in this Section or in related Sections of the Illinois
20 Administrative Code where the public utility does not take
21 disciplinary action or where that action is not aligned
22 with the recommendation of the Public Utility Ethics and
23 Compliance Monitor, the Public Utility Ethics and
24 Compliance Monitor shall, within 30 days, report the
25 violation, the recommended disciplinary action, and the
26 public utility's actual disciplinary action, to the

1 Executive Director of the Commission. Such reports shall
2 be included in the annual ethics report required by
3 paragraph (5) of this subsection (c) and must describe the
4 violation and related recommendations.

5 (4) Reviewing and keeping informed regarding internal
6 controls, code of ethical conduct, practices, procedures,
7 and conduct of each public utility. The Public Utilities
8 Ethics and Compliance Monitor may recommend any new
9 internal controls, policies, practices or procedures the
10 public utility should undertake in order to ensure
11 compliance with this Section and with relevant Sections of
12 the Illinois Administrative Code.

13 (5) Publishing an annual ethics audit for each
14 electric and gas public utility describing the public
15 utility's internal controls, policies, practices, and
16 procedures to comply with statutes, rules, court orders,
17 or other applicable authority. The report shall include a
18 record of any disciplinary actions taken related to
19 unethical conduct as well as any recommendations made by
20 the Public Utility Ethics and Compliance Monitor and the
21 public utility's response to each recommendation. This
22 report must be made public and the Commission may make
23 necessary redactions.

24 (6) Monitoring, auditing, and subpoenaing all records
25 necessary for the Public Utility Ethics and Compliance
26 Monitor to meet the responsibilities imposed under this

1 Section and related rules, including, but not limited to,
2 contracts with third party entities, accounting records,
3 communication with public officials or their staff,
4 lobbying activities, expenses on lobbyists and
5 consultants, legal expenses, and internal compliance
6 policies.

7 (d) (1) No later than 60 days after the effective date of
8 this amendatory Act of the 102nd General Assembly, each public
9 utility shall establish a position of Chief Ethics and
10 Compliance Officer if such position does not already exist
11 within the utility or at an affiliated company, provided that
12 if the position exists at an affiliated company such
13 individual may be designated to serve in this role for the
14 utility. The Chief Ethics and Compliance Officer shall be
15 responsible for ensuring that the public utility complies with
16 the highest standards of ethical conduct, including, but not
17 limited to, complying with the standards imposed under this
18 Section, those adopted pursuant to a rulemaking authorized by
19 this Section, and other applicable requirements of Illinois
20 law and rules.

21 (2) Each public utility's Chief Ethics and Compliance
22 Officer shall:

23 (A) oversee creation and implementation of a code of
24 ethical conduct for the public utility, applicable to all
25 directors, officers, employees, and lobbyists of the
26 public utility, as well as to all contractors,

1 consultants, agents, vendors, and business partners of the
2 public utility in connection with their activities with or
3 on behalf of the public utility;

4 (B) oversee training for public utility directors,
5 officers, and employees, as well as contractors,
6 consultants, lobbyists and political consultants, on the
7 public utility's code of ethical conduct, practices, and
8 procedures to advise agents, vendors, and business
9 partners of the public utility of the applicability of the
10 code of ethical conduct to their activities with or on
11 behalf of the public utility;

12 (C) oversee the ongoing monitoring of all contractors,
13 consultants, and vendors who are contracted for the
14 purpose of carrying out lobbying activities to ensure
15 their continued compliance with applicable ethical
16 standards;

17 (D) at least annually, oversee a review of the public
18 utility's internal controls, code of ethical conduct,
19 practices, and procedures to assess their continued
20 effectiveness to ensure the highest standards of ethical
21 conduct among the public utility's directors, officers,
22 employees, contractors, consultants, lobbyists, vendors,
23 agents and business partners; and

24 (E) maintain records of all conduct determined to be
25 in violation of Illinois law, rules, and regulations, and
26 the utility's response to that conduct, and make such

1 records available for inspection by the Public Utility
2 Ethics and Compliance Monitor.

3 (e) In addition to those standards established under this
4 Section, those adopted pursuant to a rulemaking authorized by
5 this Section, and other applicable requirements of Illinois
6 law and rules, each public utility Chief Ethics and Compliance
7 Officer shall oversee and ensure the development and
8 implementation of internal controls, policies, and procedures
9 to achieve the objectives set forth in paragraphs (1) through
10 (3) of this subsection. Such implementation shall begin no
11 later than 90 days after the effective date of this amendatory
12 Act of the 102nd General Assembly.

13 (1) The hiring of contractors, consultants and vendors
14 for the purpose of carrying out lobbying pursuant to the
15 Lobbyist Registration Act shall be reviewed and approved
16 by the Chief Ethics and Compliance Officer.

17 (2) No agreement between a public utility and a
18 contractor, consultant, or vendor engaged for the purpose
19 of carrying out lobbying pursuant to the Lobbyist
20 Registration Act shall permit that contractor, consultant,
21 or vendor to subcontract any portion of that work.

22 (3) Public utilities shall require contractors,
23 consultants, and vendors who are contracted for the
24 purpose of carrying out lobbying pursuant to the Lobbyist
25 Registration Act to provide detailed invoices and reports
26 describing activities taken and amounts billed for such

1 activities, including all persons involved and anything of
2 value requested or solicited or provided to public
3 officials or their staff, including hiring requests. No
4 such contractor, consultant, or vendor shall be paid
5 without having first submitted a detailed invoice or
6 report.

7 For purposes of this Section, "anything of value"
8 includes, but is not limited to, money, gifts,
9 entertainment, hiring referrals and recommendations to the
10 public utility, campaign contributions, vendor referrals,
11 and contributions to charitable organizations solicited by
12 or on behalf of the public official.

13 (f) Each public utility shall be required to submit an
14 annual ethics and compliance report to the Commission no later
15 than May 1 of each year, beginning May 1, 2022. The utility's
16 Chief Ethics and Compliance Officer shall oversee the
17 preparation and submission of the report and shall certify it.
18 Each report shall describe in detail the public utility's
19 internal controls, codes of ethical conduct, practices, and
20 procedures. The reporting implemented during the reporting
21 period to comply with the standards set forth in this Section,
22 rules adopted by the Commission, and other applicable
23 requirements of Illinois law and rules. Each report shall also
24 identify any material changes implemented to such internal
25 controls, code of ethical conduct, practices, and procedures
26 during the reporting period, as well as any material changes

1 implemented, or anticipated to be implemented, in the calendar
2 year in which the report is filed. Each report shall, for the
3 applicable reporting period include at least the following
4 information:

5 (1) a summary and description of the public utility's
6 system of financial and accounting procedures, internal
7 controls, and practices, including an explanation of how
8 this system is reasonably designed to ensure the
9 maintenance of fair and accurate books, records, and
10 accounts and to provide reasonable assurances that
11 transactions are recorded as necessary to permit
12 preparation of financial statements in conformity with
13 generally accepted accounting principles and Commission
14 requirements and to maintain accountability for assets;

15 (2) a summary and description of the public utility's
16 process for conducting an assessment of ethics and
17 compliance risks and a representation that an assessment
18 was conducted in accordance with those risks and shared
19 with the public utility's senior management and board of
20 directors;

21 (3) a summary of the public utility's implementation
22 of mechanisms, including, but not limited to, training
23 programs designed to ensure that its internal controls,
24 code of ethical conduct, practices, and procedures are
25 effectively communicated to all directors, officers,
26 employees, contractors, consultants, lobbyists, vendors,

1 agents, and business partners;

2 (4) a summary of the public utility's efforts to
3 ensure that its directors and senior management provide
4 strong, explicit, and visible support and commitment to
5 its corporate policy against violations of federal and
6 State law;

7 (5) a summary of the public utility's implementation
8 of mechanisms designed to effectively enforce its internal
9 controls, code of ethical conduct, practices, and
10 procedures, including appropriately providing incentives
11 for compliance, disciplining violators, and applying such
12 code, controls, policies, practices, and procedures
13 consistently and fairly regardless of the position held
14 by, or the importance of, the director, officer, or
15 employee; and

16 (6) a summary of the public utility's implementation
17 of procedures to ensure that, where misconduct is
18 discovered, reasonable steps are taken to remedy the harm
19 resulting from such misconduct, including disciplinary
20 action, logging the conduct and the utility's response as
21 required by item (E) of paragraph (2) of subsection (d) of
22 this Section and assessing and modifying as appropriate
23 the internal controls, code, policies, practices and
24 procedures necessary to ensure that the compliance program
25 is effective.

26 For purposes of this Section, "reporting period" means

1 the most recent 12-month calendar year period preceding
2 the applicable May 1 annual report filing date.

3 (g) Notwithstanding the provisions of this Section, the
4 Commission shall initiate a management audit pursuant to
5 Section 8-102 of this Act by the later of 18 months after the
6 effective date of this amendatory Act of the 102nd General
7 Assembly or 18 months after a conviction or a plea or agreement
8 of each public utility that, on or after January 1, 2020, has
9 been found guilty or entered a guilty plea regarding any
10 felony offense or has entered into a Deferred Prosecution
11 Agreement for a felony offense. Such audit shall address, at a
12 minimum, the topics identified in paragraphs (1) through (6)
13 of subsection (f).

14 (h) Each public utility that files a report pursuant to
15 subsection (f) must submit the specified filing fee at the
16 time the Chief Clerk of the Commission accepts the filing. The
17 filing fees applicable to each annual report are as follows:
18 \$15,000 for public utilities that serve fewer than 100,000
19 customers in the State; \$75,000 for public utilities that
20 serve at least 100,000 customers but not more than 500,000
21 customers in the State; \$200,000 for public utilities that
22 serve at least 500,000 customers in the State but not more than
23 3,000,000; and \$500,000 for public utilities that serve at
24 least 3,000,000 customers in the State.

25 (i) In the event the Public Utility Ethics and Compliance
26 Monitor finds a public utility does not comply with any

1 portion of this Section, or with the rules adopted under this
2 Section, the Public Utility Ethics and Compliance Monitor
3 shall issue a Report to the Commission detailing the public
4 utility's deficiencies. The Commission shall have authority to
5 open an investigation and shall order remediation and
6 penalties, including fines, as appropriate.

7 (j) Each year, each public utility in the State shall
8 remit amounts necessary for the Commission to pay the wages,
9 overhead, travel expenses, and other costs of the Public
10 Utility Ethics and Compliance Monitor. The public utility
11 shall remit payment to the Commission in an amount determined
12 by the Commission based on that public utility's proportional
13 share, by number of customers.

14 (k) The costs of a public utility that arise from a
15 criminal investigation or result from an investigation
16 initiated by the Commission as the result of an ethics
17 violation are not costs of service and shall not be
18 recoverable in rates.

19 (l) The Commission shall have the authority to adopt rules
20 and emergency rules where applicable to implement this
21 Section.

22 (220 ILCS 5/4-604.5 new)

23 Sec. 4-604.5. Restitution for misconduct.

24 (a) It is the policy of this State that public utility
25 ethical and criminal misconduct shall not be tolerated. The

1 General Assembly finds it necessary to collect restitution, to
2 be distributed as described in subsection (e), from a public
3 utility that has been found guilty of violations of criminal
4 law or that has entered into a Deferred Prosecution Agreement
5 that details violations of criminal law that result in harm to
6 ratepayers.

7 (b) In light of such violations, the Illinois Commerce
8 Commission shall, within 150 days after the effective date of
9 this amendatory Act of the 102nd General Assembly, initiate an
10 investigation as to whether Commonwealth Edison collected,
11 spent, allocated, transferred, remitted, or caused in any
12 other way to be expended ratepayer funds in connection with
13 the conduct detailed in the Deferred Prosecution Agreement of
14 July 16, 2020 between the United States Attorney for the
15 Northern District of Illinois and Commonwealth Edison. The
16 investigation shall also determine whether any ratepayer funds
17 were used to pay the criminal penalty agreed to in the Deferred
18 Prosecution Agreement. The investigation shall determine
19 whether the public utility collected, spent, allocated,
20 transferred, remitted, or caused in any other way to be
21 expended ratepayer funds that were not lawfully recoverable
22 through rates, and which should accordingly be refunded to
23 ratepayers and calculate such benefits to initiate a refund to
24 ratepayers as a result of such conduct. The investigation
25 shall conclude no later than 330 days following initiation and
26 shall be conducted as a contested case, as defined in Section

1 1-30 of the Illinois Administrative Procedure Act.

2 (c) If regulated entities are found guilty of criminal
3 conduct, the Commission may initiate an investigation, impose
4 penalties, order restitution and such other remedies it deems
5 necessary, and initiate refunds to ratepayers as described in
6 subsection (b). Such investigation and proceeding may commence
7 within 150 days of a finding of guilt. Any funds collected
8 pursuant to this subsection shall be distributed as described
9 in subsection (e). The Commission may order any other remedies
10 it deems necessary.

11 (d) Pursuant to subsection (e), the investigation shall
12 calculate a schedule for remittance to State funds and to
13 ratepayers, over a period of no more than 4 years, to be paid
14 by the public utility from profits, returns, or shareholder
15 dollars. No costs related to the investigation or contested
16 proceeding authorized by this Section, restitution, or refunds
17 may be recoverable through rates.

18 (e) Funds collected pursuant to this Section, for the
19 purposes of restitution, shall be repaid by the public utility
20 as a per therm or per-kilowatt-hour credit to the public
21 utility's ratepayers as a separate line item on the utility
22 bill.

23 (f) No public utility may use ratepayer funds to pay a
24 criminal penalty imposed by any local, State, or federal law
25 enforcement entity or court.

26 (g) Any penalties, restitution, refunds, or remedies

1 provided for in this Section are in addition to and not a
2 substitution for other remedies that may be provided for by
3 law.

4 (220 ILCS 5/4-605 new)

5 Sec. 4-605. Reliability mitigation plan findings. The
6 General Assembly finds that reducing carbon dioxide and
7 copollutant emissions in a manner that does not threaten
8 electric reliability and resource adequacy is essential to the
9 health and safety of all Illinois citizens. Therefore, the
10 Commission shall review reliability mitigation plans filed
11 pursuant to Section 9.15 of the Environmental Protection Act
12 to ensure adequate, reliable, affordable, efficient, and
13 environmentally sustainable electric service is available to
14 ratepayers by approving reliability mitigation plans that
15 permit the Illinois Pollution Control Board to enforce
16 emission reductions in a manner that preserves reliability and
17 resource adequacy in wholesale and retail electricity markets.

18 (220 ILCS 5/5-117)

19 Sec. 5-117. Supplier diversity goals.

20 (a) The public policy of this State is to collaboratively
21 work with companies that serve Illinois residents to improve
22 their supplier diversity in a non-antagonistic manner.

23 (b) The Commission shall require all gas, electric, and
24 water companies with at least 100,000 customers under its

1 authority, as well as suppliers of wind energy, solar energy,
2 hydroelectricity, nuclear energy, and any other supplier of
3 energy within this State other than wind energy and solar
4 energy required to comply with the reporting requirements
5 under Section 1505-215 of the Department of Labor Law of the
6 Civil Administrative Code of Illinois, to submit an annual
7 report by April 15, 2015 and every April 15 thereafter, in a
8 searchable Adobe PDF format, on all procurement goals and
9 actual spending for female-owned, minority-owned,
10 veteran-owned, and small business enterprises in the previous
11 calendar year. These goals shall be expressed as a percentage
12 of the total work performed by the entity submitting the
13 report, and the actual spending for all female-owned,
14 minority-owned, veteran-owned, and small business enterprises
15 shall also be expressed as a percentage of the total work
16 performed by the entity submitting the report.

17 (c) Each participating company in its annual report shall
18 include the following information:

19 (1) an explanation of the plan for the next year to
20 increase participation;

21 (2) an explanation of the plan to increase the goals;

22 (3) the areas of procurement each company shall be
23 actively seeking more participation in ~~in~~ the next year;

24 (4) an outline of the plan to alert and encourage
25 potential vendors in that area to seek business from the
26 company;

1 (5) an explanation of the challenges faced in finding
2 quality vendors and offer any suggestions for what the
3 Commission could do to be helpful to identify those
4 vendors;

5 (6) a list of the certifications the company
6 recognizes;

7 (7) the point of contact for any potential vendor who
8 wishes to do business with the company and explain the
9 process for a vendor to enroll with the company as a
10 minority-owned, women-owned, or veteran-owned company; and

11 (8) any particular success stories to encourage other
12 companies to emulate best practices.

13 (d) Each annual report shall include as much
14 State-specific data as possible. If the submitting entity does
15 not submit State-specific data, then the company shall include
16 any national data it does have and explain why it could not
17 submit State-specific data and how it intends to do so in
18 future reports, if possible.

19 (e) Each annual report shall include the rules,
20 regulations, and definitions used for the procurement goals in
21 the company's annual report.

22 (f) The Commission and all participating entities shall
23 hold an annual workshop open to the public in 2015 and every
24 year thereafter on the state of supplier diversity to
25 collaboratively seek solutions to structural impediments to
26 achieving stated goals, including testimony from each

1 participating entity as well as subject matter experts and
2 advocates. The Commission shall publish a database on its
3 website of the point of contact for each participating entity
4 for supplier diversity, along with a list of certifications
5 each company recognizes from the information submitted in each
6 annual report. The Commission shall publish each annual report
7 on its website and shall maintain each annual report for at
8 least 5 years.

9 (Source: P.A. 98-1056, eff. 8-26-14; 99-906, eff. 6-1-17;
10 revised 7-22-19.)

11 (220 ILCS 5/8-103B)

12 Sec. 8-103B. Energy efficiency and demand-response
13 measures.

14 (a) It is the policy of the State that electric utilities
15 are required to use cost-effective energy efficiency and
16 demand-response measures to reduce delivery load. Requiring
17 investment in cost-effective energy efficiency and
18 demand-response measures will reduce direct and indirect costs
19 to consumers by decreasing environmental impacts and by
20 avoiding or delaying the need for new generation,
21 transmission, and distribution infrastructure. It serves the
22 public interest to allow electric utilities to recover costs
23 for reasonably and prudently incurred expenditures for energy
24 efficiency and demand-response measures. As used in this
25 Section, "cost-effective" means that the measures satisfy the

1 total resource cost test. The low-income measures described in
2 subsection (c) of this Section shall not be required to meet
3 the total resource cost test. For purposes of this Section,
4 the terms "energy-efficiency", "demand-response", "electric
5 utility", and "total resource cost test" have the meanings set
6 forth in the Illinois Power Agency Act. "Black, indigenous,
7 and people of color" and "BIPOC" means people who are members
8 of the groups described in subparagraphs (a) through (e) of
9 paragraph (A) of subsection (1) of Section 2 of the Business
10 Enterprise for Minorities, Women, and Persons with
11 Disabilities Act.

12 (a-5) This Section applies to electric utilities serving
13 more than 500,000 retail customers in the State for those
14 multi-year plans commencing after December 31, 2017.

15 (b) For purposes of this Section, electric utilities
16 subject to this Section that serve more than 3,000,000 retail
17 customers in the State shall be deemed to have achieved a
18 cumulative persisting annual savings of 6.6% from energy
19 efficiency measures and programs implemented during the period
20 beginning January 1, 2012 and ending December 31, 2017, which
21 percent is based on the deemed average weather normalized
22 sales of electric power and energy during calendar years 2014,
23 2015, and 2016 of 88,000,000 MWhs. For the purposes of this
24 subsection (b) and subsection (b-5), the 88,000,000 MWhs of
25 deemed electric power and energy sales shall be reduced by the
26 number of MWhs equal to the sum of the annual consumption of

1 customers that have opted out of ~~are exempt from~~ subsections
2 (a) through (j) of this Section under paragraph (1) of
3 subsection (1) of this Section, as averaged across the
4 calendar years 2014, 2015, and 2016. After 2017, the deemed
5 value of cumulative persisting annual savings from energy
6 efficiency measures and programs implemented during the period
7 beginning January 1, 2012 and ending December 31, 2017, shall
8 be reduced each year, as follows, and the applicable value
9 shall be applied to and count toward the utility's achievement
10 of the cumulative persisting annual savings goals set forth in
11 subsection (b-5):

12 (1) 5.8% deemed cumulative persisting annual savings
13 for the year ending December 31, 2018;

14 (2) 5.2% deemed cumulative persisting annual savings
15 for the year ending December 31, 2019;

16 (3) 4.5% deemed cumulative persisting annual savings
17 for the year ending December 31, 2020;

18 (4) 4.0% deemed cumulative persisting annual savings
19 for the year ending December 31, 2021;

20 (5) 3.5% deemed cumulative persisting annual savings
21 for the year ending December 31, 2022;

22 (6) 3.1% deemed cumulative persisting annual savings
23 for the year ending December 31, 2023;

24 (7) 2.8% deemed cumulative persisting annual savings
25 for the year ending December 31, 2024;

26 (8) 2.5% deemed cumulative persisting annual savings

1 for the year ending December 31, 2025;

2 (9) 2.3% deemed cumulative persisting annual savings
3 for the year ending December 31, 2026;

4 (10) 2.1% deemed cumulative persisting annual savings
5 for the year ending December 31, 2027;

6 (11) 1.8% deemed cumulative persisting annual savings
7 for the year ending December 31, 2028;

8 (12) 1.7% deemed cumulative persisting annual savings
9 for the year ending December 31, 2029; ~~and~~

10 (13) 1.5% deemed cumulative persisting annual savings
11 for the year ending December 31, 2030;~~;~~

12 (14) 1.3% deemed cumulative persisting annual savings
13 for the year ending December 31, 2031;

14 (15) 1.1% deemed cumulative persisting annual savings
15 for the year ending December 31, 2032;

16 (16) 0.9% deemed cumulative persisting annual savings
17 for the year ending December 31, 2033;

18 (17) 0.7% deemed cumulative persisting annual savings
19 for the year ending December 31, 2034;

20 (18) 0.5% deemed cumulative persisting annual savings
21 for the year ending December 31, 2035;

22 (19) 0.4% deemed cumulative persisting annual savings
23 for the year ending December 31, 2036;

24 (20) 0.3% deemed cumulative persisting annual savings
25 for the year ending December 31, 2037;

26 (21) 0.2% deemed cumulative persisting annual savings

1 for the year ending December 31, 2038;

2 (22) 0.1% deemed cumulative persisting annual savings
3 for the year ending December 31, 2039; and

4 (23) 0.0% deemed cumulative persisting annual savings
5 for the year ending December 31, 2040 and all subsequent
6 years.

7 For purposes of this Section, "cumulative persisting
8 annual savings" means the total electric energy savings in a
9 given year from measures installed in that year or in previous
10 years, but no earlier than January 1, 2012, that are still
11 operational and providing savings in that year because the
12 measures have not yet reached the end of their useful lives.

13 (b-5) Beginning in 2018, electric utilities subject to
14 this Section that serve more than 3,000,000 retail customers
15 in the State shall achieve the following cumulative persisting
16 annual savings goals, as modified by subsection (f) of this
17 Section and as compared to the deemed baseline of 88,000,000
18 MWhs of electric power and energy sales set forth in
19 subsection (b), as reduced by the number of MWhs equal to the
20 sum of the annual consumption of customers that have opted out
21 of ~~are exempt from~~ subsections (a) through (j) of this Section
22 under paragraph (1) of subsection (l) of this Section as
23 averaged across the calendar years 2014, 2015, and 2016,
24 through the implementation of energy efficiency measures
25 during the applicable year and in prior years, but no earlier
26 than January 1, 2012:

1 (1) 7.8% cumulative persisting annual savings for the
2 year ending December 31, 2018;

3 (2) 9.1% cumulative persisting annual savings for the
4 year ending December 31, 2019;

5 (3) 10.4% cumulative persisting annual savings for the
6 year ending December 31, 2020;

7 (4) 11.8% cumulative persisting annual savings for the
8 year ending December 31, 2021;

9 (5) 13.1% cumulative persisting annual savings for the
10 year ending December 31, 2022;

11 (6) 14.4% cumulative persisting annual savings for the
12 year ending December 31, 2023;

13 (7) 15.7% cumulative persisting annual savings for the
14 year ending December 31, 2024;

15 (8) 17% cumulative persisting annual savings for the
16 year ending December 31, 2025;

17 (9) 17.9% cumulative persisting annual savings for the
18 year ending December 31, 2026;

19 (10) 18.8% cumulative persisting annual savings for
20 the year ending December 31, 2027;

21 (11) 19.7% cumulative persisting annual savings for
22 the year ending December 31, 2028;

23 (12) 20.6% cumulative persisting annual savings for
24 the year ending December 31, 2029; and

25 (13) 21.5% cumulative persisting annual savings for
26 the year ending December 31, 2030.

1 No later than December 31, 2021, the Illinois Commerce
2 Commission shall establish additional cumulative persisting
3 annual savings goals for the years 2031 through 2035. No later
4 than December 31, 2024, the Illinois Commerce Commission shall
5 establish additional cumulative persisting annual savings
6 goals for the years 2036 through 2040. The Commission shall
7 also establish additional cumulative persisting annual savings
8 goals every 5 years thereafter to ensure that utilities always
9 have goals that extend at least 11 years into the future. The
10 cumulative persisting annual savings goals beyond the year
11 2030 shall increase by 0.9 percentage points per year, absent
12 a Commission decision to initiate a proceeding to consider
13 establishing goals that increase by more or less than that
14 amount. Such a proceeding must be conducted in accordance with
15 the procedures described in subsection (f) of this Section. If
16 such a proceeding is initiated, the cumulative persisting
17 annual savings goals established by the Commission through
18 that proceeding shall reflect the Commission's best estimate
19 of the maximum amount of additional savings that are forecast
20 to be cost-effectively achievable unless such best estimates
21 would result in goals that represent less than 0.5 percentage
22 point annual increases in total cumulative persisting annual
23 savings. The Commission may only establish goals that
24 represent less than 0.5 percentage point annual increases in
25 cumulative persisting annual savings if it can demonstrate,
26 based on clear and convincing evidence and through independent

1 analysis, that 0.5 percentage point increases are not
2 cost-effectively achievable. The Commission shall inform its
3 decision based on an energy efficiency potential study that
4 conforms to the requirements of this Section.

5 (b-10) For purposes of this Section, electric utilities
6 subject to this Section that serve less than 3,000,000 retail
7 customers but more than 500,000 retail customers in the State
8 shall be deemed to have achieved a cumulative persisting
9 annual savings of 6.6% from energy efficiency measures and
10 programs implemented during the period beginning January 1,
11 2012 and ending December 31, 2017, which is based on the deemed
12 average weather normalized sales of electric power and energy
13 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.
14 For the purposes of this subsection (b-10) and subsection
15 (b-15), the 36,900,000 MWhs of deemed electric power and
16 energy sales shall be reduced by the number of MWhs equal to
17 the sum of the annual consumption of customers that have opted
18 out of ~~are exempt from~~ subsections (a) through (j) of this
19 Section under paragraph (1) of subsection (1) of this Section,
20 as averaged across the calendar years 2014, 2015, and 2016.
21 After 2017, the deemed value of cumulative persisting annual
22 savings from energy efficiency measures and programs
23 implemented during the period beginning January 1, 2012 and
24 ending December 31, 2017, shall be reduced each year, as
25 follows, and the applicable value shall be applied to and
26 count toward the utility's achievement of the cumulative

1 persisting annual savings goals set forth in subsection
2 (b-15):

3 (1) 5.8% deemed cumulative persisting annual savings
4 for the year ending December 31, 2018;

5 (2) 5.2% deemed cumulative persisting annual savings
6 for the year ending December 31, 2019;

7 (3) 4.5% deemed cumulative persisting annual savings
8 for the year ending December 31, 2020;

9 (4) 4.0% deemed cumulative persisting annual savings
10 for the year ending December 31, 2021;

11 (5) 3.5% deemed cumulative persisting annual savings
12 for the year ending December 31, 2022;

13 (6) 3.1% deemed cumulative persisting annual savings
14 for the year ending December 31, 2023;

15 (7) 2.8% deemed cumulative persisting annual savings
16 for the year ending December 31, 2024;

17 (8) 2.5% deemed cumulative persisting annual savings
18 for the year ending December 31, 2025;

19 (9) 2.3% deemed cumulative persisting annual savings
20 for the year ending December 31, 2026;

21 (10) 2.1% deemed cumulative persisting annual savings
22 for the year ending December 31, 2027;

23 (11) 1.8% deemed cumulative persisting annual savings
24 for the year ending December 31, 2028;

25 (12) 1.7% deemed cumulative persisting annual savings
26 for the year ending December 31, 2029; ~~and~~

1 (13) 1.5% deemed cumulative persisting annual savings
2 for the year ending December 31, 2030;~~;~~

3 (14) 1.3% deemed cumulative persisting annual savings
4 for the year ending December 31, 2031;

5 (15) 1.1% deemed cumulative persisting annual savings
6 for the year ending December 31, 2032;

7 (16) 0.9% deemed cumulative persisting annual savings
8 for the year ending December 31, 2033;

9 (17) 0.7% deemed cumulative persisting annual savings
10 for the year ending December 31, 2034;

11 (18) 0.5% deemed cumulative persisting annual savings
12 for the year ending December 31, 2035;

13 (19) 0.4% deemed cumulative persisting annual savings
14 for the year ending December 31, 2036;

15 (20) 0.3% deemed cumulative persisting annual savings
16 for the year ending December 31, 2037;

17 (21) 0.2% deemed cumulative persisting annual savings
18 for the year ending December 31, 2038;

19 (22) 0.1% deemed cumulative persisting annual savings
20 for the year ending December 31, 2039; and

21 (23) 0.0% deemed cumulative persisting annual savings
22 for the year ending December 31, 2040 and all subsequent
23 years.

24 (b-15) Beginning in 2018, electric utilities subject to
25 this Section that serve less than 3,000,000 retail customers
26 but more than 500,000 retail customers in the State shall

1 achieve the following cumulative persisting annual savings
2 goals, as modified by subsection (b-20) and subsection (f) of
3 this Section and as compared to the deemed baseline as reduced
4 by the number of MWhs equal to the sum of the annual
5 consumption of customers that have opted out of ~~are exempt~~
6 ~~from~~ subsections (a) through (j) of this Section under
7 paragraph (1) of subsection (1) of this Section as averaged
8 across the calendar years 2014, 2015, and 2016, through the
9 implementation of energy efficiency measures during the
10 applicable year and in prior years, but no earlier than
11 January 1, 2012:

12 (1) 7.4% cumulative persisting annual savings for the
13 year ending December 31, 2018;

14 (2) 8.2% cumulative persisting annual savings for the
15 year ending December 31, 2019;

16 (3) 9.0% cumulative persisting annual savings for the
17 year ending December 31, 2020;

18 (4) 9.8% cumulative persisting annual savings for the
19 year ending December 31, 2021;

20 (5) 10.6% cumulative persisting annual savings for the
21 year ending December 31, 2022;

22 (6) 11.4% cumulative persisting annual savings for the
23 year ending December 31, 2023;

24 (7) 12.2% cumulative persisting annual savings for the
25 year ending December 31, 2024;

26 (8) 13% cumulative persisting annual savings for the

1 year ending December 31, 2025;

2 (9) 13.6% cumulative persisting annual savings for the
3 year ending December 31, 2026;

4 (10) 14.2% cumulative persisting annual savings for
5 the year ending December 31, 2027;

6 (11) 14.8% cumulative persisting annual savings for
7 the year ending December 31, 2028;

8 (12) 15.4% cumulative persisting annual savings for
9 the year ending December 31, 2029; and

10 (13) 16% cumulative persisting annual savings for the
11 year ending December 31, 2030.

12 No later than December 31, 2021, the Illinois Commerce
13 Commission shall establish additional cumulative persisting
14 annual savings goals for the years 2031 through 2035. No later
15 than December 31, 2024, the Illinois Commerce Commission shall
16 establish additional cumulative persisting annual savings
17 goals for the years 2036 through 2040. The Commission shall
18 also establish additional cumulative persisting annual savings
19 goals every 5 years thereafter to ensure that utilities always
20 have goals that extend at least 11 years into the future. The
21 cumulative persisting annual savings goals beyond the year
22 2030 shall increase by 0.6 percentage points per year, absent
23 a Commission decision to initiate a proceeding to consider
24 establishing goals that increase by more or less than that
25 amount. Such a proceeding must be conducted in accordance with
26 the procedures described in subsection (f) of this Section. If

1 such a proceeding is initiated, the cumulative persisting
2 annual savings goals established by the Commission through
3 that proceeding shall reflect the Commission's best estimate
4 of the maximum amount of additional savings that are forecast
5 to be cost-effectively achievable unless such best estimates
6 would result in goals that represent less than 0.4 percentage
7 point annual increases in total cumulative persisting annual
8 savings. The Commission may only establish goals that
9 represent less than 0.4 percentage point annual increases in
10 cumulative persisting annual savings if it can demonstrate,
11 based on clear and convincing evidence and through independent
12 analysis, that 0.4 percentage point increases are not
13 cost-effectively achievable. The Commission shall inform its
14 decision based on an energy efficiency potential study that
15 conforms to the requirements of this Section.

16 ~~The difference between the cumulative persisting annual~~
17 ~~savings goal for the applicable calendar year and the~~
18 ~~cumulative persisting annual savings goal for the immediately~~
19 ~~preceding calendar year is 0.8% for the period of January 1,~~
20 ~~2018 through December 31, 2025 and 0.6% for the period of~~
21 ~~January 1, 2026 through December 31, 2030.~~

22 (b-20) Each electric utility subject to this Section may
23 include cost-effective voltage optimization measures in its
24 plans submitted under subsections (f) and (g) of this Section,
25 and the costs incurred by a utility to implement the measures
26 under a Commission-approved plan shall be recovered under the

1 provisions of Article IX or Section 16-108.5 of this Act. For
2 purposes of this Section, the measure life of voltage
3 optimization measures shall be 15 years. The measure life
4 period is independent of the depreciation rate of the voltage
5 optimization assets deployed. Utilities may claim savings from
6 voltage optimization on circuits for more than 15 years if
7 they can demonstrate that they have made additional
8 investments necessary to enable voltage optimization savings
9 to continue beyond 15 years. Such demonstrations must be
10 subject to the review of independent evaluation.

11 Within 270 days after June 1, 2017 (the effective date of
12 Public Act 99-906), an electric utility that serves less than
13 3,000,000 retail customers but more than 500,000 retail
14 customers in the State shall file a plan with the Commission
15 that identifies the cost-effective voltage optimization
16 investment the electric utility plans to undertake through
17 December 31, 2024. The Commission, after notice and hearing,
18 shall approve or approve with modification the plan within 120
19 days after the plan's filing and, in the order approving or
20 approving with modification the plan, the Commission shall
21 adjust the applicable cumulative persisting annual savings
22 goals set forth in subsection (b-15) to reflect any amount of
23 cost-effective energy savings approved by the Commission that
24 is greater than or less than the following cumulative
25 persisting annual savings values attributable to voltage
26 optimization for the applicable year:

1 (1) 0.0% of cumulative persisting annual savings for
2 the year ending December 31, 2018;

3 (2) 0.17% of cumulative persisting annual savings for
4 the year ending December 31, 2019;

5 (3) 0.17% of cumulative persisting annual savings for
6 the year ending December 31, 2020;

7 (4) 0.33% of cumulative persisting annual savings for
8 the year ending December 31, 2021;

9 (5) 0.5% of cumulative persisting annual savings for
10 the year ending December 31, 2022;

11 (6) 0.67% of cumulative persisting annual savings for
12 the year ending December 31, 2023;

13 (7) 0.83% of cumulative persisting annual savings for
14 the year ending December 31, 2024; and

15 (8) 1.0% of cumulative persisting annual savings for
16 the year ending December 31, 2025 and all subsequent
17 years.

18 (b-25) In the event an electric utility jointly offers an
19 energy efficiency measure or program with a gas utility under
20 plans approved under this Section and Section 8-104 of this
21 Act, the electric utility may continue offering the program,
22 including the gas energy efficiency measures, in the event the
23 gas utility discontinues funding the program. In that event,
24 the energy savings value associated with such other fuels
25 shall be converted to electric energy savings on an equivalent
26 Btu basis for the premises. However, the electric utility

1 shall prioritize programs for low-income residential customers
2 to the extent practicable. An electric utility may recover the
3 costs of offering the gas energy efficiency measures under
4 this subsection (b-25).

5 For those energy efficiency measures or programs that save
6 both electricity and other fuels but are not jointly offered
7 with a gas utility under plans approved under this Section and
8 Section 8-104 or not offered with an affiliated gas utility
9 under paragraph (6) of subsection (f) of Section 8-104 of this
10 Act, the electric utility may count savings of fuels other
11 than electricity toward the achievement of its annual savings
12 goal, and the energy savings value associated with such other
13 fuels shall be converted to electric energy savings on an
14 equivalent Btu basis at the premises.

15 In no event shall more than 10% of each year's applicable
16 annual total savings requirement ~~incremental goal~~ as defined
17 in paragraph (7.5) ~~(7)~~ of subsection (g) of this Section be met
18 through savings of fuels other than electricity.

19 (b-27) Beginning in 2022, an electric utility may offer
20 and promote measures that electrify space heating, water
21 heating, cooling, drying, cooking, industrial processes, and
22 other building and industrial end uses that would otherwise be
23 served by combustion of fossil fuel at the premises, provided
24 that the electrification measures reduce total energy
25 consumption at the premises. The electric utility may count
26 the reduction in energy consumption at the premises toward

1 achievement of its annual savings goals. The reduction in
2 energy consumption at the premises shall be calculated as the
3 difference between: (A) the reduction in Btu consumption of
4 fossil fuels as a result of electrification, converted to
5 kilowatt-hour equivalents by dividing by 3,412 Btu's per
6 kilowatt hour; and (B) the increase in kilowatt hours of
7 electricity consumption resulting from the displacement of
8 fossil fuel consumption as a result of electrification. An
9 electric utility may recover the costs of offering and
10 promoting electrification measures under this subsection
11 (b-27).

12 In no event shall electrification savings counted toward
13 each year's applicable annual total savings requirement, as
14 defined in paragraph (7.5) of subsection (g) of this Section,
15 be greater than:

16 (1) 5% per year for each year from 2022 through 2025;

17 (2) 10% per year for each year from 2026 through 2029;

18 and

19 (3) 15% per year for 2030 and all subsequent years.

20 In addition, a minimum of 25% of all electrification savings
21 counted toward a utility's applicable annual total savings
22 requirement must be from electrification of end uses in
23 low-income housing. The limitations on electrification savings
24 that may be counted toward a utility's annual savings goals
25 are separate from and in addition to the subsection (b-25)
26 limitations governing the counting of the other fuel savings

1 resulting from efficiency measures and programs.

2 As part of the annual informational filing to the
3 Commission that is required under paragraph (9) of subsection
4 (g) of this Section, each utility shall identify the specific
5 electrification measures offered under this subsection (b-27);
6 the quantity of each electrification measure that was
7 installed by its customers; the average total cost, average
8 utility cost, average reduction in fossil fuel consumption,
9 and average increase in electricity consumption associated
10 with each electrification measure; the portion of
11 installations of each electrification measure that were in
12 low-income single-family housing, low-income multifamily
13 housing, non-low-income single-family housing, non-low-income
14 multifamily housing, commercial buildings, and industrial
15 facilities; and the quantity of savings associated with each
16 measure category in each customer category that are being
17 counted toward the utility's applicable annual total savings
18 requirement. Prior to installing an electrification measure,
19 the utility shall provide a customer with an estimate of the
20 impact of the new measure on the customer's average monthly
21 electric bill and total annual energy expenses.

22 (c) Electric utilities shall be responsible for overseeing
23 the design, development, and filing of energy efficiency plans
24 with the Commission and may, as part of that implementation,
25 outsource various aspects of program development and
26 implementation. A minimum of 10%, for electric utilities that

1 serve more than 3,000,000 retail customers in the State, and a
2 minimum of 7%, for electric utilities that serve less than
3 3,000,000 retail customers but more than 500,000 retail
4 customers in the State, of the utility's entire portfolio
5 funding level for a given year shall be used to procure
6 cost-effective energy efficiency measures from units of local
7 government, municipal corporations, school districts, public
8 housing, and community college districts, provided that a
9 minimum percentage of available funds shall be used to procure
10 energy efficiency from public housing, which percentage shall
11 be equal to public housing's share of public building energy
12 consumption.

13 The utilities shall also implement energy efficiency
14 measures targeted at low-income households, which, for
15 purposes of this Section, shall be defined as households at or
16 below 80% of area median income, and expenditures to implement
17 the measures shall be no less than \$40,000,000 ~~\$25,000,000~~ per
18 year for electric utilities that serve more than 3,000,000
19 retail customers in the State and no less than \$13,000,000
20 ~~\$8,350,000~~ per year for electric utilities that serve less
21 than 3,000,000 retail customers but more than 500,000 retail
22 customers in the State. The ratio of spending on efficiency
23 programs targeted at low-income multifamily buildings to
24 spending on efficiency programs targeted at low-income
25 single-family buildings shall be designed to achieve levels of
26 savings from each building type that are approximately

1 proportional to the magnitude of cost-effective lifetime
2 savings potential in each building type. Investment in
3 low-income whole-building weatherization programs shall
4 constitute a minimum of 80% of a utility's total budget
5 specifically dedicated to serving low-income customers.

6 The utilities shall work to bundle low-income energy
7 efficiency offerings with other programs that serve low-income
8 households to maximize the benefits going to these households.
9 The utilities shall market and implement low-income energy
10 efficiency programs in coordination with low-income assistance
11 programs, the Illinois Solar for All Program, and
12 weatherization whenever practicable. The program implementer
13 shall walk the customer through the enrollment process for any
14 programs for which the customer is eligible. The utilities
15 shall also pilot targeting customers with high arrearages,
16 high energy intensity (ratio of energy usage divided by home
17 or unit square footage), or energy assistance programs with
18 energy efficiency offerings, and then track reduction in
19 arrearages as a result of the targeting. This targeting and
20 bundling of low-income energy programs shall be offered to
21 both low-income single-family and multifamily customers
22 (owners and residents).

23 The utilities shall invest in health and safety measures
24 appropriate and necessary for comprehensively weatherizing a
25 home or multifamily building, and shall implement a health and
26 safety fund of at least 15% of the total income-qualified

1 weatherization budget that shall be used for the purpose of
2 making grants for technical assistance, construction,
3 reconstruction, improvement, or repair of buildings to
4 facilitate their participation in the energy efficiency
5 programs targeted at low-income single-family and multifamily
6 households. These funds may also be used for the purpose of
7 making grants for technical assistance, construction,
8 reconstruction, improvement, or repair of the following
9 buildings to facilitate their participation in the energy
10 efficiency programs created by this Section: (1) buildings
11 that are owned or operated by registered 501(c)(3) public
12 charities; and (2) day care centers, day care homes, or group
13 day care homes, as defined under 89 Ill. Adm. Code Part 406,
14 407, or 408, respectively.

15 Each electric utility shall assess opportunities to
16 implement cost-effective energy efficiency measures and
17 programs through a public housing authority or authorities
18 located in its service territory. If such opportunities are
19 identified, the utility shall propose such measures and
20 programs to address the opportunities. Expenditures to address
21 such opportunities shall be credited toward the minimum
22 procurement and expenditure requirements set forth in this
23 subsection (c).

24 Implementation of energy efficiency measures and programs
25 targeted at low-income households should be contracted, when
26 it is practicable, to independent third parties that have

1 demonstrated capabilities to serve such households, with a
2 preference for not-for-profit entities and government agencies
3 that have existing relationships with or experience serving
4 low-income communities in the State.

5 Each electric utility shall develop and implement
6 reporting procedures that address and assist in determining
7 the amount of energy savings that can be applied to the
8 low-income procurement and expenditure requirements set forth
9 in this subsection (c). Each electric utility shall also track
10 the types and quantities or volumes of insulation and air
11 sealing materials, and their associated energy saving
12 benefits, installed in energy efficiency programs targeted at
13 low-income single-family and multifamily households.

14 The electric utilities shall participate in ~~also convene~~ a
15 low-income energy efficiency accountability ~~advisory~~ committee
16 ("the committee"), which will directly inform ~~to assist in~~ the
17 design, implementation, and evaluation of the low-income and
18 public-housing energy efficiency programs. The committee shall
19 be comprised of the electric utilities subject to the
20 requirements of this Section, the gas utilities subject to the
21 requirements of Section 8-104 of this Act, the utilities'
22 low-income energy efficiency implementation contractors,
23 nonprofit organizations, community action agencies, advocacy
24 groups, State and local governmental agencies, public-housing
25 organizations, and representatives of community-based
26 organizations, especially those living in or working with

1 environmental justice communities and BIPOC communities. The
2 committee shall be composed of 2 geographically differentiated
3 subcommittees: one for stakeholders in northern Illinois and
4 one for stakeholders in central and southern Illinois. The
5 subcommittees shall meet together at least twice per year.

6 There shall be one statewide leadership committee led by
7 and composed of community-based organizations that are
8 representative of BIPOC and environmental justice communities
9 and that includes equitable representation from BIPOC
10 communities. The leadership committee shall be composed of an
11 equal number of representatives from the 2 subcommittees. The
12 subcommittees shall address specific programs and issues, with
13 the leadership committee convening targeted workgroups as
14 needed. The leadership committee may elect to work with an
15 independent facilitator to solicit and organize feedback,
16 recommendations and meeting participation from a wide variety
17 of community-based stakeholders. If a facilitator is used,
18 they shall be fair and responsive to the needs of all
19 stakeholders involved in the committee.

20 All committee meetings must be accessible, with rotating
21 locations if meetings are held in-person, virtual
22 participation options, and materials and agendas circulated in
23 advance.

24 There shall also be opportunities for direct input by
25 committee members outside of committee meetings, such as via
26 individual meetings, surveys, emails and calls, to ensure

1 robust participation by stakeholders with limited capacity and
2 ability to attend committee meetings. Committee meetings shall
3 emphasize opportunities to bundle and coordinate delivery of
4 low-income energy efficiency with other programs that serve
5 low-income communities, such as the Illinois Solar for All
6 Program and bill payment assistance programs. Meetings shall
7 include educational opportunities for stakeholders to learn
8 more about these additional offerings, and the committee shall
9 assist in figuring out the best methods for coordinated
10 delivery and implementation of offerings when serving
11 low-income communities. The committee shall directly and
12 equitably influence and inform utility low-income and
13 public-housing energy efficiency programs and priorities.
14 Participating utilities shall implement recommendations from
15 the committee whenever possible.

16 Participating utilities shall track and report how input
17 from the committee has led to new approaches and changes in
18 their energy efficiency portfolios. This reporting shall occur
19 at committee meetings and in quarterly energy efficiency
20 reports to the Stakeholder Advisory Group and Illinois
21 Commerce Commission, and other relevant reporting mechanisms.
22 Participating utilities shall also report on relevant equity
23 data and metrics requested by the committee, such as energy
24 burden data, geographic, racial, and other relevant
25 demographic data on where programs are being delivered and
26 what populations programs are serving.

1 The Illinois Commerce Commission shall oversee and have
2 relevant staff participate in the committee. The committee
3 shall have a budget of 0.25% of each utility's entire
4 efficiency portfolio funding for a given year. The budget
5 shall be overseen by the Commission. The budget shall be used
6 to provide grants for community-based organizations serving on
7 the leadership committee, stipends for community-based
8 organizations participating in the committee, grants for
9 community-based organizations to do energy efficiency outreach
10 and education, and relevant meeting needs as determined by the
11 leadership committee. The education and outreach shall
12 include, but is not limited to, basic energy efficiency
13 education, information about low-income energy efficiency
14 programs, and information on the committee's purpose,
15 structure, and activities.

16 (d) Notwithstanding any other provision of law to the
17 contrary, a utility providing approved energy efficiency
18 measures and, if applicable, demand-response measures in the
19 State shall be permitted to recover all reasonable and
20 prudently incurred costs of those measures from all retail
21 customers, except as provided in subsection (1) of this
22 Section, as follows, provided that nothing in this subsection
23 (d) permits the double recovery of such costs from customers:

24 (1) The utility may recover its costs through an
25 automatic adjustment clause tariff filed with and approved
26 by the Commission. The tariff shall be established outside

1 the context of a general rate case. Each year the
2 Commission shall initiate a review to reconcile any
3 amounts collected with the actual costs and to determine
4 the required adjustment to the annual tariff factor to
5 match annual expenditures. To enable the financing of the
6 incremental capital expenditures, including regulatory
7 assets, for electric utilities that serve less than
8 3,000,000 retail customers but more than 500,000 retail
9 customers in the State, the utility's actual year-end
10 capital structure that includes a common equity ratio,
11 excluding goodwill, of up to and including 50% of the
12 total capital structure shall be deemed reasonable and
13 used to set rates.

14 (2) A utility may recover its costs through an energy
15 efficiency formula rate approved by the Commission under a
16 filing under subsections (f) and (g) of this Section,
17 which shall specify the cost components that form the
18 basis of the rate charged to customers with sufficient
19 specificity to operate in a standardized manner and be
20 updated annually with transparent information that
21 reflects the utility's actual costs to be recovered during
22 the applicable rate year, which is the period beginning
23 with the first billing day of January and extending
24 through the last billing day of the following December.
25 The energy efficiency formula rate shall be implemented
26 through a tariff filed with the Commission under

1 subsections (f) and (g) of this Section that is consistent
2 with the provisions of this paragraph (2) and that shall
3 be applicable to all delivery services customers. The
4 Commission shall conduct an investigation of the tariff in
5 a manner consistent with the provisions of this paragraph
6 (2), subsections (f) and (g) of this Section, and the
7 provisions of Article IX of this Act to the extent they do
8 not conflict with this paragraph (2). The energy
9 efficiency formula rate approved by the Commission shall
10 remain in effect at the discretion of the utility and
11 shall do the following:

12 (A) Provide for the recovery of the utility's
13 actual costs incurred under this Section that are
14 prudently incurred and reasonable in amount consistent
15 with Commission practice and law. The sole fact that a
16 cost differs from that incurred in a prior calendar
17 year or that an investment is different from that made
18 in a prior calendar year shall not imply the
19 imprudence or unreasonableness of that cost or
20 investment.

21 (B) Reflect the utility's actual year-end capital
22 structure for the applicable calendar year, excluding
23 goodwill, subject to a determination of prudence and
24 reasonableness consistent with Commission practice and
25 law. To enable the financing of the incremental
26 capital expenditures, including regulatory assets, for

1 electric utilities that serve less than 3,000,000
2 retail customers but more than 500,000 retail
3 customers in the State, a participating electric
4 utility's actual year-end capital structure that
5 includes a common equity ratio, excluding goodwill, of
6 up to and including 50% of the total capital structure
7 shall be deemed reasonable and used to set rates.

8 (C) Include a cost of equity, which shall be
9 calculated as the sum of the following:

10 (i) the average for the applicable calendar
11 year of the monthly average yields of 30-year U.S.
12 Treasury bonds published by the Board of Governors
13 of the Federal Reserve System in its weekly H.15
14 Statistical Release or successor publication; and

15 (ii) 580 basis points.

16 At such time as the Board of Governors of the
17 Federal Reserve System ceases to include the monthly
18 average yields of 30-year U.S. Treasury bonds in its
19 weekly H.15 Statistical Release or successor
20 publication, the monthly average yields of the U.S.
21 Treasury bonds then having the longest duration
22 published by the Board of Governors in its weekly H.15
23 Statistical Release or successor publication shall
24 instead be used for purposes of this paragraph (2).

25 (D) Permit and set forth protocols, subject to a
26 determination of prudence and reasonableness

1 consistent with Commission practice and law, for the
2 following:

3 (i) recovery of incentive compensation expense
4 that is based on the achievement of operational
5 metrics, including metrics related to budget
6 controls, outage duration and frequency, safety,
7 customer service, efficiency and productivity, and
8 environmental compliance; however, this protocol
9 shall not apply if such expense related to costs
10 incurred under this Section is recovered under
11 Article IX or Section 16-108.5 of this Act;
12 incentive compensation expense that is based on
13 net income or an affiliate's earnings per share
14 shall not be recoverable under the energy
15 efficiency formula rate;

16 (ii) recovery of pension and other
17 post-employment benefits expense, provided that
18 such costs are supported by an actuarial study;
19 however, this protocol shall not apply if such
20 expense related to costs incurred under this
21 Section is recovered under Article IX or Section
22 16-108.5 of this Act;

23 (iii) recovery of existing regulatory assets
24 over the periods previously authorized by the
25 Commission;

26 (iv) as described in subsection (e),

1 amortization of costs incurred under this Section;
2 and

3 (v) projected, weather normalized billing
4 determinants for the applicable rate year.

5 (E) Provide for an annual reconciliation, as
6 described in paragraph (3) of this subsection (d),
7 less any deferred taxes related to the reconciliation,
8 with interest at an annual rate of return equal to the
9 utility's weighted average cost of capital, including
10 a revenue conversion factor calculated to recover or
11 refund all additional income taxes that may be payable
12 or receivable as a result of that return, of the energy
13 efficiency revenue requirement reflected in rates for
14 each calendar year, beginning with the calendar year
15 in which the utility files its energy efficiency
16 formula rate tariff under this paragraph (2), with
17 what the revenue requirement would have been had the
18 actual cost information for the applicable calendar
19 year been available at the filing date.

20 The utility shall file, together with its tariff, the
21 projected costs to be incurred by the utility during the
22 rate year under the utility's multi-year plan approved
23 under subsections (f) and (g) of this Section, including,
24 but not limited to, the projected capital investment costs
25 and projected regulatory asset balances with
26 correspondingly updated depreciation and amortization

1 reserves and expense, that shall populate the energy
2 efficiency formula rate and set the initial rates under
3 the formula.

4 The Commission shall review the proposed tariff in
5 conjunction with its review of a proposed multi-year plan,
6 as specified in paragraph (5) of subsection (g) of this
7 Section. The review shall be based on the same evidentiary
8 standards, including, but not limited to, those concerning
9 the prudence and reasonableness of the costs incurred by
10 the utility, the Commission applies in a hearing to review
11 a filing for a general increase in rates under Article IX
12 of this Act. The initial rates shall take effect beginning
13 with the January monthly billing period following the
14 Commission's approval.

15 The tariff's rate design and cost allocation across
16 customer classes shall be consistent with the utility's
17 automatic adjustment clause tariff in effect on June 1,
18 2017 (the effective date of Public Act 99-906); however,
19 the Commission may revise the tariff's rate design and
20 cost allocation in subsequent proceedings under paragraph
21 (3) of this subsection (d).

22 If the energy efficiency formula rate is terminated,
23 the then current rates shall remain in effect until such
24 time as the energy efficiency costs are incorporated into
25 new rates that are set under this subsection (d) or
26 Article IX of this Act, subject to retroactive rate

1 adjustment, with interest, to reconcile rates charged with
2 actual costs.

3 (3) The provisions of this paragraph (3) shall only
4 apply to an electric utility that has elected to file an
5 energy efficiency formula rate under paragraph (2) of this
6 subsection (d). Subsequent to the Commission's issuance of
7 an order approving the utility's energy efficiency formula
8 rate structure and protocols, and initial rates under
9 paragraph (2) of this subsection (d), the utility shall
10 file, on or before June 1 of each year, with the Chief
11 Clerk of the Commission its updated cost inputs to the
12 energy efficiency formula rate for the applicable rate
13 year and the corresponding new charges, as well as the
14 information described in paragraph (9) of subsection (g)
15 of this Section. Each such filing shall conform to the
16 following requirements and include the following
17 information:

18 (A) The inputs to the energy efficiency formula
19 rate for the applicable rate year shall be based on the
20 projected costs to be incurred by the utility during
21 the rate year under the utility's multi-year plan
22 approved under subsections (f) and (g) of this
23 Section, including, but not limited to, projected
24 capital investment costs and projected regulatory
25 asset balances with correspondingly updated
26 depreciation and amortization reserves and expense.

1 The filing shall also include a reconciliation of the
2 energy efficiency revenue requirement that was in
3 effect for the prior rate year (as set by the cost
4 inputs for the prior rate year) with the actual
5 revenue requirement for the prior rate year
6 (determined using a year-end rate base) that uses
7 amounts reflected in the applicable FERC Form 1 that
8 reports the actual costs for the prior rate year. Any
9 over-collection or under-collection indicated by such
10 reconciliation shall be reflected as a credit against,
11 or recovered as an additional charge to, respectively,
12 with interest calculated at a rate equal to the
13 utility's weighted average cost of capital approved by
14 the Commission for the prior rate year, the charges
15 for the applicable rate year. Such over-collection or
16 under-collection shall be adjusted to remove any
17 deferred taxes related to the reconciliation, for
18 purposes of calculating interest at an annual rate of
19 return equal to the utility's weighted average cost of
20 capital approved by the Commission for the prior rate
21 year, including a revenue conversion factor calculated
22 to recover or refund all additional income taxes that
23 may be payable or receivable as a result of that
24 return. Each reconciliation shall be certified by the
25 participating utility in the same manner that FERC
26 Form 1 is certified. The filing shall also include the

1 charge or credit, if any, resulting from the
2 calculation required by subparagraph (E) of paragraph
3 (2) of this subsection (d).

4 Notwithstanding any other provision of law to the
5 contrary, the intent of the reconciliation is to
6 ultimately reconcile both the revenue requirement
7 reflected in rates for each calendar year, beginning
8 with the calendar year in which the utility files its
9 energy efficiency formula rate tariff under paragraph
10 (2) of this subsection (d), with what the revenue
11 requirement determined using a year-end rate base for
12 the applicable calendar year would have been had the
13 actual cost information for the applicable calendar
14 year been available at the filing date.

15 For purposes of this Section, "FERC Form 1" means
16 the Annual Report of Major Electric Utilities,
17 Licensees and Others that electric utilities are
18 required to file with the Federal Energy Regulatory
19 Commission under the Federal Power Act, Sections 3,
20 4(a), 304 and 209, modified as necessary to be
21 consistent with 83 Ill. Admin. Code Part 415 as of May
22 1, 2011. Nothing in this Section is intended to allow
23 costs that are not otherwise recoverable to be
24 recoverable by virtue of inclusion in FERC Form 1.

25 (B) The new charges shall take effect beginning on
26 the first billing day of the following January billing

1 period and remain in effect through the last billing
2 day of the next December billing period regardless of
3 whether the Commission enters upon a hearing under
4 this paragraph (3).

5 (C) The filing shall include relevant and
6 necessary data and documentation for the applicable
7 rate year. Normalization adjustments shall not be
8 required.

9 Within 45 days after the utility files its annual
10 update of cost inputs to the energy efficiency formula
11 rate, the Commission shall with reasonable notice,
12 initiate a proceeding concerning whether the projected
13 costs to be incurred by the utility and recovered during
14 the applicable rate year, and that are reflected in the
15 inputs to the energy efficiency formula rate, are
16 consistent with the utility's approved multi-year plan
17 under subsections (f) and (g) of this Section and whether
18 the costs incurred by the utility during the prior rate
19 year were prudent and reasonable. The Commission shall
20 also have the authority to investigate the information and
21 data described in paragraph (9) of subsection (g) of this
22 Section, including the proposed adjustment to the
23 utility's return on equity component of its weighted
24 average cost of capital. During the course of the
25 proceeding, each objection shall be stated with
26 particularity and evidence provided in support thereof,

1 after which the utility shall have the opportunity to
2 rebut the evidence. Discovery shall be allowed consistent
3 with the Commission's Rules of Practice, which Rules of
4 Practice shall be enforced by the Commission or the
5 assigned administrative law judge. The Commission shall
6 apply the same evidentiary standards, including, but not
7 limited to, those concerning the prudence and
8 reasonableness of the costs incurred by the utility,
9 during the proceeding as it would apply in a proceeding to
10 review a filing for a general increase in rates under
11 Article IX of this Act. The Commission shall not, however,
12 have the authority in a proceeding under this paragraph
13 (3) to consider or order any changes to the structure or
14 protocols of the energy efficiency formula rate approved
15 under paragraph (2) of this subsection (d). In a
16 proceeding under this paragraph (3), the Commission shall
17 enter its order no later than the earlier of 195 days after
18 the utility's filing of its annual update of cost inputs
19 to the energy efficiency formula rate or December 15. The
20 utility's proposed return on equity calculation, as
21 described in paragraphs (7) through (9) of subsection (g)
22 of this Section, shall be deemed the final, approved
23 calculation on December 15 of the year in which it is filed
24 unless the Commission enters an order on or before
25 December 15, after notice and hearing, that modifies such
26 calculation consistent with this Section. The Commission's

1 determinations of the prudence and reasonableness of the
2 costs incurred, and determination of such return on equity
3 calculation, for the applicable calendar year shall be
4 final upon entry of the Commission's order and shall not
5 be subject to reopening, reexamination, or collateral
6 attack in any other Commission proceeding, case, docket,
7 order, rule, or regulation; however, nothing in this
8 paragraph (3) shall prohibit a party from petitioning the
9 Commission to rehear or appeal to the courts the order
10 under the provisions of this Act.

11 (e) Beginning on June 1, 2017 (the effective date of
12 Public Act 99-906), a utility subject to the requirements of
13 this Section may elect to defer, as a regulatory asset, up to
14 the full amount of its expenditures incurred under this
15 Section for each annual period, including, but not limited to,
16 any expenditures incurred above the funding level set by
17 subsection (f) of this Section for a given year. The total
18 expenditures deferred as a regulatory asset in a given year
19 shall be amortized and recovered over a period that is equal to
20 the weighted average of the energy efficiency measure lives
21 implemented for that year that are reflected in the regulatory
22 asset. The unamortized balance shall be recognized as of
23 December 31 for a given year. The utility shall also earn a
24 return on the total of the unamortized balances of all of the
25 energy efficiency regulatory assets, less any deferred taxes
26 related to those unamortized balances, at an annual rate equal

1 to the utility's weighted average cost of capital that
2 includes, based on a year-end capital structure, the utility's
3 actual cost of debt for the applicable calendar year and a cost
4 of equity, which shall be calculated as the sum of the (i) the
5 average for the applicable calendar year of the monthly
6 average yields of 30-year U.S. Treasury bonds published by the
7 Board of Governors of the Federal Reserve System in its weekly
8 H.15 Statistical Release or successor publication; and (ii)
9 580 basis points, including a revenue conversion factor
10 calculated to recover or refund all additional income taxes
11 that may be payable or receivable as a result of that return.
12 Capital investment costs shall be depreciated and recovered
13 over their useful lives consistent with generally accepted
14 accounting principles. The weighted average cost of capital
15 shall be applied to the capital investment cost balance, less
16 any accumulated depreciation and accumulated deferred income
17 taxes, as of December 31 for a given year.

18 When an electric utility creates a regulatory asset under
19 the provisions of this Section, the costs are recovered over a
20 period during which customers also receive a benefit which is
21 in the public interest. Accordingly, it is the intent of the
22 General Assembly that an electric utility that elects to
23 create a regulatory asset under the provisions of this Section
24 shall recover all of the associated costs as set forth in this
25 Section. After the Commission has approved the prudence and
26 reasonableness of the costs that comprise the regulatory

1 asset, the electric utility shall be permitted to recover all
2 such costs, and the value and recoverability through rates of
3 the associated regulatory asset shall not be limited, altered,
4 impaired, or reduced.

5 (f) Beginning in 2017, each electric utility shall file an
6 energy efficiency plan with the Commission to meet the energy
7 efficiency standards for the next applicable multi-year period
8 beginning January 1 of the year following the filing,
9 according to the schedule set forth in paragraphs (1) through
10 (3) of this subsection (f). If a utility does not file such a
11 plan on or before the applicable filing deadline for the plan,
12 it shall face a penalty of \$100,000 per day until the plan is
13 filed.

14 (1) No later than 30 days after June 1, 2017 (the
15 effective date of Public Act 99-906), each electric
16 utility shall file a 4-year energy efficiency plan
17 commencing on January 1, 2018 that is designed to achieve
18 the cumulative persisting annual savings goals specified
19 in paragraphs (1) through (4) of subsection (b-5) of this
20 Section or in paragraphs (1) through (4) of subsection
21 (b-15) of this Section, as applicable, through
22 implementation of energy efficiency measures; however, the
23 goals may be reduced if the utility's expenditures are
24 limited pursuant to subsection (m) of this Section or, for
25 a utility that serves less than 3,000,000 retail
26 customers, if each of the following conditions are met:

1 (A) the plan's analysis and forecasts of the utility's
2 ability to acquire energy savings demonstrate that
3 achievement of such goals is not cost effective; and (B)
4 the amount of energy savings achieved by the utility as
5 determined by the independent evaluator for the most
6 recent year for which savings have been evaluated
7 preceding the plan filing was less than the average annual
8 amount of savings required to achieve the goals for the
9 applicable 4-year plan period. Except as provided in
10 subsection (m) of this Section, annual increases in
11 cumulative persisting annual savings goals during the
12 applicable 4-year plan period shall not be reduced to
13 amounts that are less than the maximum amount of
14 cumulative persisting annual savings that is forecast to
15 be cost-effectively achievable during the 4-year plan
16 period. The Commission shall review any proposed goal
17 reduction as part of its review and approval of the
18 utility's proposed plan.

19 (2) No later than March 1, 2021, each electric utility
20 shall file a 4-year energy efficiency plan commencing on
21 January 1, 2022 that is designed to achieve the cumulative
22 persisting annual savings goals specified in paragraphs
23 (5) through (8) of subsection (b-5) of this Section or in
24 paragraphs (5) through (8) of subsection (b-15) of this
25 Section, as applicable, through implementation of energy
26 efficiency measures; however, the goals may be reduced if

1 either (1) clear and convincing evidence demonstrates,
2 through independent analysis, that the expenditure limits
3 in subsection (m) of this Section preclude full
4 achievement of the goals or (2) ~~the utility's expenditures~~
5 ~~are limited pursuant to subsection (m) of this Section or,~~
6 each of the following conditions are met: (A) the plan's
7 analysis and forecasts of the utility's ability to acquire
8 energy savings demonstrate by clear and convincing
9 evidence and through independent analysis that achievement
10 of such goals is not cost effective; and (B) the amount of
11 energy savings achieved by the utility as determined by
12 the independent evaluator for the most recent year for
13 which savings have been evaluated preceding the plan
14 filing was less than the average annual amount of savings
15 required to achieve the goals for the applicable 4-year
16 plan period. If there is not clear and convincing evidence
17 that achieving the savings goals specified in paragraph
18 (b-5) or (b-15) of this Section is possible both
19 cost-effectively and within the expenditure limits in
20 subsection (m), such savings goals shall not be reduced.
21 Except as provided in subsection (m) of this Section,
22 annual increases in cumulative persisting annual savings
23 goals during the applicable 4-year plan period shall not
24 be reduced to amounts that are less than the maximum
25 amount of cumulative persisting annual savings that is
26 forecast to be cost-effectively achievable during the

1 4-year plan period. The Commission shall review any
2 proposed goal reduction as part of its review and approval
3 of the utility's proposed plan.

4 (3) No later than March 1, 2025, each electric utility
5 shall file a 4-year ~~5-year~~ energy efficiency plan
6 commencing on January 1, 2026 that is designed to achieve
7 the cumulative persisting annual savings goals specified
8 in paragraphs (9) through (12) ~~(13)~~ of subsection (b-5) of
9 this Section or in paragraphs (9) through (12) ~~(13)~~ of
10 subsection (b-15) of this Section, as applicable, through
11 implementation of energy efficiency measures; however, the
12 goals may be reduced if either (1) clear and convincing
13 evidence demonstrates, through independent analysis, that
14 the expenditure limits in subsection (m) of this Section
15 preclude full achievement of the goals or (2) the
16 ~~utility's expenditures are limited pursuant to subsection~~
17 ~~(m) of this Section or,~~ each of the following conditions
18 are met: (A) the plan's analysis and forecasts of the
19 utility's ability to acquire energy savings demonstrate by
20 clear and convincing evidence and through independent
21 analysis that achievement of such goals is not cost
22 effective; and (B) the amount of energy savings achieved
23 by the utility as determined by the independent evaluator
24 for the most recent year for which savings have been
25 evaluated preceding the plan filing was less than the
26 average annual amount of savings required to achieve the

1 goals for the applicable 4-year ~~5-year~~ plan period. If
2 there is not clear and convincing evidence that achieving
3 the savings goals specified in paragraphs (b-5) or (b-15)
4 of this Section is possible both cost-effectively and
5 within the expenditure limits in subsection (m), such
6 savings goals shall not be reduced. Except as provided in
7 subsection (m) of this Section, annual increases in
8 cumulative persisting annual savings goals during the
9 applicable 4-year ~~5-year~~ plan period shall not be reduced
10 to amounts that are less than the maximum amount of
11 cumulative persisting annual savings that is forecast to
12 be cost-effectively achievable during the 4-year ~~5-year~~
13 plan period. The Commission shall review any proposed goal
14 reduction as part of its review and approval of the
15 utility's proposed plan.

16 (4) No later than March 1, 2029, and every 4 years
17 thereafter, each electric utility shall file a 4-year
18 energy efficiency plan commencing on January 1, 2030, and
19 every 4 years thereafter, respectively, that is designed
20 to achieve the cumulative persisting annual savings goals
21 established by the Illinois Commerce Commission pursuant
22 to direction of subsections (b-5) and (b-15) of this
23 Section, as applicable, through implementation of energy
24 efficiency measures; however, the goals may be reduced if
25 either (1) clear and convincing evidence and independent
26 analysis demonstrates that the expenditure limits in

1 subsection (m) of this Section preclude full achievement
2 of the goals or (2) each of the following conditions are
3 met: (A) the plan's analysis and forecasts of the
4 utility's ability to acquire energy savings demonstrate by
5 clear and convincing evidence and through independent
6 analysis that achievement of such goals is not
7 cost-effective; and (B) the amount of energy savings
8 achieved by the utility as determined by the independent
9 evaluator for the most recent year for which savings have
10 been evaluated preceding the plan filing was less than the
11 average annual amount of savings required to achieve the
12 goals for the applicable 4-year plan period. If there is
13 not clear and convincing evidence that achieving the
14 savings goals specified in paragraphs (b-5) or (b-15) of
15 this Section is possible both cost-effectively and within
16 the expenditure limits in subsection (m), such savings
17 goals shall not be reduced. Except as provided in
18 subsection (m) of this Section, annual increases in
19 cumulative persisting annual savings goals during the
20 applicable 4-year plan period shall not be reduced to
21 amounts that are less than the maximum amount of
22 cumulative persisting annual savings that is forecast to
23 be cost-effectively achievable during the 4-year plan
24 period. The Commission shall review any proposed goal
25 reduction as part of its review and approval of the
26 utility's proposed plan.

1 Each utility's plan shall set forth the utility's
2 proposals to meet the energy efficiency standards identified
3 in subsection (b-5) or (b-15), as applicable and as such
4 standards may have been modified under this subsection (f),
5 taking into account the unique circumstances of the utility's
6 service territory. For those plans commencing on January 1,
7 2018, the Commission shall seek public comment on the
8 utility's plan and shall issue an order approving or
9 disapproving each plan no later than 105 days after June 1,
10 2017 (the effective date of Public Act 99-906). For those
11 plans commencing after December 31, 2021, the Commission shall
12 seek public comment on the utility's plan and shall issue an
13 order approving or disapproving each plan within 6 months
14 after its submission. If the Commission disapproves a plan,
15 the Commission shall, within 30 days, describe in detail the
16 reasons for the disapproval and describe a path by which the
17 utility may file a revised draft of the plan to address the
18 Commission's concerns satisfactorily. If the utility does not
19 refile with the Commission within 60 days, the utility shall
20 be subject to penalties at a rate of \$100,000 per day until the
21 plan is filed. This process shall continue, and penalties
22 shall accrue, until the utility has successfully filed a
23 portfolio of energy efficiency and demand-response measures.
24 Penalties shall be deposited into the Energy Efficiency Trust
25 Fund.

26 (g) In submitting proposed plans and funding levels under

1 subsection (f) of this Section to meet the savings goals
2 identified in subsection (b-5) or (b-15) of this Section, as
3 applicable, the utility shall:

4 (1) Demonstrate that its proposed energy efficiency
5 measures will achieve the applicable requirements that are
6 identified in subsection (b-5) or (b-15) of this Section,
7 as modified by subsection (f) of this Section.

8 (2) (Blank). ~~Present specific proposals to implement~~
9 ~~new building and appliance standards that have been placed~~
10 ~~into effect.~~

11 (2.5) Demonstrate consideration of program options for
12 (A) advancing new building codes, appliance standards, and
13 municipal regulations governing existing and new building
14 efficiency improvements and (B) supporting efforts to
15 improve compliance with new building codes, appliance
16 standards and municipal regulations, as potentially
17 cost-effective means of acquiring energy savings to count
18 toward savings goals.

19 (3) Demonstrate that its overall portfolio of
20 measures, not including low-income programs described in
21 subsection (c) of this Section, is cost-effective using
22 the total resource cost test or complies with paragraphs
23 (1) through (3) of subsection (f) of this Section and
24 represents a diverse cross-section of opportunities for
25 customers of all rate classes, other than those customers
26 described in subsection (1) of this Section, to

1 participate in the programs. Individual measures need not
2 be cost effective.

3 (3.5) Demonstrate that the utility's plan integrates
4 the delivery of energy efficiency programs with natural
5 gas efficiency programs, programs promoting distributed
6 solar, programs promoting demand response and other
7 efforts to address bill payment issues, including, but not
8 limited to, LIHEAP and the Percentage of Income Payment
9 Plan, to the extent such integration is practical and has
10 the potential to enhance customer engagement, minimize
11 market confusion, or reduce administrative costs.

12 (4) Present a third-party energy efficiency
13 implementation program subject to the following
14 requirements:

15 (A) beginning with the year commencing January 1,
16 2019, electric utilities that serve more than
17 3,000,000 retail customers in the State shall fund
18 third-party energy efficiency programs in an amount
19 that is no less than \$25,000,000 per year, and
20 electric utilities that serve less than 3,000,000
21 retail customers but more than 500,000 retail
22 customers in the State shall fund third-party energy
23 efficiency programs in an amount that is no less than
24 \$8,350,000 per year;

25 (B) during 2018, the utility shall conduct a
26 solicitation process for purposes of requesting

1 proposals from third-party vendors for those
2 third-party energy efficiency programs to be offered
3 during one or more of the years commencing January 1,
4 2019, January 1, 2020, and January 1, 2021; for those
5 multi-year plans commencing on January 1, 2022 and
6 January 1, 2026, the utility shall conduct a
7 solicitation process during 2021 and 2025,
8 respectively, for purposes of requesting proposals
9 from third-party vendors for those third-party energy
10 efficiency programs to be offered during one or more
11 years of the respective multi-year plan period; for
12 each solicitation process, the utility shall identify
13 the sector, technology, or geographical area for which
14 it is seeking requests for proposals; the solicitation
15 process must be either for programs that fill gaps in
16 the utility's program portfolio and for programs that
17 target low-income customers, business sectors,
18 building types, geographies, or other specific parts
19 of its customer base with initiatives that would be
20 more effective at reaching these customer segments
21 than the utilities' programs filed in its energy
22 efficiency plans;

23 (C) the utility shall propose the bidder
24 qualifications, performance measurement process, and
25 contract structure, which must include a performance
26 payment mechanism and general terms and conditions;

1 the proposed qualifications, process, and structure
2 shall be subject to Commission approval; and

3 (D) the utility shall retain an independent third
4 party to score the proposals received through the
5 solicitation process described in this paragraph (4),
6 rank them according to their cost per lifetime
7 kilowatt-hours saved, and assemble the portfolio of
8 third-party programs.

9 The electric utility shall recover all costs
10 associated with Commission-approved, third-party
11 administered programs regardless of the success of those
12 programs.

13 (4.5) Implement cost-effective demand-response
14 measures to reduce peak demand by 0.1% over the prior year
15 for eligible retail customers, as defined in Section
16 16-111.5 of this Act, and for customers that elect hourly
17 service from the utility pursuant to Section 16-107 of
18 this Act, provided those customers have not been declared
19 competitive. This requirement continues until December 31,
20 2026.

21 (5) Include a proposed or revised cost-recovery tariff
22 mechanism, as provided for under subsection (d) of this
23 Section, to fund the proposed energy efficiency and
24 demand-response measures and to ensure the recovery of the
25 prudently and reasonably incurred costs of
26 Commission-approved programs.

1 (6) Provide for an annual independent evaluation of
2 the performance of the cost-effectiveness of the utility's
3 portfolio of measures, as well as a full review of the
4 multi-year plan results of the broader net program impacts
5 and, to the extent practical, for adjustment of the
6 measures on a going-forward basis as a result of the
7 evaluations. The resources dedicated to evaluation shall
8 not exceed 3% of portfolio resources in any given year.

9 (7) For electric utilities that serve more than
10 3,000,000 retail customers in the State:

11 (A) Through December 31, 2025, provide for an
12 adjustment to the return on equity component of the
13 utility's weighted average cost of capital calculated
14 under subsection (d) of this Section:

15 (i) If the independent evaluator determines
16 that the utility achieved a cumulative persisting
17 annual savings that is less than the applicable
18 annual incremental goal, then the return on equity
19 component shall be reduced by a maximum of 200
20 basis points in the event that the utility
21 achieved no more than 75% of such goal. If the
22 utility achieved more than 75% of the applicable
23 annual incremental goal but less than 100% of such
24 goal, then the return on equity component shall be
25 reduced by 8 basis points for each percent by
26 which the utility failed to achieve the goal.

1 (ii) If the independent evaluator determines
2 that the utility achieved a cumulative persisting
3 annual savings that is more than the applicable
4 annual incremental goal, then the return on equity
5 component shall be increased by a maximum of 200
6 basis points in the event that the utility
7 achieved at least 125% of such goal. If the
8 utility achieved more than 100% of the applicable
9 annual incremental goal but less than 125% of such
10 goal, then the return on equity component shall be
11 increased by 8 basis points for each percent by
12 which the utility achieved above the goal. If the
13 applicable annual incremental goal was reduced
14 under paragraphs (1) or (2) of subsection (f) of
15 this Section, then the following adjustments shall
16 be made to the calculations described in this item
17 (ii):

18 (aa) the calculation for determining
19 achievement that is at least 125% of the
20 applicable annual incremental goal shall use
21 the unreduced applicable annual incremental
22 goal to set the value; and

23 (bb) the calculation for determining
24 achievement that is less than 125% but more
25 than 100% of the applicable annual incremental
26 goal shall use the reduced applicable annual

1 incremental goal to set the value for 100%
2 achievement of the goal and shall use the
3 unreduced goal to set the value for 125%
4 achievement. The 8 basis point value shall
5 also be modified, as necessary, so that the
6 200 basis points are evenly apportioned among
7 each percentage point value between 100% and
8 125% achievement.

9 (B) For the period January 1, 2026 through
10 December 31, 2029 and in all subsequent 4-year periods
11 ~~2030~~, provide for an adjustment to the return on
12 equity component of the utility's weighted average
13 cost of capital calculated under subsection (d) of
14 this Section:

15 (i) If the independent evaluator determines
16 that the utility achieved a cumulative persisting
17 annual savings that is less than the applicable
18 annual incremental goal, then the return on equity
19 component shall be reduced by a maximum of 200
20 basis points in the event that the utility
21 achieved no more than 66% of such goal. If the
22 utility achieved more than 66% of the applicable
23 annual incremental goal but less than 100% of such
24 goal, then the return on equity component shall be
25 reduced by 6 basis points for each percent by
26 which the utility failed to achieve the goal.

1 (ii) If the independent evaluator determines
2 that the utility achieved a cumulative persisting
3 annual savings that is more than the applicable
4 annual incremental goal, then the return on equity
5 component shall be increased by a maximum of 200
6 basis points in the event that the utility
7 achieved at least 134% of such goal. If the
8 utility achieved more than 100% of the applicable
9 annual incremental goal but less than 134% of such
10 goal, then the return on equity component shall be
11 increased by 6 basis points for each percent by
12 which the utility achieved above the goal. If the
13 applicable annual incremental goal was reduced
14 under paragraph (3) of subsection (f) of this
15 Section, then the following adjustments shall be
16 made to the calculations described in this item
17 (ii):

18 (aa) the calculation for determining
19 achievement that is at least 134% of the
20 applicable annual incremental goal shall use
21 the unreduced applicable annual incremental
22 goal to set the value; and

23 (bb) the calculation for determining
24 achievement that is less than 134% but more
25 than 100% of the applicable annual incremental
26 goal shall use the reduced applicable annual

1 incremental goal to set the value for 100%
2 achievement of the goal and shall use the
3 unreduced goal to set the value for 134%
4 achievement. The 6 basis point value shall
5 also be modified, as necessary, so that the
6 200 basis points are evenly apportioned among
7 each percentage point value between 100% and
8 134% achievement.

9 (C) Notwithstanding the provisions of
10 subparagraphs (A) and (B) of this paragraph (7), if
11 the applicable annual incremental goal for an electric
12 utility is ever less than 0.6% of deemed average
13 weather normalized sales of electric power and energy
14 during calendar years 2014, 2015, and 2016, an
15 adjustment to the return on equity component of the
16 utility's weighted average cost of capital calculated
17 under subsection (d) of this Section shall be made as
18 follows:

19 (i) If the independent evaluator determines
20 that the utility achieved a cumulative persisting
21 annual savings that is less than would have been
22 achieved had the applicable annual incremental
23 goal been achieved, then the return on equity
24 component shall be reduced by a maximum of 200
25 basis points if the utility achieved no more than
26 75% of its applicable annual total savings

1 requirement as defined in paragraph (7.5) of this
2 subsection. If the utility achieved more than 75%
3 of the applicable annual total savings requirement
4 but less than 100% of such goal, then the return on
5 equity component shall be reduced by 8 basis
6 points for each percent by which the utility
7 failed to achieve the goal.

8 (ii) If the independent evaluator determines
9 that the utility achieved a cumulative persisting
10 annual savings that is more than would have been
11 achieved had the applicable annual incremental
12 goal been achieved, then the return on equity
13 component shall be increased by a maximum of 200
14 basis points if the utility achieved at least 125%
15 of its applicable annual total savings
16 requirement. If the utility achieved more than
17 100% of the applicable annual total savings
18 requirement but less than 125% of such goal, then
19 the return on equity component shall be increased
20 by 8 basis points for each percent by which the
21 utility achieved above the applicable annual total
22 savings requirement. If the applicable annual
23 incremental goal was reduced under paragraph (1)
24 or (2) of subsection (f) of this Section, then the
25 following adjustments shall be made to the
26 calculations described in this item (ii):

1 (aa) the calculation for determining
2 achievement that is at least 125% of the
3 applicable annual total savings requirement
4 shall use the unreduced applicable annual
5 incremental goal to set the value; and

6 (bb) the calculation for determining
7 achievement that is less than 125% but more
8 than 100% of the applicable annual total
9 savings requirement shall use the reduced
10 applicable annual incremental goal to set the
11 value for 100% achievement of the goal and
12 shall use the unreduced goal to set the value
13 for 125% achievement. The 8 basis point value
14 shall also be modified, as necessary, so that
15 the 200 basis points are evenly apportioned
16 among each percentage point value between 100%
17 and 125% achievement.

18 (7.5) For purposes of this Section, the term
19 "applicable annual incremental goal" means the difference
20 between the cumulative persisting annual savings goal for
21 the calendar year that is the subject of the independent
22 evaluator's determination and the cumulative persisting
23 annual savings goal for the immediately preceding calendar
24 year, as such goals are defined in subsections (b-5) and
25 (b-15) of this Section and as these goals may have been
26 modified as provided for under subsection (b-20) and

1 paragraphs (1) through (3) of subsection (f) of this
2 Section. Under subsections (b), (b-5), (b-10), and (b-15)
3 of this Section, a utility must first replace energy
4 savings from measures that have expired ~~reached the end of~~
5 ~~their measure lives and would otherwise have to be~~
6 ~~replaced to meet the applicable savings goals identified~~
7 ~~in subsection (b-5) or (b-15) of this Section~~ before any
8 progress towards achievement of its applicable annual
9 incremental goal may be counted. Savings may expire
10 because measures installed in previous years have reached
11 the end of their lives, because measures installed in
12 previous years are producing lower savings in the current
13 year than in the previous year, or for other reasons
14 identified by independent evaluators. Notwithstanding
15 anything else set forth in this Section, the difference
16 between the actual annual incremental savings achieved in
17 any given year, including the replacement of energy
18 savings ~~from measures~~ that have expired, and the
19 applicable annual incremental goal shall not affect
20 adjustments to the return on equity for subsequent
21 calendar years under this subsection (g).

22 In this Section, "applicable annual total savings
23 requirement" means the total amount of new annual savings
24 that the utility must achieve in any given year to achieve
25 the applicable annual incremental goal. This is equal to
26 the applicable annual incremental goal plus the total new

1 annual savings that are required to replace savings that
2 expired in or at the end of the previous year.

3 (8) For electric utilities that serve less than
4 3,000,000 retail customers but more than 500,000 retail
5 customers in the State:

6 (A) Through December 31, 2025, the applicable
7 annual incremental goal shall be compared to the
8 annual incremental savings as determined by the
9 independent evaluator.

10 (i) The return on equity component shall be
11 reduced by 8 basis points for each percent by
12 which the utility did not achieve 84.4% of the
13 applicable annual incremental goal.

14 (ii) The return on equity component shall be
15 increased by 8 basis points for each percent by
16 which the utility exceeded 100% of the applicable
17 annual incremental goal.

18 (iii) The return on equity component shall not
19 be increased or decreased if the annual
20 incremental savings as determined by the
21 independent evaluator is greater than 84.4% of the
22 applicable annual incremental goal and less than
23 100% of the applicable annual incremental goal.

24 (iv) The return on equity component shall not
25 be increased or decreased by an amount greater
26 than 200 basis points pursuant to this

1 subparagraph (A).

2 (B) For the period of January 1, 2026 through
3 December 31, 2029 and in all subsequent 4-year periods
4 ~~2030~~, the applicable annual incremental goal shall be
5 compared to the annual incremental savings as
6 determined by the independent evaluator.

7 (i) The return on equity component shall be
8 reduced by 6 basis points for each percent by
9 which the utility did not achieve 100% of the
10 applicable annual incremental goal.

11 (ii) The return on equity component shall be
12 increased by 6 basis points for each percent by
13 which the utility exceeded 100% of the applicable
14 annual incremental goal.

15 (iii) The return on equity component shall not
16 be increased or decreased by an amount greater
17 than 200 basis points pursuant to this
18 subparagraph (B).

19 (C) Notwithstanding provisions in subparagraphs
20 (A) and (B) of paragraph (7) of this subsection, if the
21 applicable annual incremental goal for an electric
22 utility is ever less than 0.6% of deemed average
23 weather normalized sales of electric power and energy
24 during calendar years 2014, 2015 and 2016, an
25 adjustment to the return on equity component of the
26 utility's weighted average cost of capital calculated

1 under subsection (d) of this Section shall be made as
2 follows:

3 (i) The return on equity component shall be
4 reduced by 8 basis points for each percent by
5 which the utility did not achieve 100% of the
6 applicable annual total savings requirement.

7 (ii) The return on equity component shall be
8 increased by 8 basis points for each percent by
9 which the utility exceeded 100% of the applicable
10 annual total savings requirement.

11 (iii) The return on equity component shall not
12 be increased or decreased by an amount greater
13 than 200 basis points pursuant to this
14 subparagraph (C).

15 (D) ~~(C)~~ If the applicable annual incremental goal
16 was reduced under ~~paragraph paragraphs~~ (1), (2), ~~or~~
17 (3), ~~or~~ (4) of subsection (f) of this Section, then the
18 following adjustments shall be made to the
19 calculations described in subparagraphs (A), ~~and~~ (B),
20 and (C) of this paragraph (8):

21 (i) The calculation for determining
22 achievement that is at least 125% or 134%, as
23 applicable, of the applicable annual incremental
24 goal or the applicable annual total savings
25 requirement, as applicable, shall use the
26 unreduced applicable annual incremental goal to

1 set the value.

2 (ii) For the period through December 31, 2025,
3 the calculation for determining achievement that
4 is less than 125% but more than 100% of the
5 applicable annual incremental goal or the
6 applicable annual total savings requirement, as
7 applicable, shall use the reduced applicable
8 annual incremental goal to set the value for 100%
9 achievement of the goal and shall use the
10 unreduced goal to set the value for 125%
11 achievement. The 8 basis point value shall also be
12 modified, as necessary, so that the 200 basis
13 points are evenly apportioned among each
14 percentage point value between 100% and 125%
15 achievement.

16 (iii) For the period of January 1, 2026
17 through December 31, 2029 and all subsequent
18 4-year periods, the calculation for determining
19 achievement that is less than 125% or 134%, as
20 applicable, but more than 100% of the applicable
21 annual incremental goal or the applicable annual
22 total savings requirement, as applicable, shall
23 use the reduced applicable annual incremental goal
24 to set the value for 100% achievement of the goal
25 and shall use the unreduced goal to set the value
26 for 125% achievement. The 6 basis-point value or 8

1 basis-point value, as applicable, shall also be
2 modified, as necessary, so that the 200 basis
3 points are evenly apportioned among each
4 percentage point value between 100% and 125% or
5 between 100% and 134% achievement, as applicable
6 ~~2030, the calculation for determining achievement~~
7 ~~that is less than 134% but more than 100% of the~~
8 ~~applicable annual incremental goal shall use the~~
9 ~~reduced applicable annual incremental goal to set~~
10 ~~the value for 100% achievement of the goal and~~
11 ~~shall use the unreduced goal to set the value for~~
12 ~~125% achievement. The 6 basis point value shall~~
13 ~~also be modified, as necessary, so that the 200~~
14 ~~basis points are evenly apportioned among each~~
15 ~~percentage point value between 100% and 134%~~
16 ~~achievement.~~

17 (9) The utility shall submit the energy savings data
18 to the independent evaluator no later than 30 days after
19 the close of the plan year. The independent evaluator
20 shall determine the cumulative persisting annual savings
21 for a given plan year, as well as an estimate of job
22 impacts and other macroeconomic impacts of the efficiency
23 programs for that year, no later than 120 days after the
24 close of the plan year. The utility shall submit an
25 informational filing to the Commission no later than 160
26 days after the close of the plan year that attaches the

1 independent evaluator's final report identifying the
2 cumulative persisting annual savings for the year and
3 calculates, under paragraph (7) or (8) of this subsection
4 (g), as applicable, any resulting change to the utility's
5 return on equity component of the weighted average cost of
6 capital applicable to the next plan year beginning with
7 the January monthly billing period and extending through
8 the December monthly billing period. However, if the
9 utility recovers the costs incurred under this Section
10 under paragraphs (2) and (3) of subsection (d) of this
11 Section, then the utility shall not be required to submit
12 such informational filing, and shall instead submit the
13 information that would otherwise be included in the
14 informational filing as part of its filing under paragraph
15 (3) of such subsection (d) that is due on or before June 1
16 of each year.

17 For those utilities that must submit the informational
18 filing, the Commission may, on its own motion or by
19 petition, initiate an investigation of such filing,
20 provided, however, that the utility's proposed return on
21 equity calculation shall be deemed the final, approved
22 calculation on December 15 of the year in which it is filed
23 unless the Commission enters an order on or before
24 December 15, after notice and hearing, that modifies such
25 calculation consistent with this Section.

26 The adjustments to the return on equity component

1 described in paragraphs (7) and (8) of this subsection (g)
2 shall be applied as described in such paragraphs through a
3 separate tariff mechanism, which shall be filed by the
4 utility under subsections (f) and (g) of this Section.

5 (9.5) The utility must demonstrate how it will ensure
6 that program implementation contractors and energy
7 efficiency installation vendors will promote workforce
8 equity and quality jobs.

9 (9.6) Utilities shall collect data necessary to ensure
10 compliance with paragraph (9.5) no less than quarterly and
11 shall communicate progress toward compliance with
12 paragraph (9.5) to program implementation contractors and
13 energy efficiency installation vendors no less than
14 quarterly. Utilities shall work with relevant vendors,
15 providing education, training, and other resources needed
16 to ensure compliance and, where necessary, adjusting or
17 terminating work with vendors that cannot assist with
18 compliance.

19 (10) Utilities required to implement efficiency
20 programs under subsections (b-5) and (b-10) shall report
21 annually to the Illinois Commerce Commission and the
22 General Assembly on how hiring, contracting, job training,
23 and other practices related to its energy efficiency
24 programs enhance the diversity of vendors working on such
25 programs. These reports must include data on vendor and
26 employee diversity, including data on the implementation

1 of paragraphs (9.5) and (9.6). If the utility is not
2 meeting the requirements of paragraphs (9.5) and (9.6),
3 the utility shall submit a plan to adjust their activities
4 so that they meet the requirements of paragraphs (9.5) and
5 (9.6) within the following year.

6 (h) No more than 4% ~~6%~~ of energy efficiency and
7 demand-response program revenue may be allocated for research,
8 development, or pilot deployment of new equipment or measures.
9 Electric utilities shall work with interested stakeholders to
10 formulate a plan for how these funds should be spent,
11 incorporate statewide approaches for these allocations, and
12 file a 4-year plan that demonstrates that collaboration. If a
13 utility files a request for modified annual energy savings
14 goals with the Commission, then a utility shall forgo spending
15 portfolio dollars on research and development proposals.

16 (i) When practicable, electric utilities shall incorporate
17 advanced metering infrastructure data into the planning,
18 implementation, and evaluation of energy efficiency measures
19 and programs, subject to the data privacy and confidentiality
20 protections of applicable law.

21 (j) The independent evaluator shall follow the guidelines
22 and use the savings set forth in Commission-approved energy
23 efficiency policy manuals and technical reference manuals, as
24 each may be updated from time to time. Until such time as
25 measure life values for energy efficiency measures implemented
26 for low-income households under subsection (c) of this Section

1 are incorporated into such Commission-approved manuals, the
2 low-income measures shall have the same measure life values
3 that are established for same measures implemented in
4 households that are not low-income households.

5 (k) Notwithstanding any provision of law to the contrary,
6 an electric utility subject to the requirements of this
7 Section may file a tariff cancelling an automatic adjustment
8 clause tariff in effect under this Section or Section 8-103,
9 which shall take effect no later than one business day after
10 the date such tariff is filed. Thereafter, the utility shall
11 be authorized to defer and recover its expenditures incurred
12 under this Section through a new tariff authorized under
13 subsection (d) of this Section or in the utility's next rate
14 case under Article IX or Section 16-108.5 of this Act, with
15 interest at an annual rate equal to the utility's weighted
16 average cost of capital as approved by the Commission in such
17 case. If the utility elects to file a new tariff under
18 subsection (d) of this Section, the utility may file the
19 tariff within 10 days after June 1, 2017 (the effective date of
20 Public Act 99-906), and the cost inputs to such tariff shall be
21 based on the projected costs to be incurred by the utility
22 during the calendar year in which the new tariff is filed and
23 that were not recovered under the tariff that was cancelled as
24 provided for in this subsection. Such costs shall include
25 those incurred or to be incurred by the utility under its
26 multi-year plan approved under subsections (f) and (g) of this

1 Section, including, but not limited to, projected capital
2 investment costs and projected regulatory asset balances with
3 correspondingly updated depreciation and amortization reserves
4 and expense. The Commission shall, after notice and hearing,
5 approve, or approve with modification, such tariff and cost
6 inputs no later than 75 days after the utility filed the
7 tariff, provided that such approval, or approval with
8 modification, shall be consistent with the provisions of this
9 Section to the extent they do not conflict with this
10 subsection (k). The tariff approved by the Commission shall
11 take effect no later than 5 days after the Commission enters
12 its order approving the tariff.

13 No later than 60 days after the effective date of the
14 tariff cancelling the utility's automatic adjustment clause
15 tariff, the utility shall file a reconciliation that
16 reconciles the moneys collected under its automatic adjustment
17 clause tariff with the costs incurred during the period
18 beginning June 1, 2016 and ending on the date that the electric
19 utility's automatic adjustment clause tariff was cancelled. In
20 the event the reconciliation reflects an under-collection, the
21 utility shall recover the costs as specified in this
22 subsection (k). If the reconciliation reflects an
23 over-collection, the utility shall apply the amount of such
24 over-collection as a one-time credit to retail customers'
25 bills.

26 (1) For the calendar years covered by a multi-year plan

1 commencing after December 31, 2017, subsections (a) through
2 (j) of this Section do not apply to eligible large private
3 energy customers that have chosen to opt out of multi-year
4 plans consistent with this subsection (1).

5 (1) For purposes of this subsection (1), "eligible
6 large private energy customer" means any retail customers,
7 except for federal, State, municipal, and other public
8 customers, of an electric utility that serves more than
9 3,000,000 retail customers, except for federal, State,
10 municipal and other public customers, in the State and
11 whose total highest 30 minute demand was more than 10,000
12 kilowatts, or any retail customers of an electric utility
13 that serves less than 3,000,000 retail customers but more
14 than 500,000 retail customers in the State and whose total
15 highest 15 minute demand was more than 10,000 kilowatts.
16 For purposes of this subsection (1), "retail customer" has
17 the meaning set forth in Section 16-102 of this Act.
18 However, for a business entity with multiple sites located
19 in the State, where at least one of those sites qualifies
20 as an eligible large private energy customer, then any of
21 that business entity's sites, properly identified on a
22 form for notice, shall be considered eligible large
23 private energy customers for the purposes of this
24 subsection (1). A determination of whether this subsection
25 is applicable to a customer shall be made for each
26 multi-year plan beginning after December 31, 2017. The

1 criteria for determining whether this subsection (1) is
2 applicable to a retail customer shall be based on the 12
3 consecutive billing periods prior to the start of the
4 first year of each such multi-year plan.

5 (2) Within 45 days after the effective date of this
6 amendatory Act of the 102nd General Assembly, the
7 Commission shall prescribe the form for notice required
8 for opting out of energy efficiency programs. The notice
9 must be submitted to the retail electric utility 12 months
10 before the next energy efficiency planning cycle. However,
11 within 120 days after the Commission's initial issuance of
12 the form for notice, eligible large private energy
13 customers may submit a form for notice to an electric
14 utility. The form for notice for opting out of energy
15 efficiency programs shall include all of the following:

16 (A) a statement indicating that the customer has
17 elected to opt out;

18 (B) the account numbers for the customer accounts
19 to which the opt out shall apply;

20 (C) the mailing address associated with the
21 customer accounts identified under subparagraph (B);

22 (D) an American Society of Heating, Refrigerating,
23 and Air-Conditioning Engineers (ASHRAE) level 2 or
24 higher audit report conducted by an independent
25 third-party expert identifying cost-effective energy
26 efficiency project opportunities that could be

1 invested in over the next 10 years. A retail customer
2 with specialized processes may utilize a self-audit
3 process in lieu of the ASHRAE audit;

4 (E) a description of the customer's plans to
5 reallocate the funds toward internal energy efficiency
6 efforts identified in the subparagraph (D) report,
7 including, but not limited to: (i) strategic energy
8 management or other programs, including descriptions
9 of targeted buildings, equipment and operations; (ii)
10 eligible energy efficiency measures; and (iii)
11 expected energy savings, itemized by technology. If
12 the subparagraph (D) audit report identifies that the
13 customer currently utilizes the best available energy
14 efficient technology, equipment, programs, and
15 operations, the customer may provide a statement that
16 more efficient technology, equipment, programs, and
17 operations are not reasonably available as a means of
18 satisfying this subparagraph (E); and

19 (F) the effective date of the opt out, which will
20 be the next January 1 following notice of the opt out.

21 (3) Upon receipt of a properly and timely noticed
22 request for opt out submitted by an eligible large private
23 energy customer, the retail electric utility shall grant
24 the request, file the request with the Commission and,
25 beginning January 1 of the following year, the opted out
26 customer shall no longer be assessed the costs of the plan

1 and shall be prohibited from participating in that 4-year
2 plan cycle to give the retail utility the certainty to
3 design program plan proposals.

4 (4) Upon a customer's election to opt out under
5 paragraphs (1) and (2) of this subsection (1) and
6 commencing on the effective date of said opt out, the
7 account properly identified in the customer's notice under
8 paragraph (2) shall not be subject to any cost recovery
9 and shall not be eligible to participate in, or directly
10 benefit from, compliance with energy efficiency cumulative
11 persisting savings requirements under subsections (a)
12 through (j).

13 (5) A utility's cumulative persisting annual savings
14 targets will exclude any opted out load.

15 (6) The request to opt out is only valid for the
16 requested plan cycle. An eligible large private energy
17 customer must also request to opt out for future energy
18 plan cycles, otherwise the customer will be included in
19 the future energy plan cycle. For the calendar years
20 covered by a multi-year plan commencing after December 31,
21 2017, subsections (a) through (j) of this Section do not
22 apply to any retail customers of an electric utility that
23 serves more than 3,000,000 retail customers in the State
24 and whose total highest 30 minute demand was more than
25 10,000 kilowatts, or any retail customers of an electric
26 utility that serves less than 3,000,000 retail customers

1 ~~but more than 500,000 retail customers in the State and~~
2 ~~whose total highest 15 minute demand was more than 10,000~~
3 ~~kilowatts. For purposes of this subsection (1), "retail~~
4 ~~customer" has the meaning set forth in Section 16-102 of~~
5 ~~this Act. A determination of whether this subsection is~~
6 ~~applicable to a customer shall be made for each multi year~~
7 ~~plan beginning after December 31, 2017. The criteria for~~
8 ~~determining whether this subsection (1) is applicable to a~~
9 ~~retail customer shall be based on the 12 consecutive~~
10 ~~billing periods prior to the start of the first year of~~
11 ~~each such multi-year plan.~~

12 (m) Notwithstanding the requirements of this Section, as
13 part of a proceeding to approve a multi-year plan under
14 subsections (f) and (g) of this Section if the multi-year plan
15 has been designed to maximize savings, but does not meet the
16 cost cap limitations of this Section, the Commission shall
17 reduce the amount of energy efficiency measures implemented
18 for any single year, and whose costs are recovered under
19 subsection (d) of this Section, by an amount necessary to
20 limit the estimated average net increase due to the cost of the
21 measures to no more than

22 (1) 3.5% for each of the 4 years beginning January 1,
23 2018,

24 (2) (blank), ~~3.75% for each of the 4 years beginning~~
25 ~~January 1, 2022, and~~

26 (3) 4% for each of the 4 ~~5~~ years beginning January 1,

1 2022 ~~2026~~,

2 (4) 4.25% for the 4 years beginning January 1, 2026,

3 and

4 (5) 4.25% plus an increase sufficient to account for

5 the rate of inflation between January 1, 2026 and January

6 1 of the first year of each subsequent 4-year plan cycle,

7 of the average amount paid per kilowatthour by residential

8 eligible retail customers during calendar year 2015. An

9 electric utility may plan to spend up to 10% more in any year

10 during an applicable multi-year plan period to

11 cost-effectively achieve additional savings so long as the

12 average over the applicable multi-year plan period does not

13 exceed the percentages defined in items (1) through (5). To

14 determine the total amount that may be spent by an electric

15 utility in any single year, the applicable percentage of the

16 average amount paid per kilowatthour shall be multiplied by

17 the total amount of energy delivered by such electric utility

18 in the calendar year 2015, adjusted to reflect the proportion

19 of the utility's load attributable to customers that have

20 opted out of ~~who are exempt from~~ subsections (a) through (j) of

21 this Section under subsection (l) of this Section. For

22 purposes of this subsection (m), the amount paid per

23 kilowatthour includes, without limitation, estimated amounts

24 paid for supply, transmission, distribution, surcharges, and

25 add-on taxes. For purposes of this Section, "eligible retail

26 customers" shall have the meaning set forth in Section

1 16-111.5 of this Act. Once the Commission has approved a plan
2 under subsections (f) and (g) of this Section, no subsequent
3 rate impact determinations shall be made.

4 (n) A utility shall take advantage of the efficiencies
5 available through existing Illinois Home Weatherization
6 Assistance Program infrastructure and services, such as
7 enrollment, marketing, quality assurance and implementation,
8 which can reduce the need for similar services at a lower cost
9 than utility-only programs, subject to capacity constraints at
10 community action agencies, for both single-family and
11 multifamily weatherization services, to the extent Illinois
12 Home Weatherization Assistance Program CAAs provide
13 multifamily services. A utility's plan shall demonstrate that
14 in formulating annual weatherization budgets, it has sought
15 input and coordination with community action agencies
16 regarding agencies' capacity to expand and maximize Illinois
17 Home Weatherization Assistance Program delivery using the
18 ratepayer dollars collected under this Section.

19 (Source: P.A. 100-840, eff. 8-13-18; 101-81, eff. 7-12-19.)

20 (220 ILCS 5/8-201.8 new)

21 Sec. 8-201.8. Prohibition on late payment fees for
22 low-income residential customers or applicants.

23 (a) Notwithstanding any other provision of this Act, as of
24 the effective date of this amendatory Act of the 102nd General
25 Assembly, an electric utility shall not charge a low-income

1 residential customer or applicant a fee, charge, or penalty
2 for late payment of any utility bill or invoice.
3 Notwithstanding any other provision of this Act, as of January
4 1, 2023, a natural gas utility shall not charge a low-income
5 residential customer or applicant a fee, charge, or penalty
6 for late payment of any utility bill or invoice.

7 (b) As used in this Section, "low-income residential
8 customer or applicant" means: (i) a member of a household at or
9 below 80% of the latest median household income as reported by
10 the United States Census Bureau for the most applicable
11 community or county; (ii) a member of a household at or below
12 150% of the federal poverty level; (iii) a person who is
13 eligible for the Illinois Low Income Home Energy Assistance
14 Program (LIHEAP) as defined in the Energy Assistance Act; (iv)
15 a person who is eligible to participate in the Percentage of
16 Income Payment Plan (PIPP or PIP Plan) as defined in the Energy
17 Assistance Act; or (v) a person who is eligible to receive
18 Lifeline service as defined in the Universal Service Telephone
19 Service Protection Law of 1985.

20 (220 ILCS 5/8-201.10 new)

21 Sec. 8-201.10. Disconnection and credit and collections
22 reporting.

23 (a) The Commission shall require all gas, electric, water
24 and sewer public utilities under its authority to submit an
25 annual report by May 1, 2022 and every May 1 thereafter,

1 reporting and making publicly available in executable,
2 electronic spreadsheet format, by zip code, on the number of
3 disconnections for nonpayment and reconnections that occurred
4 in the immediately preceding calendar year.

5 (b) Each such public utility in its annual report shall
6 report to the Commission and make publicly available in
7 executable, electronic spreadsheet format the following
8 information, by zip code, for the immediately preceding
9 calendar year:

10 (1) the number of customers, by customer class and
11 type of utility service provided, during each month;

12 (2) the number of customers, by customer class and
13 type of utility service, receiving disconnection notices
14 during each month;

15 (3) the number of customers, by customer class and
16 type of utility service, disconnected for nonpayment
17 during each month;

18 (4) the number of customers, by customer class and
19 type of utility service, reconnected because they have
20 paid in full or set up payment arrangements during each
21 month;

22 (5) the number of new deferred payment agreements, by
23 customer class and type of utility service, each month;

24 (6) the number of customers, by customer class and
25 type of utility service, taking service at the beginning
26 of the month under existing deferred payment arrangements;

1 (7) the number of customers, by customer class and
2 type of utility service, completing deferred payment
3 arrangements during the month;

4 (8) the number of payment agreements, by customer
5 class and type of utility service, that failed during each
6 month;

7 (9) the number of customers, by customer class and
8 type of utility service, renegotiating deferred payment
9 arrangements during the month;

10 (10) the number of customers, by customer class and
11 type of utility service, assessed late payment fees or
12 charges during the month;

13 (11) the number of customers, by customer class and
14 type of utility service, taking service at the beginning
15 of the month under existing medical payment arrangements;

16 (12) the number of customers, by utility service,
17 completing medical payment arrangements during the month;

18 (13) the number of customers, by utility service,
19 enrolling in new medical payment arrangements during the
20 month;

21 (14) the number of customers, by utility service,
22 renegotiating medical payment arrangements plans during
23 the month;

24 (15) the number of customers, by customer class and
25 utility service, with required deposits with the company
26 at the beginning of the month;

1 (16) the number of customers, by customer class and
2 utility service, required to submit new deposits or
3 increased deposits during the month;

4 (17) the number of customers, by customer class and
5 utility service, whose required deposits were reduced in
6 part or forgone during the month;

7 (18) the number of customers, by customer class and
8 utility service, whose deposits were returned in full
9 during the month;

10 (19) the number of customers, by customer class and
11 utility service, with past due amounts greater than 30
12 days past due at the beginning of the month and taking
13 service at the beginning of the month under existing
14 deferred payment arrangements;

15 (20) the dollar volume of past due accounts, by
16 customer class and utility service, for customers with
17 past due amounts greater than 30 days past due at the
18 beginning of the month and taking service at the beginning
19 of the month under existing deferred payment arrangements;

20 (21) the number of customers, by customer class and
21 utility service, with past due amounts greater than 30
22 days past due at the beginning of the month and not taking
23 service at the beginning of the month under existing
24 deferred payment arrangements; and

25 (22) the dollar volume of past due accounts, by
26 customer class and utility service, for customers with

1 past due amounts greater than 30 days past due at the
2 beginning of the month and not taking service at the
3 beginning of the month under existing deferred payment
4 arrangements.

5 (c) The Commission may specify the executable, electronic
6 spreadsheet format that utilities must adhere to when
7 submitting the information required by this Section.
8 Notwithstanding the requirements of this Section, the
9 Commission may establish an online reporting system and
10 require each public utility to report using the online
11 reporting system instead of filing information in executable,
12 electronic spreadsheet format. The Commission shall make each
13 annual report submitted by each public utility publicly
14 available on its website within 30 days of receipt.

15 (d) The Commission shall require all gas, electric, water
16 and sewer public utilities under its authority to submit an
17 annual report by May 1, 2022 and every May 1 thereafter,
18 detailing the number of disconnections for nonpayment and
19 reconnections that occurred in the immediately preceding
20 calendar year.

21 (e) Each such public utility in its annual report shall
22 include the following information for the immediately
23 preceding calendar year:

24 (1) the number of customers, by customer class, during
25 each month;

26 (2) the number of customers, by customer class,

1 disconnected for nonpayment during each month;

2 (3) the number of customers, by customer class,
3 reconnected because they have paid in full or set up
4 payment arrangements during each month; and

5 (4) the number of customers, by customer class, who
6 have set up payment arrangements each month.

7 (f) The Commission shall make each annual report submitted
8 by each public utility publicly available on its website
9 within 30 days of receipt.

10 (220 ILCS 5/8-218 new)

11 Sec. 8-218. Utility-scale pilot projects.

12 (a) Electric utilities serving greater than 500,000
13 customers but less than 3,000,000 customers may propose, plan
14 for, construct, install, control, own, manage, or operate up
15 to 2 pilot projects consisting of utility-scale photovoltaic
16 energy generation facilities. Energy storage facilities that
17 are planned for, constructed, installed, controlled, owned,
18 managed, or operated may be constructed in connection with the
19 photovoltaic electricity generation pilot projects.

20 (b) Pilot projects shall be sited in equity investment
21 eligible communities in or near the towns of Peoria and East
22 St. Louis and must result in economic benefits for the members
23 of the communities in which the project will be located. The
24 amount paid per pilot project with or without energy storage
25 facilities cannot exceed \$20,000,000. The electric utility's

1 costs of planning for, constructing, installing, controlling,
2 owning, managing, or operating the photovoltaic electricity
3 generation facilities and energy storage facilities may be
4 recovered, on a kilowatt hour basis, via an automatic
5 adjustment clause tariff applicable to all retail customers,
6 with the tariff to be approved by the Commission after
7 opportunity for review, and with an annual reconciliation
8 component; and for purposes of cost recovery, the photovoltaic
9 electricity production facilities may be treated as regulatory
10 assets, using the same ratemaking treatment in paragraph (1)
11 of subsection (h) of Section 16-107.6 of this Act, provided:
12 (1) the Commission shall have the authority to determine the
13 reasonableness of the costs of the facilities, and (2) any
14 monetary value of power and energy from the facilities shall
15 be credited against the delivery services revenue requirement.

16 (c) Any electric utility seeking to propose, plan for,
17 construct, install, control, own, manage, or operate a pilot
18 project pursuant to this Section must commit to using a
19 diverse and equitable workforce and a diverse set of
20 contractors, including minority-owned businesses,
21 disadvantaged businesses, trade unions, graduates of any
22 workforce training programs established by this amendatory Act
23 of the 102nd General Assembly, and small businesses. An
24 electric utility must comply with the equity commitment
25 requirements in subsection (c-10) of Section 1-75 of the
26 Illinois Power Agency Act. The electric utility must certify

1 that not less than the prevailing wage will be paid to
2 employees engaged in construction activities associated with
3 the pilot project. The electric utility must file a project
4 labor agreement, as defined in the Illinois Power Agency Act,
5 with the Commission prior to constructing, installing,
6 controlling, or owning a pilot project authorized by this
7 Section.

8 (220 ILCS 5/8-402.2 new)

9 Sec. 8-402.2. Public Schools Carbon-Free Assessment
10 programs.

11 (a) Within one year after the effective date of this
12 amendatory Act of the 102nd General Assembly, each electric
13 utility serving over 500,000 retail customers in this State
14 shall implement a Public Schools Carbon-Free Assessment
15 program.

16 (b) Each utility's Public Schools Carbon-Free Assessment
17 program shall include the following requirements:

18 (1) Each plan shall be designed to offer within the
19 utility's service territory to assist public schools, as
20 defined by Section 1-3 of the School Code, to increase the
21 efficiency of their energy usage, to reduce the carbon
22 emissions associated with their energy usage, and to move
23 toward a goal of public schools being carbon-free in their
24 energy usage by 2030. The program shall include a target
25 of completing Public Schools Carbon-Free Assessment for

1 all public schools in the utility's service territory by
2 December 31, 2029.

3 (2) The Public Schools Carbon-Free Assessment shall be
4 a generally standardized assessment, but may incorporate
5 flexibility to reflect the circumstances of individual
6 public schools and public school districts.

7 (3) The Public Schools Carbon-Free Assessment shall
8 include, but not be limited to, comprehensive analyses of
9 the following subjects:

10 (A) The top energy efficiency savings
11 opportunities for the public school, by energy saved;

12 (B) The total achievable solar energy potential on
13 or nearby a public school's premises and able to
14 provide power to a school;

15 (C) The infrastructure required to support
16 electrification of the facility's space heating and
17 water heating needs;

18 (D) The infrastructure requirements to support
19 electrification of a school's transportation needs;
20 and

21 (E) The investments required to achieve a WELL
22 Certification or similar certification as determined
23 through methods developed and updated by the
24 International WELL Building Institute or similar or
25 successor organizations.

26 (4) The Public Schools Carbon-Free Assessment also

1 shall include, but not be limited to, mechanical
2 insulation evaluation inspection and inspection of the
3 building envelope(s).

4 (5) With respect to those public school construction
5 projects for public schools within the service territory
6 of a utility serving over 500,000 retail customers in this
7 State and for which a public school district applies for a
8 grant under Section 5-40 of the School Construction Law on
9 or after June 1, 2023, the district must submit a copy of
10 the applicable Public Schools Carbon-Free Assessment
11 report, or, if no such Public Schools Carbon-Free
12 Assessment has been performed, request the applicable
13 utility to perform such a Public Schools Carbon-Free
14 Assessment and submit a copy of the Public Schools
15 Carbon-Free Assessment report promptly when it becomes
16 available. The Public Schools Carbon-Free Assessment
17 report shall include, but not limited to, an energy audit
18 of both the building envelope and the building's
19 mechanical insulation system. It shall also include an
20 inspection of both the building envelope and the
21 mechanical insulation system. The district must
22 demonstrate how the construction project is designed and
23 managed to achieve the goals that all public elementary
24 and secondary school facilities in the State are able to
25 be powered by clean energy by 2030, and for such
26 facilities to achieve carbon-free energy sources for space

1 heat, water heat, and transportation by 2050.

2 (6) The results of each Public Schools Carbon-Free
3 Assessment shall be memorialized by the utility or by a
4 third party acting on behalf of the utility in a usable
5 report form and shall be provided to the applicable public
6 school. Each utility shall be required to retain a copy of
7 each Public Schools Carbon-Free Assessment report and to
8 provide confidential copies of each report to the Illinois
9 Power Agency and the Illinois Capital Development Board
10 within 3 months of its completion.

11 (7) The Public Schools Carbon-Free Assessment shall be
12 conducted in coordination with each utility's energy
13 efficiency and demand-response plans under Sections 8-103,
14 8-103A, and 8-103B of this Act, to the extent applicable.
15 Nothing in this Section is intended to modify or require
16 modification of those plans. However, the utility may
17 request a modification of a plan approved by the
18 Commission, and the Commission may approve the requested
19 modification, if the modification is consistent with the
20 provisions of this Section and Section 8-103B of this Act.

21 (8) If there are no other providers of assessments
22 that are substantively the same as those being performed
23 by utilities pursuant to this Section by 2024, a utility
24 that has a Public Schools Carbon-Free Assessment program
25 may offer assessments to public schools that are not
26 served by a utility subject to this Section at the

1 utility's cost.

2 (9) The Public Schools Carbon-Free Assessment shall be
3 offered to and performed for public schools in the
4 utility's service territory on a complimentary basis by
5 each utility, with no Assessment fee charged to the public
6 schools for the Assessments. Nothing in this Section is
7 intended to prohibit the utility from recovering through
8 rates approved by the Commission the utility's prudent and
9 reasonable costs of complying with this Section.

10 (10) Utilities shall make efforts to prioritize the
11 completion of Public Schools Carbon-Free Assessments for
12 the following school districts by December 31, 2022: East
13 St. Louis School District 189, Harvey School District 152,
14 Thornton Township High School District 205.

15 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

16 Sec. 8-406. Certificate of public convenience and
17 necessity.

18 (a) No public utility not owning any city or village
19 franchise nor engaged in performing any public service or in
20 furnishing any product or commodity within this State as of
21 July 1, 1921 and not possessing a certificate of public
22 convenience and necessity from the Illinois Commerce
23 Commission, the State Public Utilities Commission or the
24 Public Utilities Commission, at the time this amendatory Act
25 of 1985 goes into effect, shall transact any business in this

1 State until it shall have obtained a certificate from the
2 Commission that public convenience and necessity require the
3 transaction of such business.

4 (b) No public utility shall begin the construction of any
5 new plant, equipment, property or facility which is not in
6 substitution of any existing plant, equipment, property or
7 facility or any extension or alteration thereof or in addition
8 thereto, unless and until it shall have obtained from the
9 Commission a certificate that public convenience and necessity
10 require such construction. Whenever after a hearing the
11 Commission determines that any new construction or the
12 transaction of any business by a public utility will promote
13 the public convenience and is necessary thereto, it shall have
14 the power to issue certificates of public convenience and
15 necessity. The Commission shall determine that proposed
16 construction will promote the public convenience and necessity
17 only if the utility demonstrates: (1) that the proposed
18 construction is necessary to provide adequate, reliable, and
19 efficient service to its customers and is the least-cost means
20 of satisfying the service needs of its customers or that the
21 proposed construction will promote the development of an
22 effectively competitive electricity market that operates
23 efficiently, is equitable to all customers, and is the least
24 cost means of satisfying those objectives; (2) that the
25 utility is capable of efficiently managing and supervising the
26 construction process and has taken sufficient action to ensure

1 adequate and efficient construction and supervision thereof;
2 and (3) that the utility is capable of financing the proposed
3 construction without significant adverse financial
4 consequences for the utility or its customers.

5 (b-5) As used in this subsection (b-5):

6 "Qualifying direct current applicant" means an entity that
7 seeks to provide direct current bulk transmission service for
8 the purpose of transporting electric energy in interstate
9 commerce.

10 "Qualifying direct current project" means a high voltage
11 direct current electric service line that crosses at least one
12 Illinois border, the Illinois portion of which is physically
13 located within the region of the Midcontinent Independent
14 System Operator, Inc., or its successor organization, and runs
15 through the counties of Pike, Scott, Greene, Macoupin,
16 Montgomery, Christian, Shelby, Cumberland, and Clark, is
17 capable of transmitting electricity at voltages of 345kv or
18 above, and may also include associated interconnected
19 alternating current interconnection facilities in this State
20 that are part of the proposed project and reasonably necessary
21 to connect the project with other portions of the grid.

22 Notwithstanding any other provision of this Act, a
23 qualifying direct current applicant that does not own,
24 control, operate, or manage, within this State, any plant,
25 equipment, or property used or to be used for the transmission
26 of electricity at the time of its application or of the

1 Commission's order may file an application on or before
2 December 31, 2023 with the Commission pursuant to this Section
3 or Section 8-406.1 for, and the Commission may grant, a
4 certificate of public convenience and necessity to construct,
5 operate, and maintain a qualifying direct current project. The
6 qualifying direct current applicant may also include in the
7 application requests for authority under Section 8-503. The
8 Commission shall grant the application for a certificate of
9 public convenience and necessity and requests for authority
10 under Section 8-503 if it finds that the qualifying direct
11 current applicant and the proposed qualifying direct current
12 project satisfy the requirements of this subsection and
13 otherwise satisfy the criteria of this Section or Section
14 8-406.1 and the criteria of Section 8-503, as applicable to
15 the application and to the extent such criteria are not
16 superseded by the provisions of this subsection. The
17 Commission's order on the application for the certificate of
18 public convenience and necessity shall also include the
19 Commission's findings and determinations on the request or
20 requests for authority pursuant to Section 8-503. Prior to
21 filing its application under either this Section or Section
22 8-406.1, the qualifying direct current applicant shall conduct
23 3 public meetings in accordance with subsection (h) of this
24 Section. If the qualifying direct current applicant
25 demonstrates in its application that the proposed qualifying
26 direct current project is designed to deliver electricity to a

1 point or points on the electric transmission grid in either or
2 both the PJM Interconnection, LLC or the Midcontinent
3 Independent System Operator, Inc., or their respective
4 successor organizations, the proposed qualifying direct
5 current project shall be deemed to be, and the Commission
6 shall find it to be, for public use. If the qualifying direct
7 current applicant further demonstrates in its application that
8 the proposed transmission project has a capacity of 1,000
9 megawatts or larger and a voltage level of 345 kilovolts or
10 greater, the proposed transmission project shall be deemed to
11 satisfy, and the Commission shall find that it satisfies, the
12 criteria stated in item (1) of subsection (b) of this Section
13 or in paragraph (1) of subsection (f) of Section 8-406.1, as
14 applicable to the application, without the taking of
15 additional evidence on these criteria. Prior to the transfer
16 of functional control of any transmission assets to a regional
17 transmission organization, a qualifying direct current
18 applicant shall request Commission approval to join a regional
19 transmission organization in an application filed pursuant to
20 this subsection (b-5) or separately pursuant to Section 7-102
21 of this Act. The Commission may grant permission to a
22 qualifying direct current applicant to join a regional
23 transmission organization if it finds that the membership, and
24 associated transfer of functional control of transmission
25 assets, benefits Illinois customers in light of the attendant
26 costs and is otherwise in the public interest. Nothing in this

1 subsection (b-5) requires a qualifying direct current
2 applicant to join a regional transmission organization.
3 Nothing in this subsection (b-5) requires the owner or
4 operator of a high voltage direct current transmission line
5 that is not a qualifying direct current project to obtain a
6 certificate of public convenience and necessity to the extent
7 it is not otherwise required by this Section 8-406 or any other
8 provision of this Act.

9 (c) After the effective date of this amendatory Act of
10 1987, no construction shall commence on any new nuclear power
11 plant to be located within this State, and no certificate of
12 public convenience and necessity or other authorization shall
13 be issued therefor by the Commission, until the Director of
14 the Illinois Environmental Protection Agency finds that the
15 United States Government, through its authorized agency, has
16 identified and approved a demonstrable technology or means for
17 the disposal of high level nuclear waste, or until such
18 construction has been specifically approved by a statute
19 enacted by the General Assembly.

20 As used in this Section, "high level nuclear waste" means
21 those aqueous wastes resulting from the operation of the first
22 cycle of the solvent extraction system or equivalent and the
23 concentrated wastes of the subsequent extraction cycles or
24 equivalent in a facility for reprocessing irradiated reactor
25 fuel and shall include spent fuel assemblies prior to fuel
26 reprocessing.

1 (d) In making its determination, the Commission shall
2 attach primary weight to the cost or cost savings to the
3 customers of the utility. The Commission may consider any or
4 all factors which will or may affect such cost or cost savings,
5 including the public utility's engineering judgment regarding
6 the materials used for construction.

7 (e) The Commission may issue a temporary certificate which
8 shall remain in force not to exceed one year in cases of
9 emergency, to assure maintenance of adequate service or to
10 serve particular customers, without notice or hearing, pending
11 the determination of an application for a certificate, and may
12 by regulation exempt from the requirements of this Section
13 temporary acts or operations for which the issuance of a
14 certificate will not be required in the public interest.

15 A public utility shall not be required to obtain but may
16 apply for and obtain a certificate of public convenience and
17 necessity pursuant to this Section with respect to any matter
18 as to which it has received the authorization or order of the
19 Commission under the Electric Supplier Act, and any such
20 authorization or order granted a public utility by the
21 Commission under that Act shall as between public utilities be
22 deemed to be, and shall have except as provided in that Act the
23 same force and effect as, a certificate of public convenience
24 and necessity issued pursuant to this Section.

25 No electric cooperative shall be made or shall become a
26 party to or shall be entitled to be heard or to otherwise

1 appear or participate in any proceeding initiated under this
2 Section for authorization of power plant construction and as
3 to matters as to which a remedy is available under The Electric
4 Supplier Act.

5 (f) Such certificates may be altered or modified by the
6 Commission, upon its own motion or upon application by the
7 person or corporation affected. Unless exercised within a
8 period of 2 years from the grant thereof authority conferred
9 by a certificate of convenience and necessity issued by the
10 Commission shall be null and void.

11 No certificate of public convenience and necessity shall
12 be construed as granting a monopoly or an exclusive privilege,
13 immunity or franchise.

14 (g) A public utility that undertakes any of the actions
15 described in items (1) through (3) of this subsection (g) or
16 that has obtained approval pursuant to Section 8-406.1 of this
17 Act shall not be required to comply with the requirements of
18 this Section to the extent such requirements otherwise would
19 apply. For purposes of this Section and Section 8-406.1 of
20 this Act, "high voltage electric service line" means an
21 electric line having a design voltage of 100,000 or more. For
22 purposes of this subsection (g), a public utility may do any of
23 the following:

24 (1) replace or upgrade any existing high voltage
25 electric service line and related facilities,
26 notwithstanding its length;

1 (2) relocate any existing high voltage electric
2 service line and related facilities, notwithstanding its
3 length, to accommodate construction or expansion of a
4 roadway or other transportation infrastructure; or

5 (3) construct a high voltage electric service line and
6 related facilities that is constructed solely to serve a
7 single customer's premises or to provide a generator
8 interconnection to the public utility's transmission
9 system and that will pass under or over the premises owned
10 by the customer or generator to be served or under or over
11 premises for which the customer or generator has secured
12 the necessary right of way.

13 (h) A public utility seeking to construct a high-voltage
14 electric service line and related facilities (Project) must
15 show that the utility has held a minimum of 2 pre-filing public
16 meetings to receive public comment concerning the Project in
17 each county where the Project is to be located, no earlier than
18 6 months prior to filing an application for a certificate of
19 public convenience and necessity from the Commission. Notice
20 of the public meeting shall be published in a newspaper of
21 general circulation within the affected county once a week for
22 3 consecutive weeks, beginning no earlier than one month prior
23 to the first public meeting. If the Project traverses 2
24 contiguous counties and where in one county the transmission
25 line mileage and number of landowners over whose property the
26 proposed route traverses is one-fifth or less of the

1 transmission line mileage and number of such landowners of the
2 other county, then the utility may combine the 2 pre-filing
3 meetings in the county with the greater transmission line
4 mileage and affected landowners. All other requirements
5 regarding pre-filing meetings shall apply in both counties.
6 Notice of the public meeting, including a description of the
7 Project, must be provided in writing to the clerk of each
8 county where the Project is to be located. A representative of
9 the Commission shall be invited to each pre-filing public
10 meeting.

11 (i) For applications filed after the effective date of
12 this amendatory Act of the 99th General Assembly, the
13 Commission shall by registered mail notify each owner of
14 record of land, as identified in the records of the relevant
15 county tax assessor, included in the right-of-way over which
16 the utility seeks in its application to construct a
17 high-voltage electric line of the time and place scheduled for
18 the initial hearing on the public utility's application. The
19 utility shall reimburse the Commission for the cost of the
20 postage and supplies incurred for mailing the notice.

21 (Source: P.A. 99-399, eff. 8-18-15.)

22 (220 ILCS 5/8-512 new)

23 Sec. 8-512. Renewable energy access plan.

24 (a) It is the policy of this State to promote
25 cost-effective transmission system development that ensures

1 reliability of the electric transmission system, lowers carbon
2 emissions, minimizes long-term costs for consumers, and
3 supports the electric policy goals of this State. The General
4 Assembly finds that:

5 (1) Transmission planning, primarily for reliability
6 purposes, but also for economic and public policy reasons
7 is conducted by regional transmission organizations in
8 which transmission-owning Illinois utilities and other
9 stakeholders are members.

10 (2) Order No. 1000 of the Federal Energy Regulatory
11 Commission requires regional transmission organizations to
12 plan for transmission system needs in light of State
13 public policies and to accept input from states during the
14 transmission system planning processes.

15 (3) The State of Illinois does not currently have a
16 comprehensive power and environmental policy planning
17 process to identify transmission infrastructure needs that
18 can serve as a vital input into the regional and
19 interregional transmission organization planning
20 processes conducted under Order No. 1000 and other laws
21 and regulations.

22 (4) This State is an electricity generation and power
23 transmission hub, and can leverage that position to invest
24 in infrastructure that enables new and existing Illinois
25 generators to meet the public policy goals of the State of
26 Illinois and of interconnected states while

1 cost-effectively supporting tens of thousands of jobs in
2 the renewable energy sector in this State.

3 (5) The nation has a need to readily access this
4 State's low-cost, clean electric power, and this State
5 also desires access to clean energy resources in other
6 states to develop and support its low-carbon economy and
7 keep electricity prices low in Illinois and interconnected
8 States.

9 (6) Existing transmission infrastructure may constrain
10 the State's achievement of 100% renewable energy by 2050,
11 the accelerated adoption of electric vehicles in a just
12 and equitable way, and electrification of additional
13 sectors of the Illinois economy.

14 (7) Transmission system congestion within this State
15 and the regional transmission organizations serving this
16 State limits the ability of this State's existing and new
17 electric generation facilities that do not emit carbon
18 dioxide, including renewable energy resources and zero
19 emission facilities, to serve the public policy goals of
20 this State and other states, which constrains investment
21 in this State.

22 (8) Investment in infrastructure to support existing
23 and new electric generation facilities that do not emit
24 carbon dioxide, including renewable energy resources and
25 zero emission facilities, stimulates significant economic
26 development and job growth in this State, as well as

1 creates environmental and public health benefits in this
2 State.

3 (9) Creating a forward-looking plan for this State's
4 electric transmission infrastructure, as opposed to
5 relying on case-by-case development and repeated marginal
6 upgrades, will achieve a lower-cost system for Illinois'
7 electricity customers. A forward-looking plan can also
8 help integrate and achieve a comprehensive set of
9 objectives and multiple state, regional, and national
10 policy goals.

11 (10) Alternatives to overhead electric transmission
12 lines can achieve cost-effective resolution of system
13 impacts and warrant investigation of the circumstances
14 under which those alternatives should be considered and
15 approved. The alternatives are likely to be beneficial as
16 investment in electric transmission infrastructure moves
17 forward.

18 (11) Because transmission planning is conducted
19 primarily by the regional transmission organizations, the
20 Commission should be advocating for the State's interests
21 at the regional transmission organizations to ensure that
22 such planning facilitates the State's policies and goals,
23 including overall consumer savings, power system
24 reliability, economic development, environmental
25 improvement, and carbon reduction.

26 (b) Consistent with the findings identified in subsection

1 (a), the Commission shall open an investigation to develop and
2 adopt a renewable energy access plan no later than December
3 31, 2022. To assist and support the Commission in the
4 development of the plan, the Commission shall retain the
5 services of technical and policy experts with relevant fields
6 of expertise, solicit technical and policy analysis from the
7 public, and provide for a 120-day open public comment period
8 after publication of a draft report, which shall be published
9 no later than 90 days after the comment period ends. The plan
10 shall, at a minimum, do the following:

11 (1) designate renewable energy access plan zones
12 throughout this State in areas in which renewable energy
13 resources and suitable land areas are sufficient for
14 developing generating capacity from renewable energy
15 technologies;

16 (2) develop a plan to achieve transmission capacity
17 necessary to deliver the electric output from renewable
18 energy technologies in the renewable energy access plan
19 zones to customers in Illinois and other states in a
20 manner that is most beneficial and cost-effective to
21 customers;

22 (3) use this State's position as an electricity
23 generation and power transmission hub to create new
24 investment in this State's renewable energy resources;

25 (4) consider programs, policies, and electric
26 transmission projects that can be adopted within this

1 State that promote the cost-effective delivery of power
2 from renewable energy resources interconnected to the bulk
3 electric system to meet the renewable portfolio standard
4 targets under subsection (c) of Section 1-75 of the
5 Illinois Power Agency Act;

6 (5) consider proposals to improve regional
7 transmission organizations' regional and interregional
8 system planning processes, especially proposals that
9 reduce costs and emissions, create jobs, and increase
10 State and regional power system reliability to prevent
11 high-cost outages that can endanger lives, and analyze of
12 how those proposals would improve reliability and
13 cost-effective delivery of electricity in Illinois and the
14 region;

15 (6) make findings and policy recommendations based on
16 technical and policy analysis regarding locations of
17 renewable energy access plan zones and the transmission
18 system developments needed to cost-effectively achieve the
19 public policy goals identified herein; and

20 (7) present the Commission's conclusions and proposed
21 recommendations based on its analysis and use the findings
22 and policy recommendations to determine actions that the
23 Commission should take.

24 (c) No later than December 31, 2025, and every other year
25 thereafter, the Commission shall open an investigation to
26 develop and adopt an updated renewable energy access plan

1 that, at a minimum, evaluates the implementation and
2 effectiveness of the renewable energy access plan, recommends
3 improvements to the renewable energy access plan, and provides
4 changes to transmission capacity necessary to deliver electric
5 output from the renewable energy access plan zones.

6 (220 ILCS 5/9-228 new)

7 Sec. 9-228. Limits on public utility expenses. The
8 Commission shall not consider any of the following as an
9 expense of any public utility company, including any
10 allocation of those costs to the public utility from an
11 affiliate or corporate parent, for the purpose of determining
12 any rate or charge, any amount expended for:

13 (1) the pension or other post-employment benefits for
14 an employee convicted of committing a criminal act in the
15 course of his or her work with the utility;

16 (2) any severance or post-employment costs for an
17 employee convicted of committing a criminal act in the
18 course of his or her work with the utility; or

19 (3) criminal penalties, fines, fees, and costs related
20 to criminal charges, criminal investigations, or deferred
21 prosecution agreements.

22 (220 ILCS 5/9-229)

23 Sec. 9-229. Consideration of attorney and expert
24 compensation as an expense and intervenor compensation fund.

1 (a) The Commission shall specifically assess the justness
2 and reasonableness of any amount expended by a public utility
3 to compensate attorneys or technical experts to prepare and
4 litigate a general rate case filing. This issue shall be
5 expressly addressed in the Commission's final order.

6 (b) The State of Illinois shall create a Consumer
7 Intervenor Compensation Fund subject to the following:

8 (1) Provision of compensation for Consumer Interest
9 Representatives that intervene in Illinois Commerce
10 Commission proceedings will increase public engagement,
11 encourage additional transparency, expand the information
12 available to the Commission, and improve decision-making.

13 (2) As used in this Section, "Consumer interest
14 representative" means:

15 (A) a residential utility customer or group of
16 residential utility customers represented by a
17 not-for-profit group or organization registered with
18 the Illinois Attorney General under the Solicitation
19 of Charity Act;

20 (B) representatives of not-for-profit groups or
21 organizations whose membership is limited to
22 residential utility customers; or

23 (C) representatives of not-for-profit groups or
24 organizations whose membership includes Illinois
25 residents and that address the community, economic,
26 environmental, or social welfare of Illinois

1 residents, except government agencies or intervenors
2 specifically authorized by Illinois law to participate
3 in Commission proceedings on behalf of Illinois
4 consumers.

5 (3) A consumer interest representative is eligible to
6 receive compensation from the consumer intervenor
7 compensation fund if its participation included lay or
8 expert testimony or legal briefing and argument concerning
9 the expenses, investments, rate design, rate impact, or
10 other matters affecting the pricing, rates, costs or other
11 charges associated with utility service, the Commission
12 adopts a material recommendation related to a significant
13 issue in the docket, and participation caused a
14 significant financial hardship to the participant;
15 however, no consumer interest representative shall be
16 eligible to receive an award pursuant to this Section if
17 the consumer interest representative receives any
18 compensation, funding, or donations, directly or
19 indirectly, from parties that have a financial interest in
20 the outcome of the proceeding.

21 (4) Within 30 days after the effective date of this
22 amendatory Act of the 102nd General Assembly, each utility
23 that files a request for an increase in rates under
24 Article IX or Article XVI shall deposit an amount equal to
25 one half of the rate case attorney and expert expense
26 allowed by the Commission, but not to exceed \$500,000,

1 into the fund within 35 days of the date of the
2 Commission's final Order in the rate case or 20 days after
3 the denial of rehearing under Section 10-113 of this Act,
4 whichever is later. The Consumer Intervenor Compensation
5 Fund shall be used to provide payment to consumer interest
6 representatives as described in this Section.

7 (5) An electric public utility with 3,000,000 or more
8 retail customers shall contribute \$450,000 to the Consumer
9 Intervenor Compensation Fund within 60 days after the
10 effective date of this amendatory Act of the 102nd General
11 Assembly. A combined electric and gas public utility
12 servicing fewer than 3,000,000 but more than 500,000 retail
13 customers shall contribute \$225,000 to the Consumer
14 Intervenor Compensation Fund within 60 days after the
15 effective date of this amendatory Act of the 102nd General
16 Assembly. A gas public utility with 1,500,000 or more
17 retail customers that is not a combined electric and gas
18 public utility shall contribute \$225,000 to the Consumer
19 Intervenor Compensation Fund within 60 days after the
20 effective date of this amendatory Act of the 102nd General
21 Assembly. A gas public utility with fewer than 1,500,000
22 retail customers but more than 300,000 retail customers
23 that is not a combined electric and gas public utility
24 shall contribute \$80,000 to the Consumer Intervenor
25 Compensation Fund within 60 days after the effective date
26 of this amendatory Act of the 102nd General Assembly. A

1 gas public utility with fewer than 300,000 retail
2 customers that is not a combined electric and gas public
3 utility shall contribute \$20,000 to the Consumer
4 Intervenor Compensation Fund within 60 days after the
5 effective date of this amendatory Act of the 102nd General
6 Assembly. A combined electric and gas public utility
7 serving fewer than 500,000 retail customers shall
8 contribute \$20,000 to the Consumer Intervenor Compensation
9 Fund within 60 days after the effective date of this
10 amendatory Act of the 102nd General Assembly. A water or
11 sewer public utility serving more than 100,000 retail
12 customers shall contribute \$80,000, and a water or sewer
13 public utility serving fewer than 100,000 but more than
14 10,000 retail customers shall contribute \$20,000.

15 (6) (A) Prior to the entry of a Final Order in a
16 docketed case, the Commission Administrator shall provide
17 a payment to a consumer interest representative that
18 demonstrates through a verified application for funding
19 that the consumer interest representative's participation
20 or intervention without an award of fees or costs imposes
21 a significant financial hardship based on a schedule to be
22 developed by the Commission. The Administrator may require
23 verification of costs incurred, including statements of
24 hours spent, as a condition to paying the consumer
25 interest representative prior to the entry of a Final
26 Order in a docketed case.

1 (B) If the Commission adopts a material recommendation
2 related to a significant issue in the docket and
3 participation caused a financial hardship to the
4 participant, then the consumer interest representative
5 shall be allowed payment for some or all of the consumer
6 interest representative's reasonable attorney's or
7 advocate's fees, reasonable expert witness fees, and other
8 reasonable costs of preparation for and participation in a
9 hearing or proceeding. Expenses related to travel or meals
10 shall not be compensable.

11 (C) The consumer interest representative shall submit
12 an itemized request for compensation to the Consumer
13 Intervenor Compensation Fund, including the advocate's or
14 attorney's reasonable fee rate, the number of hours
15 expended, reasonable expert and expert witness fees, and
16 other reasonable costs for the preparation for and
17 participation in the hearing and briefing within 30 days
18 of the Commission's final order after denial or decision
19 on rehearing, if any.

20 (7) Administration of the Fund.

21 (A) The Consumer Intervenor Compensation Fund is
22 created as a special fund in the State treasury. All
23 disbursements from the Consumer Intervenor Compensation
24 Fund shall be made only upon warrants of the Comptroller
25 drawn upon the Treasurer as custodian of the Fund upon
26 vouchers signed by the Executive Director of the

1 Commission or by the person or persons designated by the
2 Director for that purpose. The Comptroller is authorized
3 to draw the warrant upon vouchers so signed. The Treasurer
4 shall accept all warrants so signed and shall be released
5 from liability for all payments made on those warrants.
6 The Consumer Intervenor Compensation Fund shall be
7 administered by an Administrator that is a person or
8 entity that is independent of the Commission. The
9 administrator will be responsible for the prudent
10 management of the Consumer Intervenor Compensation Fund
11 and for recommendations for the award of consumer
12 intervenor compensation from the Consumer Intervenor
13 Compensation Fund. The Commission shall issue a request
14 for qualifications for a third-party program administrator
15 to administer the Consumer Intervenor Compensation Fund.
16 The third-party administrator shall be chosen through a
17 competitive bid process based on selection criteria and
18 requirements developed by the Commission. The Illinois
19 Procurement Code does not apply to the hiring or payment
20 of the Administrator. All Administrator costs may be paid
21 for using monies from the Consumer Intervenor Compensation
22 Fund, but the Program Administrator shall strive to
23 minimize costs in the implementation of the program.

24 (B) The computation of compensation awarded from the
25 fund shall take into consideration the market rates paid
26 to persons of comparable training and experience who offer

1 similar services, but may not exceed the comparable market
2 rate for services paid by the public utility as part of its
3 rate case expense.

4 (C) (1) Recommendations on the award of compensation by
5 the administrator shall include consideration of whether
6 the Commission adopted a material recommendation related
7 to a significant issue in the docket and whether
8 participation caused a financial hardship to the
9 participant and the payment of compensation is fair, just
10 and reasonable.

11 (2) Recommendations on the award of compensation by
12 the administrator shall be submitted to the Commission for
13 approval. Unless the Commission initiates an investigation
14 within 45 days after the notice to the Commission, the
15 award of compensation shall be allowed 45 days after
16 notice to the Commission. Such notice shall be given by
17 filing with the Commission on the Commission's e-docket
18 system, and keeping open for public inspection the award
19 for compensation proposed by the Administrator. The
20 Commission shall have power, and it is hereby given
21 authority, either upon complaint or upon its own
22 initiative without complaint, at once, and if it so
23 orders, without answer or other formal pleadings, but upon
24 reasonable notice, to enter upon a hearing concerning the
25 propriety of the award.

26 (c) The Commission may adopt rules to implement this

1 Section.

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

3 (220 ILCS 5/9-241) (from Ch. 111 2/3, par. 9-241)

4 Sec. 9-241. No public utility shall, as to rates or other
5 charges, services, facilities or in other respect, make or
6 grant any preference or advantage to any corporation or person
7 or subject any corporation or person to any prejudice or
8 disadvantage. No public utility shall establish or maintain
9 any unreasonable difference as to rates or other charges,
10 services, facilities, or in any other respect, either as
11 between localities or as between classes of service.

12 However, nothing in this Section shall be construed as
13 limiting the authority of the Commission to permit the
14 establishment of economic development rates as incentives to
15 economic development either in enterprise zones as designated
16 by the State of Illinois or in other areas of a utility's
17 service area. Such rates should be available to existing
18 businesses which demonstrate an increase to existing load as
19 well as new businesses which create new load for a utility so
20 as to create a more balanced utilization of generating
21 capacity. The Commission shall ensure that such rates are
22 established at a level which provides a net benefit to
23 customers within a public utility's service area.

24 On or before January 1, 2023, the Commission shall conduct
25 a comprehensive study to assess whether low-income discount

1 rates for electric and natural gas residential customers are
2 appropriate and the potential design and implementation of any
3 such rates. The Commission shall include its findings,
4 together with the appropriate recommendations, in a report to
5 be provided to the General Assembly. Upon completion of the
6 study, the Commission shall have the authority to permit or
7 require electric and natural gas utilities to file a tariff
8 establishing low-income discount rates.

9 Such study shall assess, at a minimum, the following:

10 (1) customer eligibility requirements, including
11 income-based eligibility and eligibility based on
12 participation in or eligibility for certain public
13 assistance programs;

14 (2) appropriate rate structures, including
15 consideration of tiered discounts for different income
16 levels;

17 (3) appropriate recovery mechanisms, including the
18 consideration of volumetric charges and customer charges;

19 (4) appropriate verification mechanisms;

20 (5) measures to ensure customer confidentiality and
21 data safeguards;

22 (6) outreach and consumer education procedures; and

23 (7) the impact that a low-income discount rate would
24 have on the affordability of delivery service to
25 low-income customers and customers overall.

26 The Commission shall adopt rules requiring utility

1 companies to produce information, in the form of a mailing,
2 and other approved methods of distribution, to its consumers,
3 to inform the consumers of available rebates, discounts,
4 credits, and other cost-saving mechanisms that can help them
5 lower their monthly utility bills, and send out such
6 information semi-annually, unless otherwise provided by this
7 Article.

8 Prior to October 1, 1989, no public utility providing
9 electrical or gas service shall consider the use of solar or
10 other nonconventional renewable sources of energy by a
11 customer as a basis for establishing higher rates or charges
12 for any service or commodity sold to such customer; nor shall a
13 public utility subject any customer utilizing such energy
14 source or sources to any other prejudice or disadvantage on
15 account of such use. No public utility shall without the
16 consent of the Commission, charge or receive any greater
17 compensation in the aggregate for a lesser commodity, product,
18 or service than for a greater commodity, product or service of
19 like character.

20 The Commission, in order to expedite the determination of
21 rate questions, or to avoid unnecessary and unreasonable
22 expense, or to avoid unjust or unreasonable discrimination
23 between classes of customers, or, whenever in the judgment of
24 the Commission public interest so requires, may, for rate
25 making and accounting purposes, or either of them, consider
26 one or more municipalities either with or without the adjacent

1 or intervening rural territory as a regional unit where the
2 same public utility serves such region under substantially
3 similar conditions, and may within such region prescribe
4 uniform rates for consumers or patrons of the same class.

5 Any public utility, with the consent and approval of the
6 Commission, may as a basis for the determination of the
7 charges made by it classify its service according to the
8 amount used, the time when used, the purpose for which used,
9 and other relevant factors.

10 (Source: P.A. 91-357, eff. 7-29-99.)

11 (220 ILCS 5/16-105.5 new)

12 Sec. 16-105.5. Rate case filing and revenue-neutral rate
13 design.

14 (a) An electric utility that files a general rate case
15 pursuant to Section 9-201 of this Act or a Multi-Year Rate Plan
16 pursuant to Section 16-108.18 of this Act may omit the rate
17 design component of such filing and subsequently separately
18 file this component with the Commission, subject to the
19 requirements of subsections (b) and (c) of this Section.

20 (b) If the electric utility makes the election described
21 in this Section, then the filing shall be consistent with the
22 rate design and cost allocation across customer classes
23 approved in the Commission's most recent order regarding the
24 electric utility's request for a general adjustment to its
25 rates entered under Section 9-201, subsection (e) of Section

1 16-108.5, or Section 16-108.18 of this Act, as applicable.

2 (c) If the electric utility makes the election described
3 in this Section, then the following provisions apply to the
4 separate filing of the revenue-neutral rate design component:

5 (1) No later than one year after the tariffs
6 implementing the general rate case filing or Multi-year
7 Rate Plan filing, as described in subsection (b) of this
8 Section, are placed into effect, the electric utility
9 shall make a filing with the Commission that proposes
10 changes to the tariffs to incorporate the findings of any
11 final rate design orders of the Commission applicable to
12 the electric utility and entered subsequent to the
13 Commission's approval of the tariffs. If no such orders
14 have been entered, then the electric utility must submit
15 its separate revenue-neutral rate design filing no later
16 than 3 years after the date on which the Commission's most
17 recent final rate design order was entered for the
18 electric utility. The electric utility's separate
19 revenue-neutral rate design filing may either propose
20 revenue-neutral tariff changes or refile the existing
21 tariffs without change, which shall present the Commission
22 with an opportunity to suspend the tariffs and consider
23 revenue-neutral tariff changes related to rate design. The
24 Commission shall, after notice and hearing, enter its
25 order approving, or approving with modification, the
26 proposed changes to the tariffs within 240 days after the

1 electric utility's filing. Any changes ordered by the
2 Commission shall become effective at the commencement of
3 the first January monthly billing period that begins no
4 earlier than 30 days after the Commission issues its order
5 adopting such changes.

6 (2) Following Commission approval under paragraph (1)
7 of this subsection (c), the electric utility shall make a
8 filing with the Commission during each subsequent 3-year
9 period that either proposes revenue-neutral tariff changes
10 or refiles the existing tariffs without change, which
11 shall present the Commission with an opportunity to
12 suspend the tariffs and consider revenue-neutral tariff
13 changes related to rate design. The requirements of this
14 paragraph (2) shall terminate at the time that the
15 electric utility files a general rate case or Multi-Year
16 Rate Plan that includes the rate design component.

17 (220 ILCS 5/16-105.6 new)

18 Sec. 16-105.6. Amortization of charges or credits.

19 (a) It is in the public interest to mitigate the customer
20 bill impacts of large expenses incurred by electric utilities
21 by directing that expenses exceeding the applicable threshold
22 specified in this Section be amortized over the prescribed
23 period. Such amortization will levelize customer bill impacts
24 and, in many instances, better align the period of cost
25 recovery with the period over which customers receive the

1 benefit of the expenditure. Accordingly, an electric utility
2 that files a general rate increase under Section 9-201 of this
3 Act or a Multi-Year Rate Plan under Section 16-108.18 of this
4 Act shall amortize, over a 5-year period, each charge or
5 credit that exceeds the applicable amount identified in
6 subsection (b) of this Section and that relates to (1) a
7 workforce reduction program's severance costs; (2) changes in
8 accounting rules; (3) changes in law; (4) compliance with any
9 Commission-initiated audit; and (5) a single storm or weather
10 system, or other similar expense.

11 Any unamortized balance shall be reflected in rate base.

12 In this Section, "changes in law" includes any enactment,
13 repeal, or amendment in a law, ordinance, rule, regulation,
14 interpretation, permit, license, consent, or order, including
15 those relating to taxes, accounting, or environmental matters,
16 or in the interpretation or application thereof by any
17 governmental authority occurring after the effective date of
18 this amendatory Act of the 102nd General Assembly.

19 Nothing in this Section is intended to prohibit the
20 Commission from reviewing the prudence and reasonableness of
21 the costs amortized pursuant to this Section.

22 (b) An electric utility that serves more than 3,000,000
23 customers in the State shall amortize the full amount of each
24 charge or credit described in subsection (a) of this Section
25 that exceeds \$10,000,000 in the applicable calendar year, and
26 an electric utility that serves less than 3,000,000 customers

1 in the State shall amortize the full amount of each such charge
2 or credit that exceeds \$3,700,000 in the applicable calendar
3 year.

4 (220 ILCS 5/16-105.7 new)

5 Sec. 16-105.7. Revenue balancing adjustments.

6 (a) It is in the public interest to decouple electric
7 utility sales and revenues, to mitigate the impact on
8 utilities of energy savings goals, to mitigate a utility's
9 disincentive to promote energy efficiency, and to recognize
10 changes in sales attributable to weather, electric vehicles
11 and other electrification, adoption of distributed energy
12 resources, and other volatile or uncontrollable factors
13 without adversely affecting utility customers.

14 (b) For the purposes of this Section, "reconciliation
15 period" means a period beginning with the January monthly
16 billing period and extending through the December monthly
17 billing period of the same calendar year.

18 (c) As set forth in subsection (d) of this Section, the
19 Commission shall approve a tariff by which distribution
20 revenues shall be compared annually to the revenue requirement
21 or requirements approved by the Commission on which the rates
22 giving rise to those revenues were based to prevent
23 undercollections or overcollections. An electric utility shall
24 submit an annual revenue balancing reconciliation report to
25 the Commission reflecting the difference between the actual

1 delivery service revenue and multi-year rate case revenue
2 requirement for the applicable reconciliation and identifying
3 the charges or credits to be applied thereafter. Such
4 reconciliation and calculation of associated charges or
5 credits shall be conducted on a customer class basis. The
6 annual revenue balancing reconciliation report shall be filed
7 with the Commission no later than March 20 of the year
8 following a reconciliation period. The Commission may initiate
9 a review of the revenue balancing reconciliation report each
10 year to determine if any subsequent adjustment is necessary to
11 align actual delivery service revenue and rate case revenue
12 requirement. If the Commission elects to initiate such review,
13 the Commission shall, after notice and hearing, enter an order
14 approving, or approving as modified, such revenue balancing
15 reconciliation report no later than 120 days after the utility
16 files its report with the Commission. If the Commission does
17 not initiate such a review, the revenue balancing
18 reconciliation report and the identified charges or credits
19 shall be deemed accepted and approved 120 days after the
20 utility files the report and shall not be subject to review in
21 any other proceeding. Any balancing adjustment shall take
22 effect during the following January monthly billing period.

23 (d) Each electric utility shall file a tariff in
24 compliance with the provisions of this Section within 120 days
25 after the effective date of this amendatory Act of the 102nd
26 General Assembly. The Commission shall approve the tariff if

1 it finds that it is consistent with the provisions of the
2 Section. If the Commission does not so find, it shall approve
3 the tariff with modification to conform it to the requirements
4 of this Section or otherwise reject the tariff and explain how
5 the utility can modify the tariff and refile to comply with the
6 requirements of this Section.

7 (220 ILCS 5/16-105.10 new)

8 Sec. 16-105.10. Independent baseline assessment.

9 (a) Prior to the filing of the initial Multi-Year
10 Integrated Grid Plan described in Section 16-105.17 of this
11 Act, the General Assembly finds that an independent audit of
12 the current state of the grid, and of the expenditures made
13 since 2012, will need to be made.

14 Specifically, the General Assembly finds:

15 (1) Pursuant to the Energy Infrastructure
16 Modernization Act and subsequent clarifying legislation,
17 electric utilities in this State that serve over 300,000
18 retail customers have made substantial investments in the
19 grid and advanced metering infrastructure.

20 (2) Before a Multi-Year Integrated Grid Plan is filed
21 under Section 16-105.17, it is necessary to understand the
22 benefits of these investments to the grid and to customers
23 and to evaluate the current condition of the distribution
24 grid.

25 (3) It is also necessary for electric utilities, the

1 Commission, and stakeholders to have an independently
2 verified set of data to establish the baseline for future
3 distribution grid spending.

4 (4) The Commission has authority to order and
5 implement the requirements of this Section under Section
6 8-102 of this Act.

7 (b) Terms used in this Section have the meanings given to
8 those terms in Sections 16-102, 16-107.6, and 16-108 of this
9 Act.

10 (c) Within 30 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, the Commission
12 shall issue an order initiating an audit of each electric
13 utility serving over 300,000 retail customers in the State,
14 which shall examine the following:

15 (1) An assessment of the distribution grid, as
16 described in paragraph (2) of subsection (a) of this
17 Section. The Commission shall have the authority to
18 require additional items which it deems necessary.

19 (2) An analysis of the utility's capital projects
20 placed into service in the preceding 9 years, including,
21 but not limited to, assessing the value of deploying
22 advanced metering infrastructure to modernize and optimize
23 the grid and deliver value to customers.

24 (3) An analysis of the utility's initiatives to
25 optimize the reliability and resiliency of the grid, other
26 than through capital spending.

1 (4) Creation of a data baseline to inform the
2 beginning of the multi-year integrated grid planning
3 process described in Section 16-105.17 of this Act.

4 (5) Identification of any deficiencies in data which
5 may impact the planning process.

6 (d) It is contemplated that the auditor will utilize
7 materials filed with the Commission by the utilities with
8 respect to their expenditures in the preceding 9 years;
9 however, the auditor may also, with Commission approval,
10 assess other information deemed necessary to make its report.

11 (e) The results of the audit described in this Section
12 shall be reflected in a report delivered to the Commission,
13 describing the information specified in this Section. Such
14 report is to be delivered no later than 180 days after the
15 Commission enters its order pursuant to subsection (c) of this
16 Section. It is understood that any public report may not
17 contain items that are confidential or proprietary.

18 (f) The costs of an electric utility's audit described in
19 this Section shall not exceed \$500,000 and shall be paid for by
20 the electric utility that is the subject of the audit. Such
21 costs shall be a recoverable expense.

22 (g) The Commission shall have the authority to retain the
23 services of an auditor to assist with the distribution
24 planning process, as well as in docketed proceedings. Such
25 expenses for these activities shall also be borne by the
26 Commission.

1 (220 ILCS 5/16-105.17 new)

2 Sec. 16-105.17. Multi-Year Integrated Grid Plan.

3 (a) The General Assembly finds that ensuring alignment of
4 regulated utility operations, expenditures, and investments
5 with public benefit goals, including safety, reliability,
6 resiliency, affordability, equity, emissions reductions, and
7 expansion of clean distributed energy resources, is critical
8 to maximizing the benefits of the interconnected utility grid
9 and cost-effective utility expenditures on the grid. It is the
10 policy of the State to promote inclusive, comprehensive,
11 transparent, cost-effective distribution system planning and
12 disclosures processes that minimize long-term costs for
13 Illinois customers and support the achievement of State
14 renewable energy development and other clean energy, public
15 health, and environmental policy goals. Utility distribution
16 system expenditures, programs, investments, and policies must
17 be evaluated in coordination with these goals. In particular,
18 the General Assembly finds that:

19 (1) Investment in infrastructure to support and enable
20 existing and new distributed energy resources creates
21 significant economic development, environmental, and
22 public health benefits in the State.

23 (2) Illinois' electricity distribution system must
24 cost-effectively integrate renewable energy resources,
25 including utility-scale renewable energy resources,

1 community renewable generation, and distributed renewable
2 energy resources, support beneficial electrification,
3 including electric vehicle use and adoption, promote
4 opportunities for third-party investment in
5 nontraditional, grid-related technologies and resources
6 such as batteries, solar photovoltaic panels, and smart
7 thermostats, reduce energy usage generally and especially
8 during times of greatest reliance on fossil fuels, and
9 enhance customer engagement opportunities.

10 (3) Inclusive distribution system planning is an
11 essential tool for the Commission, public utilities, and
12 stakeholders to effectively coordinate environmental,
13 consumer, reliability, and equity goals at fair and
14 reasonable costs, and for ensuring transparent utility
15 accountability for meeting those goals.

16 (4) Any planning process should advance Illinois
17 energy policy goals while ensuring utility investments are
18 cost-effective. Such a process should maximize the sharing
19 of information, minimize overlap with existing filing
20 requirements to ensure robust stakeholder participation,
21 and recognize the responsibility of the utility to manage
22 the grid in a safe, reliable manner.

23 (5) The General Assembly is concerned that, in the
24 absence of a transparent, meaningful distribution system
25 planning process, utility investments may not always serve
26 customers' best interests, appropriately promote the

1 expansion of clean distributed energy resources, and
2 advance equity and environmental justice.

3 (6) The General Assembly is also encouraged by the
4 opportunities presented by nontraditional solutions to
5 utility, customer, and grid needs that may be more
6 efficient and cost-effective, and less environmentally
7 harmful than traditional solutions. Nontraditional
8 solutions include distributed energy resources owned or
9 implemented by customers and independent third parties,
10 controllable load, beneficial electrification, or rate
11 design that encourages efficient energy use.

12 (7) The General Assembly finds that Illinois
13 utilities' current processes for planning their
14 distribution system should be made more accessible and
15 transparent to individuals and communities, and that more
16 inclusive and accessible distribution system planning
17 processes would be in the interests of all Illinois
18 residents.

19 (8) The General Assembly finds it would be beneficial
20 to require utilities to demonstrate how their spending
21 promotes identified State clean energy goals, such as
22 integrating renewable energy, empowering customers to make
23 informed choices, supporting electric vehicles, beneficial
24 electrification, and energy storage, achieving equity
25 goals, enhancing resilience, and maintaining reliability.
26 The General Assembly therefore directs the utilities to

1 implement distribution system planning as described in this
2 Section in order to accelerate progress on Illinois clean
3 energy and environmental goals and hold electric utilities
4 publicly accountable for their performance.

5 (b) Unless otherwise specified, the terms used in this
6 Section shall have the same meanings as defined in Sections
7 16-102 and 16-107.6. As used in this Section:

8 "Demand response" means measures that decrease peak
9 electricity demand or shift demand from peak to off-peak
10 periods.

11 "Distributed energy resources" or "DER" means a wide range
12 of technologies that are connected to the grid, including
13 those that are located on the customer side of the customer's
14 electric meter and can provide value to the distribution
15 system, including, but not limited to, distributed generation,
16 energy storage, electric vehicles, and demand response
17 technologies.

18 "Environmental justice communities" means the definition
19 of that term based on existing methodologies and findings,
20 used and as may be updated by the Illinois Power Agency and its
21 Program Administrator in the Illinois Solar for All Program.

22 (c) This Section applies to electric utilities serving
23 more than 500,000 retail customers in the State.

24 (d) The Multi-Year Integrated Grid Plan ("the Plan") shall
25 be designed to:

26 (1) ensure coordination of the State's renewable

1 energy goals, climate and environmental goals with the
2 utility's distribution system investments, and programs
3 and policies over a 5-year planning horizon to maximize
4 the benefits of each while ensuring utility expenditures
5 are cost-effective;

6 (2) optimize utilization of electricity grid assets
7 and resources to minimize total system costs;

8 (3) support efforts to bring the benefits of grid
9 modernization and clean energy, including, but not limited
10 to, deployment of distributed energy resources, to all
11 retail customers, and support efforts to bring at least
12 40% of the benefits of those benefits to Equity Investment
13 Eligible Communities. Nothing in this paragraph is meant
14 to require a specific amount of spending in a particular
15 geographic area;

16 (4) enable greater customer engagement, empowerment,
17 and options for energy services;

18 (5) reduce grid congestion, minimize the time and
19 expense associated with interconnection, and increase the
20 capacity of the distribution grid to host increasing
21 levels of distributed energy resources, to facilitate
22 availability and development of distributed energy
23 resources, particularly in locations that enhance consumer
24 and environmental benefits;

25 (6) ensure opportunities for robust public
26 participation through open, transparent planning

1 processes.

2 (7) provide for the analysis of the cost-effectiveness
3 of proposed system investments, which takes into account
4 environmental costs and benefits;

5 (8) to the maximum extent practicable, achieve or
6 support the achievement of Illinois environmental goals,
7 including those described in Section 9.10 of the
8 Environmental Protection Act and Section 1-75 of the
9 Illinois Power Agency Act, and emissions reductions
10 required to improve the health, safety, and prosperity of
11 all Illinois residents;

12 (9) support existing Illinois policy goals promoting
13 the long-term growth of energy efficiency, demand
14 response, and investments in renewable energy resources;

15 (10) provide sufficient public information to the
16 Commission, stakeholders, and market participants in order
17 to enable nonemitting customer-owned or third-party
18 distributed energy resources, acting individually or in
19 aggregate, to seamlessly and easily connect to the grid,
20 provide grid benefits, support grid services, and achieve
21 environmental outcomes, without necessarily requiring
22 utility ownership or controlling interest over those
23 resources, and enable those resources to act as
24 alternatives to utility capital investments; and

25 (11) provide delivery services at rates that are
26 affordable to all customers, including low-income

1 customers.

2 (e) Plan Development Stakeholder Process.

3 (1) To promote the transparency of utility
4 distributions system planned investments and the planning
5 process for those investments, the Commission shall
6 convene a workshop process, over a period of no less than 5
7 months, for each such utility for the purpose of
8 establishing an open, inclusive, and cooperative forum
9 regarding such investments. The workshops shall be
10 facilitated by an independent, third-party facilitator
11 selected by the Commission. Data and projections provided
12 through the workshop process shall be designed to provide
13 participants with information about the electric utility's
14 (i) historic distribution system investments for at least
15 the 5 years prior to the year in which the workshop is held
16 and (ii) planned investments for the 5-year period
17 following the year in which the workshop is held. The
18 workshop process shall recognize that estimates for later
19 years will be less reliable and indicative of future
20 conduct than estimates for earlier years and that the
21 electric utility is subject to financial and system
22 planning processes. No later than January 1, 2022, the
23 facilitator shall initiate a series of workshops for each
24 electric utility subject to this Section. The series of
25 workshops shall include no fewer than 6 workshops and
26 shall conclude no later than June 1, 2022.

1 (2) The workshops shall be designed to achieve the
2 following objectives:

3 (A) review utilities' planned capital investments
4 and supporting data;

5 (B) review how utilities plan to invest in their
6 distribution system in order to meet the system's
7 projected needs;

8 (C) review system and locational data on
9 reliability, resiliency, DER, and service quality
10 provided by the utilities;

11 (D) solicit and consider input from diverse
12 stakeholders, including representatives from
13 environmental justice communities, geographically
14 diverse communities, low-income representatives,
15 consumer representatives, environmental
16 representatives, organized labor representatives,
17 third-party technology providers, and utilities;

18 (E) consider proposals from utilities and
19 stakeholders on programs and policies necessary to
20 achieve the objectives in subsection (d) of this
21 Section;

22 (F) consider proposals applicable to each
23 component of the utilities' Multi-Year Integrated Grid
24 Plan filings under paragraph (2) of subsection (f) of
25 this Section;

26 (G) educate and equip interested stakeholders so

1 that they can effectively and efficiently provide
2 feedback and input to the electric utility; and

3 (H) review planned capital investment to ensure
4 that delivery services are provided at rates that are
5 affordable to all customers, including low-income
6 customers.

7 (3) To the extent any of the information in
8 subparagraphs (A) through (H) of paragraph (2) of this
9 subsection is designated as confidential and proprietary
10 under the Commission's rules, the proponent of the
11 designation shall have the burden of making the requisite
12 showing under the Commission's rules. For data that is
13 determined to be confidential or that includes personally
14 identifiable information, the Commission may develop
15 procedures and processes to enable data sharing with
16 parties and stakeholders while ensuring the
17 confidentiality of the information.

18 (4) Workshops should be organized and facilitated in a
19 manner that encourages representation from diverse
20 stakeholders, ensuring equitable opportunities for
21 participation, without requiring formal intervention or
22 representation by an attorney. Workshops should be held
23 during both day and evening hours, in a variety of
24 locations within each electric utility's service
25 territory, and should allow remote participation.

26 (5) It is a goal of the State that this workshop

1 process will provide a forum for interested stakeholders
2 to effectively and efficiently provide feedback and input
3 to the electric utility. It is also a goal of the State
4 that stakeholder participation in this process will
5 prepare stakeholders to more capably participate in
6 Multi-Year Rate Plan proceedings conducted pursuant to
7 Section 16-108.18 of this Act, if they so elect. As part of
8 the workshop process, the electric utility shall submit to
9 the Commission the electric utility's capital investments
10 proposal, and supporting data described in subparagraphs
11 (A) through (C) of paragraph (2) of this subsection (e)
12 before the start of workshops to allow interested
13 stakeholders to reasonably review data before attending
14 workshops. The Commission shall make public the utility
15 capital investments proposal by posting it on the
16 Commission's website and set the location and time of any
17 workshop to be held as part of the workshop process, and
18 establish a data request process, consistent with the
19 Commission's rules, that affords workshop participants
20 opportunities to submit data requests to the utility, and
21 receive responses in accordance with the utility's
22 obligations under the law, prior to the workshop,
23 regarding the information described in this paragraph (5).
24 Upon the written request of a workshop participant, the
25 utility shall also present at a given workshop at least
26 one appropriate company representative who can address the

1 specific written questions or written categories of
2 questions identified in advance by the workshop
3 participant regarding issues related to the utility's
4 Multi-Year Integrated Grid Plan. To facilitate public
5 feedback, the administrator facilitating the workshops
6 shall, throughout the workshop process, develop questions
7 for stakeholder input on topics being considered. This may
8 include, but is not limited to: design of the workshop
9 process, locational data and information provided by
10 utilities, alignment of plans, programs, investments and
11 objectives, and other topics as deemed appropriate by the
12 Commission facilitation staff. Stakeholder feedback shall
13 not be limited to these questions. The information
14 provided as part of the workshop process pursuant to this
15 subsection (e) is intended to be informational and to
16 provide a preliminary view of costs and investments, which
17 may change. Accordingly, the information provided pursuant
18 to this subsection (e) shall not be binding on the utility
19 and shall not be the sole basis for a finding in any
20 Commission proceeding of imprudence, unreasonableness, or
21 lack of use or usefulness of any individual or aggregate
22 level of utility plant or other investment or expenditure
23 addressed; however, information contained in the plan may
24 be used in a proceeding before the Commission, with weight
25 of such evidence to be determined by the Commission.

26 (6) Workshops shall not be considered settlement

1 negotiations, compromise negotiations, or offers to
2 compromise for the purposes of Illinois Rule of Evidence
3 408. All materials shared as a part of the workshop
4 process, and that are not determined to be confidential as
5 described in paragraph (3) of this subsection (e), shall
6 be made publicly available on a website made available by
7 the Commission.

8 (7) On conclusion of the workshops, the Commission
9 shall open a comment period that allows interested and
10 diverse stakeholders to submit comments and
11 recommendations regarding the utility's Multi-Year
12 Integrated Grid Plan filing. Based on the workshop process
13 and stakeholder comments and recommendations offered
14 verbally or in writing during the workshops and in writing
15 during the comment period following the workshops, the
16 independent third-party facilitator shall prepare a
17 report, to be submitted to the Commission no later than
18 July 1, 2022, describing the stakeholders, discussions,
19 proposals, and areas of consensus and disagreement from
20 the workshop process, and making recommendations to the
21 Commission regarding the utility's Multi-Year Integrated
22 Grid Plan. Interested stakeholders shall have an
23 opportunity to provide comment on the independent
24 third-party facilitator report.

25 (8) Based on discussions in the workshops, the
26 independent third-party facilitator report, and

1 stakeholder comments and recommendations made during and
2 following the workshop process, the Commission shall issue
3 initiating orders no later than August 1, 2022, requiring
4 the electric utilities subject to this Section to file the
5 first Multi-Year Integrated Grid Plan no later than
6 January 20, 2023. The initiating orders shall specify the
7 requirements applicable to the utilities' Multi-Year
8 Integrated Grid Plans, which shall supplement and not
9 replace those requirements described in subsection (f) of
10 this Section.

11 (f) Multi-Year Integrated Grid Plan.

12 (1) Pursuant to this subsection (f) and the initiating
13 orders of the Commission, each electric utility subject to
14 this Section shall, no later than January 20, 2023, submit
15 its first Multi-Year Integrated Grid Plan. No later than
16 January 20, 2026, and every 4 years thereafter, the
17 utility shall submit its subsequent Plan. Each Plan shall:

18 (A) incorporate requirements established by the
19 Commission in its initiating order; and

20 (B) propose distribution system investment
21 programs, policies, and plans designed to optimize
22 achievement of the objectives set forth in subsection
23 (d) of this Section and achieve the metrics approved
24 by the Commission pursuant to Section 16-108.18 of
25 this Act.

26 To the extent practicable and reasonable, all

1 programs, policies, and initiatives proposed by the
2 utility in its plan should be informed by stakeholder
3 input received during the workshop process pursuant to
4 subsection (e) of this Section. Where specific stakeholder
5 input has not been incorporated in proposed programs,
6 policies, and plans, the electric utility shall provide an
7 explanation as to why that input was not incorporated.

8 (2) In order to ensure electric utilities' ability to
9 meet the goals and objectives set forth in this Section,
10 the Multi-Year Integrated Grid Plans must include, at
11 minimum, the following information:

12 (A) A description of the utility's distribution
13 system planning process, including:

14 (i) the overview of the process, including
15 frequency and duration of the process, roles, and
16 responsibilities of utility personnel and
17 departments involved;

18 (ii) a summary of the meetings with
19 stakeholders conducted prior to filing of the plan
20 with the Commission.

21 (iii) the description of any coordination of
22 the processes with any other planning process
23 internal or external to the utility, including
24 those required by a regional transmission
25 operator.

26 (B) A detailed description of the current

1 operating conditions for the distribution system
2 separately presented for each of the utility's
3 operating areas, where possible, including a detailed
4 description, with supporting data, of system
5 conditions, including baseline data regarding the
6 utility's distribution system from the utility's
7 annual report to the Commission, total distribution
8 system substation capacity in kVa, total miles of
9 primary overhead distribution wire, and total miles of
10 primary underground distribution cable, distributed
11 energy resource deployment by type, size, customer
12 class, and geographic dispersion as to those DERs that
13 have completed the interconnection process, the most
14 current distribution line loss study, current and
15 expected System Average Interruption Frequency Index
16 and Customer Average Interruption Duration Index data
17 for the system, identification of the system model
18 software currently used and planned software
19 deployments, and other data needs as requested by the
20 Commission or as determined through Commission rules.
21 The description shall also include the utility's most
22 recent system load and peak demand forecast for at
23 least the next 5 years, and up to 10 years if
24 available, a discussion of how the forecast was
25 prepared and how distributed energy resources and
26 energy efficiency were factored into the forecast, and

1 identification of the forecasting software currently
2 used and planned software deployments.

3 (C) Financial Data.

4 (i) For each of the preceding 5 years, the
5 utility's distribution system investments by the
6 investment categories tracked by the utility,
7 including, but not limited to, new business,
8 facility relocation, capacity expansion, system
9 performance, preventive maintenance, corrective
10 maintenance, the total amount of investments
11 associated with the integration of DERs, the total
12 amount of charges to DER developers and retail
13 customers for interconnection of DERs to the
14 distribution system, and a list of each major
15 investment category the utility used to maintain
16 its routine standing operational activities and
17 the associated plant in service amount for each
18 category in which the plant in service amount is
19 at least \$2,000,000;

20 (ii) For each of the preceding 5 years, data
21 on and a discussion of the utility's distribution
22 system operation and maintenance expenses;

23 (iii) A 5-year long-range forecast of
24 distribution system capital investments and
25 operational and maintenance expenses, including a
26 discussion of any projections for expenses for the

1 categories listed in subparagraph (i) of this item
2 (C).

3 (D) System data on DERs on the utility's
4 distribution system, including the total number and
5 nameplate capacity of DERs that completed
6 interconnection in the prior year, current DER
7 deployment by type, size, and geographic dispersion,
8 to the extent that granular geographic information
9 does not disclose personally identifiable information,
10 and other data as requested by the Commission or
11 determined by Commission rules.

12 (E) Hosting Capacity and Interconnection
13 Requirements.

14 (i) The utility shall make available on its
15 website the hosting capacity analysis results that
16 shall include mapping and GIS capability, as well
17 as any other requirements requested by the
18 Commission or determined through Commission rules.
19 The plan shall identify where the hosting capacity
20 analysis results shall be made publicly available.
21 This shall also include an assessment of the
22 impact of utility investments over the next 5
23 years on hosting capacity and a narrative
24 discussion of how the hosting capacity analysis
25 advances customer-sited distributed energy
26 resources, including electric vehicles, energy

1 storage systems, and photovoltaic resources, and
2 how the identification of interconnection points
3 on the distribution system will support the
4 continued development of distributed energy
5 resources.

6 (ii) Discussion of the utility's
7 interconnection requirements and how they comply
8 with the Commission's applicable regulations.

9 (F) Identification and discussion of the scenarios
10 considered in the development of the utility's
11 Multi-Year Integrated Grid Plan, including DER
12 scenarios, and discussion of base-case and alternative
13 scenarios, how the scenarios were developed and
14 selected, and how the scenarios include a reasonable
15 mix of DERs scenarios, types, and geographic
16 dispersion. Scenarios shall at least consider the
17 5-year forecast horizon of the Multi-Year Integrated
18 Grid Plan, but may also consider longer-term scenarios
19 where data is available. The plan shall also include
20 requirements requested by the Commission or determined
21 through Commission rules.

22 (G) An evaluation of the short-term and long-run
23 benefits and costs of distributed energy resources
24 located on the distribution system, including, but not
25 limited to, the locational, temporal, and
26 performance-based benefits and costs of distributed

1 energy resources. The utility shall use the results of
2 this evaluation to inform its analysis of Solution
3 Sourcing Opportunities, including nonwires
4 alternatives, under subparagraph (K) of paragraph (2)
5 subsection (f) of this Section. The Commission may use
6 the data produced through this evaluation to, among
7 other use-cases, inform the Commission's investigation
8 and establishment of tariffs and compensation for
9 distributed energy resources interconnecting to the
10 utility's distribution system, including rebates
11 provided by the electric utility pursuant to Section
12 16-107.6 of this Act.

13 (H) Long-term Distribution System Investment Plan.

14 (i) The utility's planned distribution capital
15 investments for the period covered by the planning
16 process required by this Section, by the
17 investment categories used by the utility, and
18 with discussion of any individual planned projects
19 with a planned total investment gross amount of
20 \$3,000,000 or more and of the alternatives
21 considered by the utility to such individual
22 projects including any non-traditional
23 alternatives and DER alternatives, and supporting
24 data. This shall provide sufficiently detailed
25 explanations of how the planned investments shall
26 support the goals in subsection (d) of this

1 Section.

2 (ii) Discussion of how the utility's capital
3 investments plan is consistent with Commission
4 orders regarding the procurement of renewable
5 resources as discussed in Section 16-111.5 of this
6 Act, energy efficiency plans as discussed in
7 Section 8-103B, distributed generation rebates as
8 discussed in Section 16-107.6, and any other
9 Commission order affecting the goals described in
10 subsection (d) of this Section.

11 (iii) A plan for achieving the applicable
12 metrics that were approved by the Commission for
13 the utility pursuant to subsection (e) of Section
14 16-108.18 of this Act.

15 (iv) A narrative discussion of the utility's
16 vision for the distribution system over the next 5
17 years.

18 (v) Any additional information requested by
19 the Commission or determined through Commission
20 rules.

21 (I) A detailed description of historic
22 distribution system operations and maintenance
23 expenditures for the preceding 5 years and of planned
24 or projected operations and maintenance expenditures
25 for the period covered by the planning process
26 required by this Section, as well as the data,

1 reasoning and explanation supporting planned or
2 projected expenditures. Any additional information
3 requested by the Commission or determined through
4 Commission rules.

5 (J) A detailed plan for achieving the applicable
6 metrics that were approved by the Commission for the
7 utility pursuant to subsection (e) of Section
8 16-108.18 of this Act, including, but not limited to,
9 the following:

10 (i) A description of, exclusive of low-income
11 rate relief programs and other income-qualified
12 programs, how the utility is supporting efforts to
13 bring 40% of benefits from programs, policies, and
14 initiatives proposed in their Multi-Year
15 Integrated Grid Plan to ratepayers in low-income
16 and environmental justice communities. This shall
17 also include any information requested by the
18 Commission or determined through Commission rules.
19 Nothing in this subparagraph is meant to require a
20 specific amount of spending in a particular
21 geographic area.

22 (ii) A detailed analysis of current and
23 projected flexible resources, including resource
24 type, size (in MW and MWh), location and
25 environmental impact, as well as anticipated needs
26 that can be met using flexible resources, to meet

1 the goals described in subsection (d) of this
2 Section, to meet the applicable metrics that were
3 approved by the Commission for the utility
4 pursuant to subsection (e) of Section 16-108.18 of
5 this Act, and any other Commission order affecting
6 the goals described in subsection (d) of this
7 Section.

8 (iii) Any additional information requested by
9 the Commission or determined through Commission
10 rules.

11 (K) Identification of potential cost-effective
12 solutions from nontraditional and third-party owned
13 investments that could meet anticipated grid needs,
14 including, but not limited to, distributed energy
15 resources procurements, tariffs or contracts,
16 programmatic solutions, rate design options,
17 technologies or programs that facilitate load
18 flexibility, nonwires alternatives, and other
19 solutions that are intended to meet the objectives
20 described at subsection (d). It is the policy of this
21 State that cost-effective third-party or
22 customer-owned distributed energy resources create
23 robust competition and customer choice and shall be
24 considered as appropriate. The Commission shall
25 establish rules determining data or methods for
26 Solution Sourcing Opportunities.

1 (L) A detailed description of the utility's
2 interoperability plan, which must describe the manner
3 in which the electric utility's current and planned
4 distribution system investments will work together and
5 exchange information and data, the extent to which the
6 utility is implementing open standards and interfaces
7 with third-party distributed energy resource owners
8 and aggregators, and the utility's plan for
9 interoperability testing and certification.

10 (3) To the extent any information in utilities'
11 Multi-Year Integrated Grid Plans is designated as
12 confidential and proprietary under the Commission's rules,
13 the proponent of the designation shall have the burden of
14 making the requisite showing under the Commission's rules.
15 For data that is determined to be confidential or that
16 includes personally identifiable information, the
17 Commission may develop procedures and processes to enable
18 data sharing with parties and stakeholders while ensuring
19 the confidentiality of the information. All confidential
20 information exchanged, submitted, or shared by a utility
21 pursuant to this Section shall be protected from
22 intentional and accidental dissemination. The Commission
23 shall have authority to supervise, protect, and restrict
24 access to all confidential, commercially sensitive, or
25 system security related information and data, and shall be
26 authorized to take all necessary steps to protect that

1 information from unauthorized disclosure. This paragraph
2 shall not be interpreted to require a utility to make
3 publicly available any information or data that could
4 compromise the physical or cyber security of a utility's
5 distribution system. Any party that accidentally
6 disseminates confidential information obtained pursuant to
7 a proceeding initiated in accordance with this Section, or
8 is the victim of a cyber-security breach, must notify the
9 affected utility, the Illinois Attorney General, and the
10 Commission staff with 24 hours of knowledge of such
11 dissemination or breach. Any party that fails to provide
12 required notification of such a breach shall be subject to
13 remedies available to the Commission and the Illinois
14 Attorney General.

15 (4) It is the policy of this State that holistic
16 consideration of all related investments, planning
17 processes, tariffs, rate design options, programs, and
18 other utility policies and plans shall be required. To
19 that end, the Commission shall consider, comprehensively,
20 the impact of all related plans, tariffs, programs, and
21 policies on the Plan and on each other, including:

22 (A) time-of-use pricing program pursuant to
23 Section 16-107.7 of this Act, hourly pricing program
24 pursuant to Section 16-107 of this Act, and any other
25 time-variant or dynamic pricing program;

26 (B) distributed generation rebate pursuant to

1 Section 16-107.6 of this Act;

2 (C) net electricity metering, pursuant to Section
3 16-107.5 of this Act;

4 (D) energy efficiency programs pursuant to Section
5 8-103B of this Act;

6 (E) beneficial electrification programs pursuant
7 to Section 16-107.8 of this Act;

8 (F) Equitable Energy Upgrade Program pursuant to
9 Section 16-111.10 of this Act;

10 (G) renewable energy programs and procurements set
11 forth in the Illinois Power Agency Act, including, but
12 not limited to, those set forth in the long-term
13 renewable resources procurement plan developed
14 pursuant to Section 1-20 of that Act; and

15 (H) other plans, programs, and policies that are
16 relevant to distribution grid investments, costs,
17 planning, and other categories as requested by the
18 Commission.

19 The Plan shall comprehensively detail the relationship
20 between these plans, tariffs, and programs and to the
21 electric utility's achievement of the objectives in
22 subsection (d). The Plan shall be designed to coordinate
23 each of these plans, programs, and tariffs with the
24 electric utility's long-term distribution system
25 investment planning in order to maximize the benefits of
26 each.

1 (5) The initiating order for the initial Multi-Year
2 Integrated Grid Plan, as well as each electric utility's
3 subsequent Integrated Grid Plans under subsection (g),
4 shall begin a contested proceeding as described in
5 subsection (d) of Section 10-101.1 of this Act.

6 (A) In evaluating a utility's Plan, the Commission
7 shall consider, at minimum, whether the Plan:

8 (1) meets the objectives of this Section;

9 (2) includes the components in paragraph (2)
10 of subsection (f) of this Section;

11 (3) considers and incorporates, where
12 practicable, input from interested stakeholders,
13 including parties and people who offer public
14 comment without legal representation;

15 (4) considers nontraditional, including
16 third-party owned, investment alternatives that
17 can meet grid needs and provide additional
18 benefits (including consumer, economic, and
19 environmental benefits) beyond comparable,
20 traditional utility-planned capital investments;

21 (5) equitably benefits environmental justice
22 communities; and

23 (6) maximizes consumer, environmental,
24 economic, and community benefits over a 10-year
25 horizon.

26 (B) The Commission, after notice and hearing,

1 shall modify each electric utility's Plan as necessary
2 to comply with the objectives of this Section. The
3 Commission may approve, or modify and approve, a Plan
4 only if it finds that the Plan is reasonable, complies
5 with the objectives and requirements of this Section,
6 and reasonably incorporates input from parties. The
7 Commission may reject each electric utility's Plan if
8 it finds that the Plan does not comply with the
9 objectives and requirements of this Section. If the
10 Commission enters an order rejecting a Plan, the
11 utility must refile a Plan within 3 months after that
12 order, and until the Commission approves a Plan, the
13 utility's existing Plan will remain in effect.

14 (C) For the initial Integrated Grid Plan filings,
15 the Commission shall enter an order approving,
16 modifying, or rejecting the Plan no later than
17 December 15, 2023. For subsequent Integrated Grid Plan
18 filings, the Commission shall enter an order
19 approving, modifying, or rejecting the Plan no later
20 than December 15 of the year in which it was filed.

21 (D) Each electric utility shall file its proposed
22 Initial Multi-Year Integrated Grid Plan no later than
23 January 20, 2023. Prior to that date and following the
24 initiating order, the Commission shall initiate a case
25 management conference and shall take any appropriate
26 steps to begin meaningful consideration of issues,

1 including enabling interested parties to begin
2 conducting discovery.

3 (6) As part of its order approving a utility's
4 Multi-Year Integrated Grid Plan, including any
5 modifications required, the Commission may create a
6 subsequent implementation plan docket, or multiple
7 implementation plan dockets, if the Commission determines
8 that multiple dockets would be preferable, to consider a
9 utility's detailed plan or plans, as directed in the
10 Commission's order.

11 (g) No later than January 20, 2026 and every 4 years
12 thereafter, each electric utility subject to this Section
13 shall file a new Multi-Year Integrated Grid Plan for the
14 subsequent 4 delivery years after the completion of the
15 then-effective Plan. Each Plan shall meet the requirements
16 described in subsection (f) of this Section, and shall be
17 preceded by a workshop process which meets the same
18 requirements described in subsection (e). If appropriate, the
19 Commission may require additional implementation dockets to
20 follow Subsequent Multi-Year Integrated Grid Plan filings.

21 (h) During the period leading to approval of the first
22 Multi-Year Integrated Grid Plan, each electric utility will
23 necessarily continue to invest in its distribution grid. Those
24 investments will be subject to a determination of prudence and
25 reasonableness consistent with Commission practice and law.
26 Any failure of such investments to conform to the Multi-Year

1 Integrated Grid Plan ultimately approved shall not imply
2 imprudence or unreasonableness.

3 (i) The Commission shall adopt rules to carry out the
4 provisions of this Section under the emergency rulemaking
5 provisions set forth in Section 5-45 of the Illinois
6 Administrative Procedure Act, and such emergency rules may be
7 effective no later than 90 days after the effective date of
8 this amendatory Act of the 102nd General Assembly.

9 (220 ILCS 5/16-107.5)

10 Sec. 16-107.5. Net electricity metering.

11 (a) The General Assembly ~~Legislature~~ finds and declares
12 that a program to provide net electricity metering, as defined
13 in this Section, for eligible customers can encourage private
14 investment in renewable energy resources, stimulate economic
15 growth, enhance the continued diversification of Illinois'
16 energy resource mix, and protect the Illinois environment.
17 Further, to achieve the goals of this Act that robust options
18 for customer-site distributed generation continue to thrive in
19 Illinois, the General Assembly finds that a predictable
20 transition must be ensured for customers between full net
21 metering at the retail electricity rate to the distribution
22 generation rebate described in Section 16-107.6.

23 (b) As used in this Section, (i) "community renewable
24 generation project" shall have the meaning set forth in
25 Section 1-10 of the Illinois Power Agency Act; (ii) "eligible

1 customer" means a retail customer that owns, hosts, or
2 operates, including any third-party owned systems, a solar,
3 wind, or other eligible renewable electrical generating
4 facility ~~with a rated capacity of not more than 2,000~~
5 ~~kilowatts~~ that is located on the customer's premises or
6 customer's side of the billing meter and is intended primarily
7 to offset the customer's own current or future electrical
8 requirements; (iii) "electricity provider" means an electric
9 utility or alternative retail electric supplier; (iv)
10 "eligible renewable electrical generating facility" means a
11 generator, which may include the co-location of an energy
12 storage system, that is interconnected under rules adopted by
13 the Commission and is powered by solar electric energy, wind,
14 dedicated crops grown for electricity generation, agricultural
15 residues, untreated and unadulterated wood waste, ~~landscape~~
16 ~~trimmings,~~ livestock manure, anaerobic digestion of livestock
17 or food processing waste, fuel cells or microturbines powered
18 by renewable fuels, or hydroelectric energy; (v) "net
19 electricity metering" (or "net metering") means the
20 measurement, during the billing period applicable to an
21 eligible customer, of the net amount of electricity supplied
22 by an electricity provider to the customer ~~customer's premises~~
23 or provided to the electricity provider by the customer or
24 subscriber; (vi) "subscriber" shall have the meaning as set
25 forth in Section 1-10 of the Illinois Power Agency Act; ~~and~~
26 (vii) "subscription" shall have the meaning set forth in

1 Section 1-10 of the Illinois Power Agency Act; (viii) "energy
2 storage system" means commercially available technology that
3 is capable of absorbing energy and storing it for a period of
4 time for use at a later time, including, but not limited to,
5 electrochemical, thermal, and electromechanical technologies,
6 and may be interconnected behind the customer's meter or
7 interconnected behind its own meter; and (ix) "future
8 electrical requirements" means modeled electrical requirements
9 upon occupation of a new or vacant property, and other
10 reasonable expectations of future electrical use, as well as,
11 for occupied properties, a reasonable approximation of the
12 annual load of 2 electric vehicles and, for non-electric
13 heating customers, a reasonable approximation of the
14 incremental electric load associated with fuel switching. The
15 approximations shall be applied to the appropriate net
16 metering tariff and do not need to be unique to each individual
17 eligible customer. The utility shall submit these
18 approximations to the Commission for review, modification, and
19 approval.

20 (c) A net metering facility shall be equipped with
21 metering equipment that can measure the flow of electricity in
22 both directions at the same rate.

23 (1) For eligible customers whose electric service has
24 not been declared competitive pursuant to Section 16-113
25 of this Act as of July 1, 2011 and whose electric delivery
26 service is provided and measured on a kilowatt-hour basis

1 and electric supply service is not provided based on
2 hourly pricing, this shall typically be accomplished
3 through use of a single, bi-directional meter. If the
4 eligible customer's existing electric revenue meter does
5 not meet this requirement, the electricity provider shall
6 arrange for the local electric utility or a meter service
7 provider to install and maintain a new revenue meter at
8 the electricity provider's expense, which may be the smart
9 meter described by subsection (b) of Section 16-108.5 of
10 this Act.

11 (2) For eligible customers whose electric service has
12 not been declared competitive pursuant to Section 16-113
13 of this Act as of July 1, 2011 and whose electric delivery
14 service is provided and measured on a kilowatt demand
15 basis and electric supply service is not provided based on
16 hourly pricing, this shall typically be accomplished
17 through use of a dual channel meter capable of measuring
18 the flow of electricity both into and out of the
19 customer's facility at the same rate and ratio. If such
20 customer's existing electric revenue meter does not meet
21 this requirement, then the electricity provider shall
22 arrange for the local electric utility or a meter service
23 provider to install and maintain a new revenue meter at
24 the electricity provider's expense, which may be the smart
25 meter described by subsection (b) of Section 16-108.5 of
26 this Act.

1 (3) For all other eligible customers, until such time
2 as the local electric utility installs a smart meter, as
3 described by subsection (b) of Section 16-108.5 of this
4 Act, the electricity provider may arrange for the local
5 electric utility or a meter service provider to install
6 and maintain metering equipment capable of measuring the
7 flow of electricity both into and out of the customer's
8 facility at the same rate and ratio, typically through the
9 use of a dual channel meter. If the eligible customer's
10 existing electric revenue meter does not meet this
11 requirement, then the costs of installing such equipment
12 shall be paid for by the customer.

13 (d) An electricity provider shall measure and charge or
14 credit for the net electricity supplied to eligible customers
15 or provided by eligible customers whose electric service has
16 not been declared competitive pursuant to Section 16-113 of
17 this Act as of July 1, 2011 and whose electric delivery service
18 is provided and measured on a kilowatt-hour basis and electric
19 supply service is not provided based on hourly pricing in the
20 following manner:

21 (1) If the amount of electricity used by the customer
22 during the billing period exceeds the amount of
23 electricity produced by the customer, the electricity
24 provider shall charge the customer for the net electricity
25 supplied to and used by the customer as provided in
26 subsection (e-5) of this Section.

1 (2) If the amount of electricity produced by a
2 customer during the billing period exceeds the amount of
3 electricity used by the customer during that billing
4 period, the electricity provider supplying that customer
5 shall apply a 1:1 kilowatt-hour credit to a subsequent
6 bill for service to the customer for the net electricity
7 supplied to the electricity provider. The electricity
8 provider shall continue to carry over any excess
9 kilowatt-hour credits earned and apply those credits to
10 subsequent billing periods to offset any
11 customer-generator consumption in those billing periods
12 until all credits are used or until the end of the
13 annualized period.

14 (3) At the end of the year or annualized over the
15 period that service is supplied by means of net metering,
16 or in the event that the retail customer terminates
17 service with the electricity provider prior to the end of
18 the year or the annualized period, any remaining credits
19 in the customer's account shall expire.

20 (d-5) An electricity provider shall measure and charge or
21 credit for the net electricity supplied to eligible customers
22 or provided by eligible customers whose electric service has
23 not been declared competitive pursuant to Section 16-113 of
24 this Act as of July 1, 2011 and whose electric delivery service
25 is provided and measured on a kilowatt-hour basis and electric
26 supply service is provided based on hourly pricing or

1 time-of-use rates in the following manner:

2 (1) If the amount of electricity used by the customer
3 during any hourly period or time-of-use period exceeds the
4 amount of electricity produced by the customer, the
5 electricity provider shall charge the customer for the net
6 electricity supplied to and used by the customer according
7 to the terms of the contract or tariff to which the same
8 customer would be assigned to or be eligible for if the
9 customer was not a net metering customer.

10 (2) If the amount of electricity produced by a
11 customer during any hourly period or time-of-use period
12 exceeds the amount of electricity used by the customer
13 during that hourly period or time-of-use period, the
14 energy provider shall apply a credit for the net
15 kilowatt-hours produced in such period. The credit shall
16 consist of an energy credit and a delivery service credit.
17 The energy credit shall be valued at the same price per
18 kilowatt-hour as the electric service provider would
19 charge for kilowatt-hour energy sales during that same
20 hourly period or time-of-use period. The delivery credit
21 shall be equal to the net kilowatt-hours produced in such
22 hourly period or time-of-use period times a credit that
23 reflects all kilowatt-hour based charges in the customer's
24 electric service rate, excluding energy charges.

25 (e) An electricity provider shall measure and charge or
26 credit for the net electricity supplied to eligible customers

1 whose electric service has not been declared competitive
2 pursuant to Section 16-113 of this Act as of July 1, 2011 and
3 whose electric delivery service is provided and measured on a
4 kilowatt demand basis and electric supply service is not
5 provided based on hourly pricing in the following manner:

6 (1) If the amount of electricity used by the customer
7 during the billing period exceeds the amount of
8 electricity produced by the customer, then the electricity
9 provider shall charge the customer for the net electricity
10 supplied to and used by the customer as provided in
11 subsection (e-5) of this Section. The customer shall
12 remain responsible for all taxes, fees, and utility
13 delivery charges that would otherwise be applicable to the
14 net amount of electricity used by the customer.

15 (2) If the amount of electricity produced by a
16 customer during the billing period exceeds the amount of
17 electricity used by the customer during that billing
18 period, then the electricity provider supplying that
19 customer shall apply a 1:1 kilowatt-hour credit that
20 reflects the kilowatt-hour based charges in the customer's
21 electric service rate to a subsequent bill for service to
22 the customer for the net electricity supplied to the
23 electricity provider. The electricity provider shall
24 continue to carry over any excess kilowatt-hour credits
25 earned and apply those credits to subsequent billing
26 periods to offset any customer-generator consumption in

1 those billing periods until all credits are used or until
2 the end of the annualized period.

3 (3) At the end of the year or annualized over the
4 period that service is supplied by means of net metering,
5 or in the event that the retail customer terminates
6 service with the electricity provider prior to the end of
7 the year or the annualized period, any remaining credits
8 in the customer's account shall expire.

9 (e-5) An electricity provider shall provide electric
10 service to eligible customers who utilize net metering at
11 non-discriminatory rates that are identical, with respect to
12 rate structure, retail rate components, and any monthly
13 charges, to the rates that the customer would be charged if not
14 a net metering customer. An electricity provider shall not
15 charge net metering customers any fee or charge or require
16 additional equipment, insurance, or any other requirements not
17 specifically authorized by interconnection standards
18 authorized by the Commission, unless the fee, charge, or other
19 requirement would apply to other similarly situated customers
20 who are not net metering customers. The customer will remain
21 responsible for all taxes, fees, and utility delivery charges
22 that would otherwise be applicable to the net amount of
23 electricity used by the customer. Subsections (c) through (e)
24 of this Section shall not be construed to prevent an
25 arms-length agreement between an electricity provider and an
26 eligible customer that sets forth different prices, terms, and

1 conditions for the provision of net metering service,
2 including, but not limited to, the provision of the
3 appropriate metering equipment for non-residential customers.

4 (f) Notwithstanding the requirements of subsections (c)
5 through (e-5) of this Section, an electricity provider must
6 require dual-channel metering for customers operating eligible
7 renewable electrical generating facilities ~~with a nameplate~~
8 ~~rating up to 2,000 kilowatts and~~ to whom the provisions of
9 neither subsection (d), (d-5), nor (e) of this Section apply.
10 In such cases, electricity charges and credits shall be
11 determined as follows:

12 (1) The electricity provider shall assess and the
13 customer remains responsible for all taxes, fees, and
14 utility delivery charges that would otherwise be
15 applicable to the gross amount of kilowatt-hours supplied
16 to the eligible customer by the electricity provider.

17 (2) Each month that service is supplied by means of
18 dual-channel metering, the electricity provider shall
19 compensate the eligible customer for any excess
20 kilowatt-hour credits at the electricity provider's
21 avoided cost of electricity supply over the monthly period
22 or as otherwise specified by the terms of a power-purchase
23 agreement negotiated between the customer and electricity
24 provider.

25 (3) For all eligible net metering customers taking
26 service from an electricity provider under contracts or

1 tariffs employing hourly or time-of-use ~~time-of-use~~ rates,
2 any monthly consumption of electricity shall be calculated
3 according to the terms of the contract or tariff to which
4 the same customer would be assigned to or be eligible for
5 if the customer was not a net metering customer. When
6 those same customer-generators are net generators during
7 any discrete hourly or time-of-use ~~time-of-use~~ period, the
8 net kilowatt-hours produced shall be valued at the same
9 price per kilowatt-hour as the electric service provider
10 would charge for retail kilowatt-hour sales during that
11 same time-of-use ~~time-of-use~~ period.

12 (g) For purposes of federal and State laws providing
13 renewable energy credits or greenhouse gas credits, the
14 eligible customer shall be treated as owning and having title
15 to the renewable energy attributes, renewable energy credits,
16 and greenhouse gas emission credits related to any electricity
17 produced by the qualified generating unit. The electricity
18 provider may not condition participation in a net metering
19 program on the signing over of a customer's renewable energy
20 credits; provided, however, this subsection (g) shall not be
21 construed to prevent an arms-length agreement between an
22 electricity provider and an eligible customer that sets forth
23 the ownership or title of the credits.

24 (h) Within 120 days after the effective date of this
25 amendatory Act of the 95th General Assembly, the Commission
26 shall establish standards for net metering and, if the

1 Commission has not already acted on its own initiative,
2 standards for the interconnection of eligible renewable
3 generating equipment to the utility system. The
4 interconnection standards shall address any procedural
5 barriers, delays, and administrative costs associated with the
6 interconnection of customer-generation while ensuring the
7 safety and reliability of the units and the electric utility
8 system. The Commission shall consider the Institute of
9 Electrical and Electronics Engineers (IEEE) Standard 1547 and
10 the issues of (i) reasonable and fair fees and costs, (ii)
11 clear timelines for major milestones in the interconnection
12 process, (iii) nondiscriminatory terms of agreement, and (iv)
13 any best practices for interconnection of distributed
14 generation.

15 (h-5) Within 90 days after the effective date of this
16 amendatory Act of the 102nd General Assembly, the Commission
17 shall:

18 (1) establish an Interconnection Working Group. The
19 working group shall include representatives from electric
20 utilities, developers of renewable electric generating
21 facilities, other industries that regularly apply for
22 interconnection with the electric utilities,
23 representatives of distributed generation customers, the
24 Commission Staff, and such other stakeholders with a
25 substantial interest in the topics addressed by the
26 Interconnection Working Group. The Interconnection Working

1 Group shall address at least the following issues:

2 (A) cost and best available technology for
3 interconnection and metering, including the
4 standardization and publication of standard costs;

5 (B) transparency, accuracy and use of the
6 distribution interconnection queue and hosting
7 capacity maps;

8 (C) distribution system upgrade cost avoidance
9 through use of advanced inverter functions;

10 (D) predictability of the queue management process
11 and enforcement of timelines;

12 (E) benefits and challenges associated with group
13 studies and cost sharing;

14 (F) minimum requirements for application to the
15 interconnection process and throughout the
16 interconnection process to avoid queue clogging
17 behavior;

18 (G) process and customer service for
19 interconnecting customers adopting distributed energy
20 resources, including energy storage;

21 (H) options for metering distributed energy
22 resources, including energy storage;

23 (I) interconnection of new technologies, including
24 smart inverters and energy storage;

25 (J) collect, share, and examine data on Level 1
26 interconnection costs, including cost and type of

1 upgrades required for interconnection, and use this
2 data to inform the final standardized cost of Level 1
3 interconnection; and

4 (K) such other technical, policy, and tariff
5 issues related to and affecting interconnection
6 performance and customer service as determined by the
7 Interconnection Working Group.

8 The Commission may create subcommittees of the
9 Interconnection Working Group to focus on specific issues
10 of importance, as appropriate. The Interconnection Working
11 Group shall report to the Commission on recommended
12 improvements to interconnection rules and tariffs and
13 policies as determined by the Interconnection Working
14 Group at least every 6 months. Such reports shall include
15 consensus recommendations of the Interconnection Working
16 Group and, if applicable, additional recommendations for
17 which consensus was not reached. The Commission shall use
18 the report from the Interconnection Working Group to
19 determine whether processes should be commenced to
20 formally codify or implement the recommendations;

21 (2) create or contract for an Ombudsman to resolve
22 interconnection disputes through non-binding arbitration.
23 The Ombudsman may be paid in full or in part through fees
24 levied on the initiators of the dispute; and

25 (3) determine a single standardized cost for Level 1
26 interconnections, which shall not exceed \$200.

1 (i) All electricity providers shall begin to offer net
2 metering no later than April 1, 2008.

3 (j) An electricity provider shall provide net metering to
4 eligible customers according to subsections (d), (d-5), and
5 (e). Eligible renewable electrical generating facilities for
6 which eligible customers registered for net metering before
7 January 1, 2025 shall continue to receive net metering
8 services according to subsections (d), (d-5), and (e) of this
9 Section for the lifetime of the system, regardless of whether
10 those retail customers change electricity providers or whether
11 the retail customer benefiting from the system changes. On and
12 after January 1, 2025, any eligible customer that applies for
13 net metering and previously would have qualified under
14 subsections (d), (d-5), or (e) shall only be eligible for net
15 metering as described in subsection (n). ~~until the load of its~~
16 ~~net metering customers equals 5% of the total peak demand~~
17 ~~supplied by that electricity provider during the previous~~
18 ~~year. After such time as the load of the electricity~~
19 ~~provider's net metering customers equals 5% of the total peak~~
20 ~~demand supplied by that electricity provider during the~~
21 ~~previous year, eligible customers that begin taking net~~
22 ~~metering shall only be eligible for netting of energy.~~

23 (k) Each electricity provider shall maintain records and
24 report annually to the Commission the total number of net
25 metering customers served by the provider, as well as the
26 type, capacity, and energy sources of the generating systems

1 used by the net metering customers. Nothing in this Section
2 shall limit the ability of an electricity provider to request
3 the redaction of information deemed by the Commission to be
4 confidential business information.

5 (1)(1) Notwithstanding the definition of "eligible
6 customer" in item (ii) of subsection (b) of this Section, each
7 electricity provider shall allow net metering as set forth in
8 this subsection (1) and for the following projects, provided
9 that only electric utilities serving more than 200,000
10 customers as of January 1, 2021 shall provide net metering for
11 projects that are eligible for subparagraph (C) of this
12 paragraph (1) and have energized after the effective date of
13 this amendatory Act of the 102nd General Assembly:

14 (A) properties owned or leased by multiple customers
15 that contribute to the operation of an eligible renewable
16 electrical generating facility through an ownership or
17 leasehold interest of at least 200 watts in such facility,
18 such as a community-owned wind project, a community-owned
19 biomass project, a community-owned solar project, or a
20 community methane digester processing livestock waste from
21 multiple sources, provided that the facility is also
22 located within the utility's service territory;

23 (B) individual units, apartments, or properties
24 located in a single building that are owned or leased by
25 multiple customers and collectively served by a common
26 eligible renewable electrical generating facility, such as

1 an office or apartment building, a shopping center or
2 strip mall served by photovoltaic panels on the roof; and

3 (C) subscriptions to community renewable generation
4 projects, including community renewable generation
5 projects on the customer's side of the billing meter of a
6 host facility and partially used for the customer's own
7 load.

8 In addition, the nameplate capacity of the eligible
9 renewable electric generating facility that serves the demand
10 of the properties, units, or apartments identified in
11 paragraphs (1) and (2) of this subsection (1) shall not exceed
12 5,000 ~~2,000~~ kilowatts in nameplate capacity in total. Any
13 eligible renewable electrical generating facility or community
14 renewable generation project that is powered by photovoltaic
15 electric energy and installed after the effective date of this
16 amendatory Act of the 99th General Assembly must be installed
17 by a qualified person in compliance with the requirements of
18 Section 16-128A of the Public Utilities Act and any rules or
19 regulations adopted thereunder.

20 (2) Notwithstanding anything to the contrary, an
21 electricity provider shall provide credits for the electricity
22 produced by the projects described in paragraph (1) of this
23 subsection (1). The electricity provider shall provide credits
24 that include at least energy supply, capacity, transmission,
25 and, if applicable, the purchased energy adjustment ~~at the~~
26 ~~subscriber's energy supply rate~~ on the subscriber's monthly

1 bill equal to the subscriber's share of the production of
2 electricity from the project, as determined by paragraph (3)
3 of this subsection (1). For customers with transmission or
4 capacity charges not charged on a kilowatt-hour basis, the
5 electricity provider shall prepare a reasonable approximation
6 of the kilowatt-hour equivalent value and provide that value
7 as a monetary credit. The electricity provider shall submit
8 these approximation methodologies to the Commission for
9 review, modification, and approval. Notwithstanding anything
10 to the contrary, customers on payment plans or participating
11 in budget billing programs shall have credits applied on a
12 monthly basis.

13 (3) Notwithstanding anything to the contrary and
14 regardless of whether a subscriber to an eligible community
15 renewable generation project receives power and energy service
16 from the electric utility or an alternative retail electric
17 supplier, for projects eligible under paragraph (C) of
18 subparagraph (1) of this subsection (1), electric utilities
19 serving more than 200,000 customers as of January 1, 2021
20 shall provide the monetary credits to a subscriber's
21 subsequent bill for the electricity produced by community
22 renewable generation projects. The electric utility shall
23 provide monetary credits to a subscriber's subsequent bill at
24 the utility's total price to compare equal to the subscriber's
25 share of the production of electricity from the project, as
26 determined by paragraph (5) of this subsection (1). For the

1 purposes of this subsection, "total price to compare" means
2 the rate or rates published by the Illinois Commerce
3 Commission for energy supply for eligible customers receiving
4 supply service from the electric utility, and shall include
5 energy, capacity, transmission, and the purchased energy
6 adjustment. Notwithstanding anything to the contrary,
7 customers on payment plans or participating in budget billing
8 programs shall have credits applied on a monthly basis. Any
9 applicable credit or reduction in load obligation from the
10 production of the community renewable generating projects
11 receiving a credit under this subsection shall be credited to
12 the electric utility to offset the cost of providing the
13 credit. To the extent that the credit or load obligation
14 reduction does not completely offset the cost of providing the
15 credit to subscribers of community renewable generation
16 projects as described in this subsection, the electric utility
17 may recover the remaining costs through its Multi-Year Rate
18 Plan. All electric utilities serving 200,000 or fewer
19 customers as of January 1, 2021 shall only provide the
20 monetary credits to a subscriber's subsequent bill for the
21 electricity produced by community renewable generation
22 projects if the subscriber receives power and energy service
23 from the electric utility. Alternative retail electric
24 suppliers providing power and energy service to a subscriber
25 located within the service territory of an electric utility
26 not subject to Sections 16-108.18 and 16-118 shall provide the

1 monetary credits to the subscriber's subsequent bill for the
2 electricity produced by community renewable generation
3 projects.

4 (4) If requested by the owner or operator of a community
5 renewable generating project, an electric utility serving more
6 than 200,000 customers as of January 1, 2021 shall enter into a
7 net crediting agreement with the owner or operator to include
8 a subscriber's subscription fee on the subscriber's monthly
9 electric bill and provide the subscriber with a net credit
10 equivalent to the total bill credit value for that generation
11 period minus the subscription fee, provided the subscription
12 fee is structured as a fixed percentage of bill credit value.
13 The net crediting agreement shall set forth payment terms from
14 the electric utility to the owner or operator of the community
15 renewable generating project, and the electric utility may
16 charge a net crediting fee to the owner or operator of a
17 community renewable generating project that may not exceed 2%
18 of the bill credit value. Notwithstanding anything to the
19 contrary, an electric utility serving 200,000 customers or
20 fewer as of January 1, 2021 shall not be obligated to enter
21 into a net crediting agreement with the owner or operator of a
22 community renewable generating project.

23 (5) ~~(3)~~ For the purposes of facilitating net metering, the
24 owner or operator of the eligible renewable electrical
25 generating facility or community renewable generation project
26 shall be responsible for determining the amount of the credit

1 that each customer or subscriber participating in a project
2 under this subsection (1) is to receive in the following
3 manner:

4 (A) The owner or operator shall, on a monthly basis,
5 provide to the electric utility the kilowatthours of
6 generation attributable to each of the utility's retail
7 customers and subscribers participating in projects under
8 this subsection (1) in accordance with the customer's or
9 subscriber's share of the eligible renewable electric
10 generating facility's or community renewable generation
11 project's output of power and energy for such month. The
12 owner or operator shall electronically transmit such
13 calculations and associated documentation to the electric
14 utility, in a format or method set forth in the applicable
15 tariff, on a monthly basis so that the electric utility
16 can reflect the monetary credits on customers' and
17 subscribers' electric utility bills. The electric utility
18 shall be permitted to revise its tariffs to implement the
19 provisions of this amendatory Act of the 102nd General
20 Assembly ~~this amendatory Act of the 99th General Assembly~~.
21 The owner or operator shall separately provide the
22 electric utility with the documentation detailing the
23 calculations supporting the credit in the manner set forth
24 in the applicable tariff.

25 (B) For those participating customers and subscribers
26 who receive their energy supply from an alternative retail

1 electric supplier, the electric utility shall remit to the
2 applicable alternative retail electric supplier the
3 information provided under subparagraph (A) of this
4 paragraph (3) for such customers and subscribers in a
5 manner set forth in such alternative retail electric
6 supplier's net metering program, or as otherwise agreed
7 between the utility and the alternative retail electric
8 supplier. The alternative retail electric supplier shall
9 then submit to the utility the amount of the charges for
10 power and energy to be applied to such customers and
11 subscribers, including the amount of the credit associated
12 with net metering.

13 (C) A participating customer or subscriber may provide
14 authorization as required by applicable law that directs
15 the electric utility to submit information to the owner or
16 operator of the eligible renewable electrical generating
17 facility or community renewable generation project to
18 which the customer or subscriber has an ownership or
19 leasehold interest or a subscription. Such information
20 shall be limited to the components of the net metering
21 credit calculated under this subsection (1), including the
22 bill credit rate, total kilowatthours, and total monetary
23 credit value applied to the customer's or subscriber's
24 bill for the monthly billing period.

25 (1-5) Within 90 days after the effective date of this
26 amendatory Act of the 102nd General Assembly ~~this amendatory~~

1 ~~Act of the 99th General Assembly~~, each electric utility
2 subject to this Section shall file a tariff or tariffs to
3 implement the provisions of subsection (l) of this Section,
4 which shall, consistent with the provisions of subsection (l),
5 describe the terms and conditions under which owners or
6 operators of qualifying properties, units, or apartments may
7 participate in net metering. The Commission shall approve, or
8 approve with modification, the tariff within 120 days after
9 the effective date of this amendatory Act of the 102nd General
10 Assembly ~~this amendatory Act of the 99th General Assembly~~.

11 (m) Nothing in this Section shall affect the right of an
12 electricity provider to continue to provide, or the right of a
13 retail customer to continue to receive service pursuant to a
14 contract for electric service between the electricity provider
15 and the retail customer in accordance with the prices, terms,
16 and conditions provided for in that contract. Either the
17 electricity provider or the customer may require compliance
18 with the prices, terms, and conditions of the contract.

19 (n) On and after January 1, 2025 ~~At such time, if any, that~~
20 ~~the load of the electricity provider's net metering customers~~
21 ~~equals 5% of the total peak demand supplied by that~~
22 ~~electricity provider during the previous year, as specified in~~
23 ~~subsection (j) of this Section~~, the net metering services
24 described in subsections (d), (d-5), and (e), ~~(e-5)~~, and ~~(f)~~
25 of this Section shall no longer be offered, except as to those
26 eligible renewable electrical generating facilities for which

1 retail customers ~~that~~ are receiving net metering service under
2 these subsections at the time the net metering services under
3 those subsections are no longer offered; those systems shall
4 continue to receive net metering services described in
5 subsections (d), (d-5), and (e) of this Section for the
6 lifetime of the system, regardless of if those retail
7 customers change electricity providers or whether the retail
8 customer benefiting from the system changes. The electric
9 utility serving more than 200,000 customers as of January 1,
10 2021 is responsible for ensuring the billing credits continue
11 without lapse for the lifetime of systems, as required in
12 subsection (o). Those retail customers that begin taking net
13 metering service after the date that net metering services are
14 no longer offered under such subsections shall be subject to
15 the provisions set forth in the following paragraphs (1)
16 through (3) of this subsection (n):

17 (1) An electricity provider shall charge or credit for
18 the net electricity supplied to eligible customers or
19 provided by eligible customers whose electric supply
20 service is not provided based on hourly pricing in the
21 following manner:

22 (A) If the amount of electricity used by the
23 customer during the monthly billing period exceeds the
24 amount of electricity produced by the customer, then
25 the electricity provider shall charge the customer for
26 the net kilowatt-hour based electricity charges

1 reflected in the customer's electric service rate
2 supplied to and used by the customer as provided in
3 paragraph (3) of this subsection (n).

4 (B) If the amount of electricity produced by a
5 customer during the monthly billing period exceeds the
6 amount of electricity used by the customer during that
7 billing period, then the electricity provider
8 supplying that customer shall apply a 1:1
9 kilowatt-hour energy or monetary credit kilowatt-hour
10 supply charges to the customer's subsequent bill. The
11 customer shall choose between 1:1 kilowatt-hour or
12 monetary credit at the time of application. For the
13 purposes of this subsection, "kilowatt-hour supply
14 charges" means the kilowatt-hour equivalent values for
15 energy, capacity, transmission, and the purchased
16 energy adjustment, if applicable. Notwithstanding
17 anything to the contrary, customers on payment plans
18 or participating in budget billing programs shall have
19 credits applied on a monthly basis. ~~that reflects the~~
20 ~~kilowatt-hour based energy charges in the customer's~~
21 ~~electric service rate to a subsequent bill for service~~
22 ~~to the customer for the net electricity supplied to~~
23 ~~the electricity provider.~~ The electricity provider
24 shall continue to carry over any excess kilowatt-hour
25 or monetary energy credits earned and apply those
26 credits to subsequent billing periods. For customers

1 with transmission or capacity charges not charged on a
2 kilowatt-hour basis, the electricity provider shall
3 prepare a reasonable approximation of the
4 kilowatt-hour equivalent value and provide that value
5 as a monetary credit. The electricity provider shall
6 submit these approximation methodologies to the
7 Commission for review, modification, and approval. ~~to~~
8 ~~offset any customer generator consumption in those~~
9 ~~billing periods until all credits are used or until~~
10 ~~the end of the annualized period.~~

11 (C) (Blank). ~~At the end of the year or annualized~~
12 ~~over the period that service is supplied by means of~~
13 ~~net metering, or in the event that the retail customer~~
14 ~~terminates service with the electricity provider prior~~
15 ~~to the end of the year or the annualized period, any~~
16 ~~remaining credits in the customer's account shall~~
17 ~~expire.~~

18 (2) An electricity provider shall charge or credit for
19 the net electricity supplied to eligible customers or
20 provided by eligible customers whose electric supply
21 service is provided based on hourly pricing in the
22 following manner:

23 (A) If the amount of electricity used by the
24 customer during any hourly period exceeds the amount
25 of electricity produced by the customer, then the
26 electricity provider shall charge the customer for the

1 net electricity supplied to and used by the customer
2 as provided in paragraph (3) of this subsection (n).

3 (B) If the amount of electricity produced by a
4 customer during any hourly period exceeds the amount
5 of electricity used by the customer during that hourly
6 period, the energy provider shall calculate an energy
7 credit for the net kilowatt-hours produced in such
8 period, and shall apply that credit as a monetary
9 credit to the customer's subsequent bill. The value of
10 the energy credit shall be calculated using the same
11 price per kilowatt-hour as the electric service
12 provider would charge for kilowatt-hour energy sales
13 during that same hourly period and shall also include
14 values for capacity and transmission. For customers
15 with transmission or capacity charges not charged on a
16 kilowatt-hour basis, the electricity provider shall
17 prepare a reasonable approximation of the
18 kilowatt-hour equivalent value and provide that value
19 as a monetary credit. The electricity provider shall
20 submit these approximation methodologies to the
21 Commission for review, modification, and approval.
22 Notwithstanding anything to the contrary, customers on
23 payment plans or participating in budget billing
24 programs shall have credits applied on a monthly
25 basis.

26 (3) An electricity provider shall provide electric

1 service to eligible customers who utilize net metering at
2 non-discriminatory rates that are identical, with respect
3 to rate structure, retail rate components, and any monthly
4 charges, to the rates that the customer would be charged
5 if not a net metering customer. An electricity provider
6 shall charge the customer for the net electricity supplied
7 to and used by the customer according to the terms of the
8 contract or tariff to which the same customer would be
9 assigned or be eligible for if the customer was not a net
10 metering customer. An electricity provider shall not
11 charge net metering customers any fee or charge or require
12 additional equipment, insurance, or any other requirements
13 not specifically authorized by interconnection standards
14 authorized by the Commission, unless the fee, charge, or
15 other requirement would apply to other similarly situated
16 customers who are not net metering customers. ~~The charge~~
17 ~~or credit that the customer receives for net electricity~~
18 ~~shall be at a rate equal to the customer's energy supply~~
19 ~~rate.~~ The customer remains responsible for the gross
20 amount of delivery services charges, supply-related
21 charges that are kilowatt based, and all taxes and fees
22 related to such charges. The customer also remains
23 responsible for all taxes and fees that would otherwise be
24 applicable to the net amount of electricity used by the
25 customer. Paragraphs (1) and (2) of this subsection (n)
26 shall not be construed to prevent an arms-length agreement

1 between an electricity provider and an eligible customer
2 that sets forth different prices, terms, and conditions
3 for the provision of net metering service, including, but
4 not limited to, the provision of the appropriate metering
5 equipment for non-residential customers. Nothing in this
6 paragraph (3) shall be interpreted to mandate that a
7 utility that is only required to provide delivery services
8 to a given customer must also sell electricity to such
9 customer.

10 (o) Within 90 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, each electric
12 utility subject to this Section shall file a tariff, which
13 shall, consistent with the provisions of this Section, propose
14 the terms and conditions under which a customer may
15 participate in net metering. The tariff for electric utilities
16 serving more than 200,000 customers as of January 1, 2021
17 shall also provide a streamlined and transparent bill
18 crediting system for net metering to be managed by the
19 electric utilities. The terms and conditions shall include,
20 but are not limited to, that an electric utility shall manage
21 and maintain billing of net metering credits and charges
22 regardless of if the eligible customer takes net metering
23 under an electric utility or alternative retail electric
24 supplier. The electric utility serving more than 200,000
25 customers as of January 1, 2021 shall process and approve all
26 net metering applications, even if an eligible customer is

1 served by an alternative retail electric supplier; and the
2 utility shall forward application approval to the appropriate
3 alternative retail electric supplier. Eligibility for net
4 metering shall remain with the owner of the utility billing
5 address such that, if an eligible renewable electrical
6 generating facility changes ownership, the net metering
7 eligibility transfers to the new owner. The electric utility
8 serving more than 200,000 customers as of January 1, 2021
9 shall manage net metering billing for eligible customers to
10 ensure full crediting occurs on electricity bills, including,
11 but not limited to, ensuring net metering crediting begins
12 upon commercial operation date, net metering billing transfers
13 immediately if an eligible customer switches from an electric
14 utility to alternative retail electric supplier or vice versa,
15 and net metering billing transfers between ownership of a
16 valid billing address. All transfers referenced in the
17 preceding sentence shall include transfer of all banked
18 credits. All electric utilities serving 200,000 or fewer
19 customers as of January 1, 2021 shall manage net metering
20 billing for eligible customers receiving power and energy
21 service from the electric utility to ensure full crediting
22 occurs on electricity bills, ensuring net metering crediting
23 begins upon commercial operation date, net metering billing
24 transfers immediately if an eligible customer switches from an
25 electric utility to alternative retail electric supplier or
26 vice versa, and net metering billing transfers between

1 ownership of a valid billing address. Alternative retail
2 electric suppliers providing power and energy service to
3 eligible customers located within the service territory of an
4 electric utility serving 200,000 or fewer customers as of
5 January 1, 2021 shall manage net metering billing for eligible
6 customers to ensure full crediting occurs on electricity
7 bills, including, but not limited to, ensuring net metering
8 crediting begins upon commercial operation date, net metering
9 billing transfers immediately if an eligible customer switches
10 from an electric utility to alternative retail electric
11 supplier or vice versa, and net metering billing transfers
12 between ownership of a valid billing address.

13 (Source: P.A. 99-906, eff. 6-1-17.)

14 (220 ILCS 5/16-107.6)

15 Sec. 16-107.6. Distributed generation rebate.

16 (a) In this Section:

17 "Additive services" means the services that distributed
18 energy resources provide to the energy system and society that
19 are not (1) already included in the base rebates for
20 system-wide grid services; or (2) otherwise already
21 compensated. Additive services may reflect, but shall not be
22 limited to, any geographic, time-based, performance-based, and
23 other benefits of distributed energy resources, as well as the
24 present and future technological capabilities of distributed
25 energy resources and present and future grid needs.

1 "Distributed energy resource" means a wide range of
2 technologies that are located on the customer side of the
3 customer's electric meter, including, but not limited to,
4 distributed generation, energy storage, electric vehicles, and
5 demand response technologies.

6 "Energy storage system" means commercially available
7 technology that is capable of absorbing energy and storing it
8 for a period of time for use at a later time, including, but
9 not limited to, electrochemical, thermal, and
10 electromechanical technologies, and may be interconnected
11 behind the customer's meter or interconnected behind its own
12 meter.

13 "Smart inverter" means a device that converts direct
14 current into alternating current and meets the IEEE 1547-2018
15 equipment standards. Until devices that meet the IEEE
16 1547-2018 standard are available, devices that meet the UL
17 1741 SA standard are acceptable. ~~can autonomously contribute~~
18 ~~to grid support during excursions from normal operating~~
19 ~~voltage and frequency conditions by providing each of the~~
20 ~~following: dynamic reactive and real power support, voltage~~
21 ~~and frequency ride-through, ramp rate controls, communication~~
22 ~~systems with ability to accept external commands, and other~~
23 ~~functions from the electric utility.~~

24 "Subscriber" has the meaning set forth in Section 1-10 of
25 the Illinois Power Agency Act.

26 "Subscription" has the meaning set forth in Section 1-10

1 of the Illinois Power Agency Act.

2 "System-wide grid services" means the benefits that a
3 distributed energy resource provides to the distribution grid
4 for a period of no less than 25 years. System-wide grid
5 services do not vary by location, time, or the performance
6 characteristics of the distributed energy resource.
7 System-wide grid services include, but are not limited to,
8 avoided or deferred distribution capacity costs, resilience
9 and reliability benefits, avoided or deferred distribution
10 operation and maintenance costs, distribution voltage and
11 power quality benefits, and line loss reductions.

12 "Threshold date" means December 31, 2024 or the date on
13 which the utility's tariff or tariffs setting the new
14 compensation values established under subsection (e) take
15 effect, whichever is later. ~~the load of an electricity~~
16 ~~provider's net metering customers equals 5% of the total peak~~
17 ~~demand supplied by that electricity provider during the~~
18 ~~previous year, as specified under subsection (j) of Section~~
19 ~~16-107.5 of this Act.~~

20 (b) An electric utility that serves more than 200,000
21 customers in the State shall file a petition with the
22 Commission requesting approval of the utility's tariff to
23 provide a rebate to the owner or operator of a retail customer
24 ~~who owns or operates~~ distributed generation, including
25 third-party owned systems, that meets the following criteria:

26 (1) has a nameplate generating capacity no greater

1 than 5,000 ~~2,000~~ kilowatts and is primarily used to offset
2 a ~~that~~ customer's electricity load;

3 (2) is located on the customer's side of the billing
4 meter and premises, for the customer's own use, ~~and not~~
5 ~~for commercial use or sales, including, but not limited~~
6 ~~to, wholesale sales of electric power and energy;~~

7 ~~(3) is located in the electric utility's service~~
8 ~~territory; and~~

9 (3) ~~(4)~~ is interconnected to electric distribution
10 facilities owned by the electric utility under rules
11 adopted by the Commission by means of the inverter or
12 smart inverter required by this Section, as applicable.

13 For purposes of this Section, "distributed generation"
14 shall satisfy the definition of distributed renewable energy
15 generation device set forth in Section 1-10 of the Illinois
16 Power Agency Act to the extent such definition is consistent
17 with the requirements of this Section.

18 In addition, any new photovoltaic distributed generation
19 that is installed after June 1, 2017 (the effective date of
20 Public Act 99-906) ~~this amendatory Act of the 99th General~~
21 ~~Assembly~~ must be installed by a qualified person, as defined
22 by subsection (i) of Section 1-56 of the Illinois Power Agency
23 Act.

24 The tariff shall include a base rebate that compensates
25 distributed generation for the system-wide grid services
26 associated with distributed generation and, after the

1 proceeding described in subsection (e) of this Section, an
2 additional payment or payments for the additive services. The
3 tariff shall provide that the smart inverter associated with
4 the distributed generation shall provide autonomous response
5 to grid conditions through its default settings as approved by
6 the Commission. Default settings may not be changed after the
7 execution of the interconnection agreement except by mutual
8 agreement between the utility and the owner or operator of the
9 distributed generation. ~~provide that the utility shall be~~
10 ~~permitted to operate and control the smart inverter associated~~
11 ~~with the distributed generation that is the subject of the~~
12 ~~rebate for the purpose of preserving reliability during~~
13 ~~distribution system reliability events and shall address the~~
14 ~~terms and conditions of the operation and the compensation~~
15 ~~associated with the operation.~~ Nothing in this Section shall
16 negate or supersede Institute of Electrical and Electronics
17 Engineers equipment interconnection requirements or standards
18 or other similar standards or requirements. The tariff shall
19 not limit the ability of the smart inverter or other
20 distributed energy resource to provide wholesale market
21 products such as regulation, demand response, or other
22 services, or limit the ability of the owner of the smart
23 inverter or the other distributed energy resource to receive
24 compensation for providing those wholesale market products or
25 services. ~~The tariff shall also provide for additional uses of~~
26 ~~the smart inverter that shall be separately compensated and~~

1 ~~which may include, but are not limited to, voltage and VAR~~
2 ~~support, regulation, and other grid services. As part of the~~
3 ~~proceeding described in subsection (c) of this Section, the~~
4 ~~Commission shall review and determine whether smart inverters~~
5 ~~can provide any additional uses or services. If the Commission~~
6 ~~determines that an additional use or service would be~~
7 ~~beneficial, the Commission shall determine the terms and~~
8 ~~conditions of the operation and how the use or service should~~
9 ~~be separately compensated.~~

10 (b-5) Within 30 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, each electric
12 public utility with 3,000,000 or more retail customers shall
13 file a tariff with the Commission that further compensates any
14 retail customer that installs or has installed photovoltaic
15 facilities paired with energy storage facilities on or
16 adjacent to its premises for the benefits the facilities
17 provide to the distribution grid. The tariff shall provide
18 that, in addition to the other rebates identified in this
19 Section, the electric utility shall rebate to such retail
20 customer (i) the previously incurred and future costs of
21 installing interconnection facilities and related
22 infrastructure to enable full participation in the PJM
23 Interconnection, LLC or its successor organization frequency
24 regulation market; and (ii) all wholesale demand charges
25 incurred after the effective date of this amendatory Act of
26 the 102nd General Assembly. The Commission shall approve, or

1 approve with modification, the tariff within 120 days after
2 the utility's filing.

3 (c) The proposed tariff authorized by subsection (b) of
4 this Section shall include the following participation terms
5 ~~for and formulae to calculate the value of the~~ rebates to be
6 applied under this Section for distributed generation that
7 satisfies the criteria set forth in subsection (b) of this
8 Section:

9 (1) The owner or operator of distributed generation
10 that services ~~(1) Until the utility files its tariff or~~
11 ~~tariffs to place into effect the rebate values established~~
12 ~~by the Commission under subsection (c) of this Section,~~
13 ~~non-residential~~ customers not eligible for net metering
14 under subsection (d), (d-5), or (e) of Section 16-107.5 of
15 this Act that are taking service under a net metering
16 ~~program offered by an electricity provider under the terms~~
17 ~~of Section 16-107.5 of this Act~~ may apply for a rebate as
18 provided for in this Section. Until the threshold date,
19 the ~~The~~ value of the rebate shall be \$250 per kilowatt of
20 nameplate generating capacity, measured as nominal DC
21 power output, of that ~~a non-residential~~ customer's
22 distributed generation. To the extent the distributed
23 generation also has an associated energy storage, then the
24 energy storage system shall be separately compensated with
25 a base rebate of \$250 per kilowatt-hour of nameplate
26 capacity. Any distributed generation device that is

1 compensated for storage in this subsection (1) before the
2 threshold date shall participate in one or more programs
3 determined through the Multi-Year Integrated Grid Planning
4 process that are designed to meet peak reduction and
5 flexibility. After the threshold date, the value of the
6 base rebate and additional compensation for any additive
7 services shall be as determined by the Commission in the
8 proceeding described in subsection (e) of this Section,
9 provided that the value of the base rebate for system-wide
10 grid services shall not be lower than \$250 per kilowatt of
11 nameplate generating capacity of distributed generation or
12 community renewable generation project.

13 (2) The owner or operator of distributed generation
14 that, before the threshold date, would have been eligible
15 for net metering under subsection (d), (d-5), or (e) of
16 Section 16-107.5 of this Act and that has not previously
17 received a distributed generation rebate, may apply for a
18 rebate as provided for in this Section. Until the
19 threshold date, the value of the base rebate shall be \$300
20 per kilowatt of nameplate generating capacity, measured as
21 nominal DC power output, of the distributed generation.
22 The owner or operator of distributed generation that,
23 before the threshold date, is eligible for net metering
24 under subsection (d), (d-5), or (e) of Section 16-107.5 of
25 this Act may apply for a base rebate for an energy storage
26 device that uses the same smart inverter as the

1 distributed generation, regardless of whether the
2 distributed generation applies for a rebate for the
3 distributed generation device. The energy storage system
4 shall be separately compensated at a base payment of \$300
5 per kilowatt-hour of nameplate capacity. Any distributed
6 generation device that is compensated for storage in this
7 subsection (2) before the threshold date shall participate
8 in a peak time rebate program, hourly pricing program, or
9 time-of-use rate program offered by the applicable
10 electric utility. After the threshold date, the value of
11 the base rebate and additional compensation for any
12 additive services shall be as determined by the Commission
13 in the proceeding described in subsection (e) of this
14 Section, provided that, prior to December 31, 2029, the
15 value of the base rebate for system-wide services shall
16 not be lower than \$300 per kilowatt of nameplate
17 generating capacity of distributed generation, after which
18 it shall not be lower than \$250 per kilowatt of nameplate
19 capacity.

20 ~~(2) After the utility's tariff or tariffs setting the~~
21 ~~new rebate values established under subsection (d) of this~~
22 ~~Section take effect, retail customers may, as applicable,~~
23 ~~make the following elections:~~

24 ~~(A) Residential customers that are taking service~~
25 ~~under a net metering program offered by an electricity~~
26 ~~provider under the terms of Section 16 107.5 of this~~

1 ~~Act on the threshold date may elect to either continue~~
2 ~~to take such service under the terms of such program as~~
3 ~~in effect on such threshold date for the useful life of~~
4 ~~the customer's eligible renewable electric generating~~
5 ~~facility as defined in such Section, or file an~~
6 ~~application to receive a rebate under the terms of~~
7 ~~this Section, provided that such application must be~~
8 ~~submitted within 6 months after the effective date of~~
9 ~~the tariff approved under subsection (d) of this~~
10 ~~Section. The value of the rebate shall be the amount~~
11 ~~established by the Commission and reflected in the~~
12 ~~utility's tariff pursuant to subsection (e) of this~~
13 ~~Section.~~

14 ~~(B) Non residential customers that are taking~~
15 ~~service under a net metering program offered by an~~
16 ~~electricity provider under the terms of Section~~
17 ~~16 107.5 of this Act on the threshold date may apply~~
18 ~~for a rebate as provided for in this Section. The value~~
19 ~~of the rebate shall be the amount established by the~~
20 ~~Commission and reflected in the utility's tariff~~
21 ~~pursuant to subsection (e) of this Section.~~

22 (3) Upon approval of a rebate application submitted
23 under this subsection (c), the retail customer shall no
24 longer be entitled to receive any delivery service credits
25 for the excess electricity generated by its facility and
26 shall be subject to the provisions of subsection (n) of

1 Section 16-107.5 of this Act.

2 (4) To be eligible for a rebate described in this
3 subsection (c), the owner or operator of the distributed
4 generation ~~customers who begin taking service after the~~
5 ~~effective date of this amendatory Act of the 99th General~~
6 ~~Assembly under a net metering program offered by an~~
7 ~~electricity provider under the terms of Section 16-107.5~~
8 ~~of this Act~~ must have a smart inverter installed and in
9 operation on the ~~associated with the customer's~~
10 distributed generation.

11 (d) The Commission shall review the proposed tariff
12 authorized by subsection ~~submitted under subsections (b) and~~
13 ~~(e)~~ of this Section and may make changes to the tariff that are
14 consistent with this Section and with the Commission's
15 authority under Article IX of this Act, subject to notice and
16 hearing. Following notice and hearing, the Commission shall
17 issue an order approving, or approving with modification, such
18 tariff no later than 240 days after the utility files its
19 tariff. Upon the effective date of this amendatory Act of the
20 102nd General Assembly, an electric utility shall file a
21 petition with the Commission to amend and update any existing
22 tariffs to comply with subsections (b) and (c).

23 (e) By no later than June 30, 2023, ~~when the total~~
24 ~~generating capacity of the electricity provider's net metering~~
25 ~~customers is equal to 3%,~~ the Commission shall open an
26 independent, statewide investigation into the value of, and

1 compensation for, distributed energy resources. The Commission
2 shall conduct the investigation, but may arrange for experts
3 or consultants independent of the utilities and selected by
4 the Commission to assist with the investigation. The cost of
5 the investigation shall be shared by the utilities filing
6 tariffs under subsection (b) of this Section but may be
7 recovered as an expense through normal ratemaking procedures.
8 ~~an annual process and formula for calculating the value of~~
9 ~~rebates for the retail customers described in subsections (b)~~
10 ~~and (f) of this Section that submit rebate applications after~~
11 ~~the threshold date for an electric utility that elected to~~
12 ~~file a tariff pursuant to this Section.~~

13 (1) The Commission shall ensure that the investigation
14 includes, at minimum, diverse sets of stakeholders; a
15 review of best practices in calculating the value of
16 distributed energy resource benefits; a review of the full
17 value of the distributed energy resources and the manner
18 in which each component of that value is or is not
19 otherwise compensated; and assessments of how the value of
20 distributed energy resources may evolve based on the
21 present and future technological capabilities of
22 distributed energy resources and based on present and
23 future grid needs.

24 (2) The Commission's final order concluding this
25 investigation shall establish an annual process and
26 formula for the compensation of distributed generation and

1 energy storage systems, and an initial set of inputs for
2 that formula. The Commission's final order concluding this
3 investigation shall establish base rebates that compensate
4 distributed generation, community renewable generation
5 projects and energy storage systems for the system-wide
6 grid services that they provide. Those base rebate values
7 shall be consistent across the state, and shall not vary
8 by customer, customer class, customer location, or any
9 other variable. With respect to rebates for distributed
10 generation or community renewable generation projects,
11 that rebate shall not be lower than \$250 per kilowatt of
12 nameplate generating capacity of the distributed
13 generation or community renewable generation project. The
14 Commission's final order concluding this proceeding shall
15 also direct the utilities to update the formula, on an
16 annual basis, with inputs derived from their integrated
17 grid plans developed pursuant to Section 16-105.17. The
18 base rebate shall be updated annually based on the annual
19 updates to the formula inputs, but, with respect to
20 rebates for distributed generation or community renewable
21 generation projects, shall be no lower than \$250 per
22 kilowatt of nameplate generating capacity of the
23 distributed generation or community renewable generation
24 project.

25 (3) The Commission shall also determine, as a part of
26 its investigation under this subsection, whether

1 distributed energy resources can provide any additive
2 services. Those additive services may include services
3 that are provided through utility-controlled responses to
4 grid conditions. If the Commission determines that
5 distributed energy resources can provide additive grid
6 services, the Commission shall determine the terms and
7 conditions for the operation and compensation of those
8 services. That compensation shall be above and beyond the
9 base rebate that the distributed energy generation,
10 community renewable generation project and energy storage
11 system receives. Compensation for additive services may
12 vary by location, time, performance characteristics,
13 technology types, or other variables.

14 (4) The Commission shall ensure that compensation for
15 distributed energy resources, including base rebates and
16 any payments for additive services, shall reflect all
17 reasonably known and measurable values of the distributed
18 generation over its full expected useful life.
19 Compensation for additive services shall reflect, but
20 shall not be limited to, any geographic, time-based,
21 performance-based, and other benefits of distributed
22 generation, as well as the present and future
23 technological capabilities of distributed energy resources
24 and present and future grid needs.

25 (5) The Commission shall consider the electric
26 utility's integrated grid plan developed pursuant to

1 Section 16-105.17 of this Act to help identify the value
2 of distributed energy resources for the purpose of
3 calculating the compensation described in this subsection.

4 (6) The Commission shall determine additional
5 compensation for distributed energy resources that creates
6 savings and value on the distribution system by being
7 co-located or in close proximity to electric vehicle
8 charging infrastructure in use by medium-duty and
9 heavy-duty vehicles, primarily serving environmental
10 justice communities, as outlined in the utility integrated
11 grid planning process under Section 16-105.17 of this Act.

12 No later than 60 days after the Commission enters its
13 final order under this subsection (e), each utility shall file
14 its updated tariff or tariffs in compliance with the order,
15 including new tariffs for the recovery of costs incurred under
16 this subsection (e) that shall provide for volumetric-based
17 cost recovery, and the Commission shall approve, or approve
18 with modification, the tariff or tariffs within 240 days after
19 the utility's filing.

20 ~~The investigation shall include diverse sets of~~
21 ~~stakeholders, calculations for valuing distributed energy~~
22 ~~resource benefits to the grid based on best practices, and~~
23 ~~assessments of present and future technological capabilities~~
24 ~~of distributed energy resources. The value of such rebates~~
25 ~~shall reflect the value of the distributed generation to the~~
26 ~~distribution system at the location at which it is~~

1 ~~interconnected, taking into account the geographic,~~
2 ~~time based, and performance based benefits, as well as~~
3 ~~technological capabilities and present and future grid needs.~~
4 ~~No later than 10 days after the Commission enters its final~~
5 ~~order under this subsection (c), the utility shall file its~~
6 ~~tariff or tariffs in compliance with the order, and the~~
7 ~~Commission shall approve, or approve with modification, the~~
8 ~~tariff or tariffs within 45 days after the utility's filing.~~
9 ~~For those rebate applications filed after the threshold date~~
10 ~~but before the utility's tariff or tariffs filed pursuant to~~
11 ~~this subsection (c) take effect, the value of the rebate shall~~
12 ~~remain at the value established in subsection (c) of this~~
13 ~~Section until the tariff is approved.~~

14 (f) Notwithstanding any provision of this Act to the
15 contrary, the owner or operator ~~, developer, or subscriber~~ of
16 a community renewable generation project as defined in Section
17 1-10 of the Illinois Power Agency Act ~~facility that is part of~~
18 ~~a net metering program provided under subsection (l) of~~
19 ~~Section 16-107.5~~ shall also be eligible to apply for the
20 rebate described in this Section. The owner or operator of the
21 community renewable ~~A subscriber to the generation project~~
22 ~~facility~~ may apply for a rebate ~~in the amount of the~~
23 ~~subscriber's subscription~~ only if the owner or operator, or
24 previous owner or operator, of the community renewable
25 generation project, developer, or previous subscriber to the
26 ~~same panel or panels~~ has not already submitted an application,

1 and, regardless of whether the subscriber is a residential or
2 non-residential customer, may be allowed the amount identified
3 in paragraph (1) of subsection (c) ~~or in subsection (e) of this~~
4 ~~Section~~ applicable ~~to such customer~~ on the date that the
5 application is submitted. ~~An application for a rebate for a~~
6 ~~portion of a project described in this subsection (f) may be~~
7 ~~submitted at or after the time that a related request for net~~
8 ~~metering is made.~~

9 (g) The owner of the distributed generation or community
10 renewable generation project may apply for the rebate or
11 rebates approved under this Section at the time of execution
12 of an interconnection agreement with the distribution utility
13 and shall receive the value available at that time of
14 execution of the interconnection agreement, provided the
15 project reaches mechanical completion within 24 months after
16 execution of the interconnection agreement. If the project has
17 not reached mechanical completion within 24 months after
18 execution, the owner may reapply for the rebate or rebates
19 approved under this Section available at the time of
20 application and shall receive the value available at the time
21 of application. The utility shall issue the rebate no ~~no~~ later
22 than 60 days after the project is energized. ~~utility receives~~
23 ~~an application for a rebate under its tariff approved under~~
24 ~~subsection (d) or (e) of this Section, the utility shall issue~~
25 ~~a rebate to the applicant under the terms of the tariff.~~ In the
26 event the application is incomplete or the utility is

1 otherwise unable to calculate the payment based on the
2 information provided by the owner, the utility shall issue the
3 payment no later than 60 days after the application is
4 complete or all requested information is received.

5 (h) An electric utility shall recover from its retail
6 customers all of the costs of the rebates made under a tariff
7 or tariffs approved under subsection (d) of ~~placed into effect~~
8 ~~under~~ this Section, including, but not limited to, the value
9 of the rebates and all costs incurred by the utility to comply
10 with and implement subsections (b) and (c) of this Section,
11 but not including costs incurred by the utility to comply with
12 and implement subsection (e) of this Section, consistent with
13 the following provisions:

14 (1) The utility shall defer the full amount of its
15 costs ~~incurred under this Section~~ as a regulatory asset.
16 The total costs deferred as a regulatory asset shall be
17 amortized over a 15-year period. The unamortized balance
18 shall be recognized as of December 31 for a given year. The
19 utility shall also earn a return on the total of the
20 unamortized balance of the regulatory assets, less any
21 deferred taxes related to the unamortized balance, at an
22 annual rate equal to the utility's weighted average cost
23 of capital that includes, based on a year-end capital
24 structure, the utility's actual cost of debt for the
25 applicable calendar year and a cost of equity, which shall
26 be calculated as the sum of (i) the average for the

1 applicable calendar year of the monthly average yields of
2 30-year U.S. Treasury bonds published by the Board of
3 Governors of the Federal Reserve System in its weekly H.15
4 Statistical Release or successor publication; and (ii) 580
5 basis points, including a revenue conversion factor
6 calculated to recover or refund all additional income
7 taxes that may be payable or receivable as a result of that
8 return.

9 When an electric utility creates a regulatory asset
10 under the provisions of this paragraph (1) of subsection
11 (h) Section, the costs are recovered over a period during
12 which customers also receive a benefit, which is in the
13 public interest. Accordingly, it is the intent of the
14 General Assembly that an electric utility that elects to
15 create a regulatory asset under the provisions of this
16 paragraph (1) Section shall recover all of the associated
17 costs, including, but not limited to, its cost of capital
18 as set forth in this paragraph (1) Section. After the
19 Commission has approved the prudence and reasonableness of
20 the costs that comprise the regulatory asset, the electric
21 utility shall be permitted to recover all such costs, and
22 the value and recoverability through rates of the
23 associated regulatory asset shall not be limited, altered,
24 impaired, or reduced. To enable the financing of the
25 incremental capital expenditures, including regulatory
26 assets, for electric utilities that serve less than

1 3,000,000 retail customers but more than 500,000 retail
2 customers in the State, the utility's actual year-end
3 capital structure that includes a common equity ratio,
4 excluding goodwill, of up to and including 50% of the
5 total capital structure shall be deemed reasonable and
6 used to set rates.

7 (2) The utility, at its election, may recover all of
8 the costs ~~it incurs under this Section~~ as part of a filing
9 for a general increase in rates under Article IX of this
10 Act, as part of an annual filing to update a
11 performance-based formula rate under subsection (d) of
12 Section 16-108.5 of this Act, or through an automatic
13 adjustment clause tariff, provided that nothing in this
14 paragraph (2) permits the double recovery of such costs
15 from customers. If the utility elects to recover the costs
16 it incurs under subsections (b) and (c) ~~this Section~~
17 through an automatic adjustment clause tariff, the utility
18 may file its proposed tariff together with the tariff it
19 files under subsection (b) of this Section or at a later
20 time. The proposed tariff shall provide for an annual
21 reconciliation, less any deferred taxes related to the
22 reconciliation, with interest at an annual rate of return
23 equal to the utility's weighted average cost of capital as
24 calculated under paragraph (1) of this subsection (h),
25 including a revenue conversion factor calculated to
26 recover or refund all additional income taxes that may be

1 payable or receivable as a result of that return, of the
2 revenue requirement reflected in rates for each calendar
3 year, beginning with the calendar year in which the
4 utility files its automatic adjustment clause tariff under
5 this subsection (h), with what the revenue requirement
6 would have been had the actual cost information for the
7 applicable calendar year been available at the filing
8 date. The Commission shall review the proposed tariff and
9 may make changes to the tariff that are consistent with
10 this Section and with the Commission's authority under
11 Article IX of this Act, subject to notice and hearing.
12 Following notice and hearing, the Commission shall issue
13 an order approving, or approving with modification, such
14 tariff no later than 240 days after the utility files its
15 tariff.

16 (i) An electric utility shall recover from its retail
17 customers, on a volumetric basis, all of the costs of the
18 rebates made under a tariff or tariffs placed into effect
19 under subsection (e) of this Section, including, but not
20 limited to, the value of the rebates and all costs incurred by
21 the utility to comply with and implement subsection (e) of
22 this Section, consistent with the following provisions:

23 (1) The utility may defer a portion of its costs as a
24 regulatory asset. The Commission shall determine the
25 portion that may be appropriately deferred as a regulatory
26 asset. Factors that the Commission shall consider in

1 determining the portion of costs that shall be deferred as
2 a regulatory asset include, but are not limited to: (i)
3 whether and the extent to which a cost effectively
4 deferred or avoided other distribution system operating
5 costs or capital expenditures; (ii) the extent to which a
6 cost provides environmental benefits; (iii) the extent to
7 which a cost improves system reliability or resilience;
8 (iv) the electric utility's distribution system plan
9 developed pursuant to Section 16-105.17 of this Act; (v)
10 the extent to which a cost advances equity principles; and
11 (vi) such other factors as the Commission deems
12 appropriate. The remainder of costs shall be deemed an
13 operating expense and shall be recoverable if found
14 prudent and reasonable by the Commission.

15 The total costs deferred as a regulatory asset shall be
16 amortized over a 15-year period. The unamortized balance shall
17 be recognized as of December 31 for a given year. The utility
18 shall also earn a return on the total of the unamortized
19 balance of the regulatory assets, less any deferred taxes
20 related to the unamortized balance, at an annual rate equal to
21 the utility's weighted average cost of capital that includes,
22 based on a year-end capital structure, the utility's actual
23 cost of debt for the applicable calendar year and a cost of
24 equity, which shall be calculated as the sum of: (I) the
25 average for the applicable calendar year of the monthly
26 average yields of 30-year U.S. Treasury bonds published by the

1 Board of Governors of the Federal Reserve System in its weekly
2 H.15 Statistical Release or successor publication; and (II)
3 580 basis points, including a revenue conversion factor
4 calculated to recover or refund all additional income taxes
5 that may be payable or receivable as a result of that return.

6 (2) The utility may recover all of the costs through
7 an automatic adjustment clause tariff, on a volumetric
8 basis. The utility may file its proposed cost-recovery
9 tariff together with the tariff it files under subsection
10 (e) of this Section or at a later time. The proposed tariff
11 shall provide for an annual reconciliation, less any
12 deferred taxes related to the reconciliation, with
13 interest at an annual rate of return equal to the
14 utility's weighted average cost of capital as calculated
15 under paragraph (1) of this subsection (i), including a
16 revenue conversion factor calculated to recover or refund
17 all additional income taxes that may be payable or
18 receivable as a result of that return, of the revenue
19 requirement reflected in rates for each calendar year,
20 beginning with the calendar year in which the utility
21 files its automatic adjustment clause tariff under this
22 subsection (i), with what the revenue requirement would
23 have been had the actual cost information for the
24 applicable calendar year been available at the filing
25 date. The Commission shall review the proposed tariff and
26 may make changes to the tariff that are consistent with

1 this Section and with the Commission's authority under
2 Article IX of this Act, subject to notice and hearing.
3 Following notice and hearing, the Commission shall issue
4 an order approving, or approving with modification, such
5 tariff no later than 240 days after the utility files its
6 tariff.

7 (j) ~~(i)~~ No later than 90 days after the Commission enters
8 an order, or order on rehearing, whichever is later, approving
9 an electric utility's proposed tariff under ~~subsection (d) of~~
10 this Section, the electric utility shall provide notice of the
11 availability of rebates under this Section. ~~Subsequent to the~~
12 ~~utility's notice, any entity that offers in the State, for~~
13 ~~sale or lease, distributed generation and estimates the dollar~~
14 ~~saving attributable to such distributed generation shall~~
15 ~~provide estimates based on both delivery service credits and~~
16 ~~the rebates available under this Section.~~

17 (Source: P.A. 99-906, eff. 6-1-17.)

18 (220 ILCS 5/16-108)

19 Sec. 16-108. Recovery of costs associated with the
20 provision of delivery and other services.

21 (a) An electric utility shall file a delivery services
22 tariff with the Commission at least 210 days prior to the date
23 that it is required to begin offering such services pursuant
24 to this Act. An electric utility shall provide the components
25 of delivery services that are subject to the jurisdiction of

1 the Federal Energy Regulatory Commission at the same prices,
2 terms and conditions set forth in its applicable tariff as
3 approved or allowed into effect by that Commission. The
4 Commission shall otherwise have the authority pursuant to
5 Article IX to review, approve, and modify the prices, terms
6 and conditions of those components of delivery services not
7 subject to the jurisdiction of the Federal Energy Regulatory
8 Commission, including the authority to determine the extent to
9 which such delivery services should be offered on an unbundled
10 basis. In making any such determination the Commission shall
11 consider, at a minimum, the effect of additional unbundling on
12 (i) the objective of just and reasonable rates, (ii) electric
13 utility employees, and (iii) the development of competitive
14 markets for electric energy services in Illinois.

15 (b) The Commission shall enter an order approving, or
16 approving as modified, the delivery services tariff no later
17 than 30 days prior to the date on which the electric utility
18 must commence offering such services. The Commission may
19 subsequently modify such tariff pursuant to this Act.

20 (c) The electric utility's tariffs shall define the
21 classes of its customers for purposes of delivery services
22 charges. Delivery services shall be priced and made available
23 to all retail customers electing delivery services in each
24 such class on a nondiscriminatory basis regardless of whether
25 the retail customer chooses the electric utility, an affiliate
26 of the electric utility, or another entity as its supplier of

1 electric power and energy. Charges for delivery services shall
2 be cost based, and shall allow the electric utility to recover
3 the costs of providing delivery services through its charges
4 to its delivery service customers that use the facilities and
5 services associated with such costs. Such costs shall include
6 the costs of owning, operating and maintaining transmission
7 and distribution facilities. The Commission shall also be
8 authorized to consider whether, and if so to what extent, the
9 following costs are appropriately included in the electric
10 utility's delivery services rates: (i) the costs of that
11 portion of generation facilities used for the production and
12 absorption of reactive power in order that retail customers
13 located in the electric utility's service area can receive
14 electric power and energy from suppliers other than the
15 electric utility, and (ii) the costs associated with the use
16 and redispatch of generation facilities to mitigate
17 constraints on the transmission or distribution system in
18 order that retail customers located in the electric utility's
19 service area can receive electric power and energy from
20 suppliers other than the electric utility. Nothing in this
21 subsection shall be construed as directing the Commission to
22 allocate any of the costs described in (i) or (ii) that are
23 found to be appropriately included in the electric utility's
24 delivery services rates to any particular customer group or
25 geographic area in setting delivery services rates.

26 (d) The Commission shall establish charges, terms and

1 conditions for delivery services that are just and reasonable
2 and shall take into account customer impacts when establishing
3 such charges. In establishing charges, terms and conditions
4 for delivery services, the Commission shall take into account
5 voltage level differences. A retail customer shall have the
6 option to request to purchase electric service at any delivery
7 service voltage reasonably and technically feasible from the
8 electric facilities serving that customer's premises provided
9 that there are no significant adverse impacts upon system
10 reliability or system efficiency. A retail customer shall also
11 have the option to request to purchase electric service at any
12 point of delivery that is reasonably and technically feasible
13 provided that there are no significant adverse impacts on
14 system reliability or efficiency. Such requests shall not be
15 unreasonably denied.

16 (e) Electric utilities shall recover the costs of
17 installing, operating or maintaining facilities for the
18 particular benefit of one or more delivery services customers,
19 including without limitation any costs incurred in complying
20 with a customer's request to be served at a different voltage
21 level, directly from the retail customer or customers for
22 whose benefit the costs were incurred, to the extent such
23 costs are not recovered through the charges referred to in
24 subsections (c) and (d) of this Section.

25 (f) An electric utility shall be entitled but not required
26 to implement transition charges in conjunction with the

1 offering of delivery services pursuant to Section 16-104. If
2 an electric utility implements transition charges, it shall
3 implement such charges for all delivery services customers and
4 for all customers described in subsection (h), but shall not
5 implement transition charges for power and energy that a
6 retail customer takes from cogeneration or self-generation
7 facilities located on that retail customer's premises, if such
8 facilities meet the following criteria:

9 (i) the cogeneration or self-generation facilities
10 serve a single retail customer and are located on that
11 retail customer's premises (for purposes of this
12 subparagraph and subparagraph (ii), an industrial or
13 manufacturing retail customer and a third party contractor
14 that is served by such industrial or manufacturing
15 customer through such retail customer's own electrical
16 distribution facilities under the circumstances described
17 in subsection (vi) of the definition of "alternative
18 retail electric supplier" set forth in Section 16-102,
19 shall be considered a single retail customer);

20 (ii) the cogeneration or self-generation facilities
21 either (A) are sized pursuant to generally accepted
22 engineering standards for the retail customer's electrical
23 load at that premises (taking into account standby or
24 other reliability considerations related to that retail
25 customer's operations at that site) or (B) if the facility
26 is a cogeneration facility located on the retail

1 customer's premises, the retail customer is the thermal
2 host for that facility and the facility has been designed
3 to meet that retail customer's thermal energy requirements
4 resulting in electrical output beyond that retail
5 customer's electrical demand at that premises, comply with
6 the operating and efficiency standards applicable to
7 "qualifying facilities" specified in title 18 Code of
8 Federal Regulations Section 292.205 as in effect on the
9 effective date of this amendatory Act of 1999;

10 (iii) the retail customer on whose premises the
11 facilities are located either has an exclusive right to
12 receive, and corresponding obligation to pay for, all of
13 the electrical capacity of the facility, or in the case of
14 a cogeneration facility that has been designed to meet the
15 retail customer's thermal energy requirements at that
16 premises, an identified amount of the electrical capacity
17 of the facility, over a minimum 5-year period; and

18 (iv) if the cogeneration facility is sized for the
19 retail customer's thermal load at that premises but
20 exceeds the electrical load, any sales of excess power or
21 energy are made only at wholesale, are subject to the
22 jurisdiction of the Federal Energy Regulatory Commission,
23 and are not for the purpose of circumventing the
24 provisions of this subsection (f).

25 If a generation facility located at a retail customer's
26 premises does not meet the above criteria, an electric utility

1 implementing transition charges shall implement a transition
2 charge until December 31, 2006 for any power and energy taken
3 by such retail customer from such facility as if such power and
4 energy had been delivered by the electric utility. Provided,
5 however, that an industrial retail customer that is taking
6 power from a generation facility that does not meet the above
7 criteria but that is located on such customer's premises will
8 not be subject to a transition charge for the power and energy
9 taken by such retail customer from such generation facility if
10 the facility does not serve any other retail customer and
11 either was installed on behalf of the customer and for its own
12 use prior to January 1, 1997, or is both predominantly fueled
13 by byproducts of such customer's manufacturing process at such
14 premises and sells or offers an average of 300 megawatts or
15 more of electricity produced from such generation facility
16 into the wholesale market. Such charges shall be calculated as
17 provided in Section 16-102, and shall be collected on each
18 kilowatt-hour delivered under a delivery services tariff to a
19 retail customer from the date the customer first takes
20 delivery services until December 31, 2006 except as provided
21 in subsection (h) of this Section. Provided, however, that an
22 electric utility, other than an electric utility providing
23 service to at least 1,000,000 customers in this State on
24 January 1, 1999, shall be entitled to petition for entry of an
25 order by the Commission authorizing the electric utility to
26 implement transition charges for an additional period ending

1 no later than December 31, 2008. The electric utility shall
2 file its petition with supporting evidence no earlier than 16
3 months, and no later than 12 months, prior to December 31,
4 2006. The Commission shall hold a hearing on the electric
5 utility's petition and shall enter its order no later than 8
6 months after the petition is filed. The Commission shall
7 determine whether and to what extent the electric utility
8 shall be authorized to implement transition charges for an
9 additional period. The Commission may authorize the electric
10 utility to implement transition charges for some or all of the
11 additional period, and shall determine the mitigation factors
12 to be used in implementing such transition charges; provided,
13 that the Commission shall not authorize mitigation factors
14 less than 110% of those in effect during the 12 months ended
15 December 31, 2006. In making its determination, the Commission
16 shall consider the following factors: the necessity to
17 implement transition charges for an additional period in order
18 to maintain the financial integrity of the electric utility;
19 the prudence of the electric utility's actions in reducing its
20 costs since the effective date of this amendatory Act of 1997;
21 the ability of the electric utility to provide safe, adequate
22 and reliable service to retail customers in its service area;
23 and the impact on competition of allowing the electric utility
24 to implement transition charges for the additional period.

25 (g) The electric utility shall file tariffs that establish
26 the transition charges to be paid by each class of customers to

1 the electric utility in conjunction with the provision of
2 delivery services. The electric utility's tariffs shall define
3 the classes of its customers for purposes of calculating
4 transition charges. The electric utility's tariffs shall
5 provide for the calculation of transition charges on a
6 customer-specific basis for any retail customer whose average
7 monthly maximum electrical demand on the electric utility's
8 system during the 6 months with the customer's highest monthly
9 maximum electrical demands equals or exceeds 3.0 megawatts for
10 electric utilities having more than 1,000,000 customers, and
11 for other electric utilities for any customer that has an
12 average monthly maximum electrical demand on the electric
13 utility's system of one megawatt or more, and (A) for which
14 there exists data on the customer's usage during the 3 years
15 preceding the date that the customer became eligible to take
16 delivery services, or (B) for which there does not exist data
17 on the customer's usage during the 3 years preceding the date
18 that the customer became eligible to take delivery services,
19 if in the electric utility's reasonable judgment there exists
20 comparable usage information or a sufficient basis to develop
21 such information, and further provided that the electric
22 utility can require customers for which an individual
23 calculation is made to sign contracts that set forth the
24 transition charges to be paid by the customer to the electric
25 utility pursuant to the tariff.

26 (h) An electric utility shall also be entitled to file

1 tariffs that allow it to collect transition charges from
2 retail customers in the electric utility's service area that
3 do not take delivery services but that take electric power or
4 energy from an alternative retail electric supplier or from an
5 electric utility other than the electric utility in whose
6 service area the customer is located. Such charges shall be
7 calculated, in accordance with the definition of transition
8 charges in Section 16-102, for the period of time that the
9 customer would be obligated to pay transition charges if it
10 were taking delivery services, except that no deduction for
11 delivery services revenues shall be made in such calculation,
12 and usage data from the customer's class shall be used where
13 historical usage data is not available for the individual
14 customer. The customer shall be obligated to pay such charges
15 on a lump sum basis on or before the date on which the customer
16 commences to take service from the alternative retail electric
17 supplier or other electric utility, provided, that the
18 electric utility in whose service area the customer is located
19 shall offer the customer the option of signing a contract
20 pursuant to which the customer pays such charges ratably over
21 the period in which the charges would otherwise have applied.

22 (i) An electric utility shall be entitled to add to the
23 bills of delivery services customers charges pursuant to
24 Sections 9-221, 9-222 (except as provided in Section 9-222.1),
25 and Section 16-114 of this Act, Section 5-5 of the Electricity
26 Infrastructure Maintenance Fee Law, Section 6-5 of the

1 Renewable Energy, Energy Efficiency, and Coal Resources
2 Development Law of 1997, and Section 13 of the Energy
3 Assistance Act.

4 (i-5) An electric utility required to impose the Coal to
5 Solar and Energy Storage Initiative Charge provided for in
6 subsection (c-5) of Section 1-75 of the Illinois Power Agency
7 Act shall add such charge to the bills of its delivery services
8 customers pursuant to the terms of a tariff conforming to the
9 requirements of subsection (c-5) of Section 1-75 of the
10 Illinois Power Agency Act and this subsection (i-5) and filed
11 with and approved by the Commission. The electric utility
12 shall file its proposed tariff with the Commission on or
13 before July 1, 2022 to be effective, after review and approval
14 or modification by the Commission, beginning January 1, 2023.
15 On or before December 1, 2022, the Commission shall review the
16 electric utility's proposed tariff, including by conducting a
17 docketed proceeding if deemed necessary by the Commission, and
18 shall approve the proposed tariff or direct the electric
19 utility to make modifications the Commission finds necessary
20 for the tariff to conform to the requirements of subsection
21 (c-5) of Section 1-75 of the Illinois Power Agency Act and this
22 subsection (i-5). The electric utility's tariff shall provide
23 for imposition of the Coal to Solar and Energy Storage
24 Initiative Charge on a per-kilowatthour basis to all
25 kilowatthours delivered by the electric utility to its
26 delivery services customers. The tariff shall provide for the

1 calculation of the Coal to Solar and Energy Storage Initiative
2 Charge to be in effect for the year beginning January 1, 2023
3 and each year beginning January 1 thereafter, sufficient to
4 collect the electric utility's estimated payment obligations
5 for the delivery year beginning the following June 1 under
6 contracts for purchase of renewable energy credits entered
7 into pursuant to subsection (c-5) of Section 1-75 of the
8 Illinois Power Agency Act and the obligations of the
9 Department of Commerce and Economic Opportunity, or any
10 successor department or agency, which for purposes of this
11 subsection (i-5) shall be referred to as the Department, to
12 make grant payments during such delivery year from the Coal to
13 Solar and Energy Storage Initiative Fund pursuant to grant
14 contracts entered into pursuant to subsection (c-5) of Section
15 1-75 of the Illinois Power Agency Act, and using the electric
16 utility's kilowatthour deliveries to its delivery services
17 customers during the delivery year ended May 31 of the
18 preceding calendar year. On or before November 1 of each year
19 beginning November 1, 2022, the Department shall notify the
20 electric utilities of the amount of the Department's estimated
21 obligations for grant payments during the delivery year
22 beginning the following June 1 pursuant to grant contracts
23 entered into pursuant to subsection (c-5) of Section 1-75 of
24 the Illinois Power Agency Act; and each electric utility shall
25 incorporate in the calculation of its Coal to Solar and Energy
26 Storage Initiative Charge the fractional portion of the

1 Department's estimated obligations equal to the electric
2 utility's kilowatthour deliveries to its delivery services
3 customers in the delivery year ended the preceding May 31
4 divided by the aggregate deliveries of both electric utilities
5 to delivery services customers in such delivery year. The
6 electric utility shall remit on a monthly basis to the State
7 Treasurer, for deposit in the Coal to Solar and Energy Storage
8 Initiative Fund provided for in subsection (c-5) of Section
9 1-75 of the Illinois Power Agency Act, the electric utility's
10 collections of the Coal to Solar and Energy Storage Initiative
11 Charge estimated to be needed by the Department for grant
12 payments pursuant to grant contracts entered into pursuant to
13 subsection (c-5) of Section 1-75 of the Illinois Power Agency
14 Act. The initial charge under the electric utility's tariff
15 shall be effective for kilowatthours delivered beginning
16 January 1, 2023, and thereafter shall be revised to be
17 effective January 1, 2024 and each January 1 thereafter, based
18 on the payment obligations for the delivery year beginning the
19 following June 1. The tariff shall provide for the electric
20 utility to make an annual filing with the Commission on or
21 before November 15 of each year, beginning in 2023, setting
22 forth the Coal to Solar and Energy Storage Initiative Charge
23 to be in effect for the year beginning the following January 1.
24 The electric utility's tariff shall also provide that the
25 electric utility shall make a filing with the Commission on or
26 before August 1 of each year beginning in 2024 setting forth a

1 reconciliation, for the delivery year ended the preceding May
2 31, of the electric utility's collections of the Coal to Solar
3 and Energy Storage Initiative Charge against actual payments
4 for renewable energy credits pursuant to contracts entered
5 into, and the actual grant payments by the Department pursuant
6 to grant contracts entered into, pursuant to subsection (c-5)
7 of Section 1-75 of the Illinois Power Agency Act. The tariff
8 shall provide that any excess or shortfall of collections to
9 payments shall be deducted from or added to, on a
10 per-kilowatthour basis, the Coal to Solar and Energy Storage
11 Initiative Charge, over the 6-month period beginning October 1
12 of that calendar year.

13 (j) If a retail customer that obtains electric power and
14 energy from cogeneration or self-generation facilities
15 installed for its own use on or before January 1, 1997,
16 subsequently takes service from an alternative retail electric
17 supplier or an electric utility other than the electric
18 utility in whose service area the customer is located for any
19 portion of the customer's electric power and energy
20 requirements formerly obtained from those facilities
21 (including that amount purchased from the utility in lieu of
22 such generation and not as standby power purchases, under a
23 cogeneration displacement tariff in effect as of the effective
24 date of this amendatory Act of 1997), the transition charges
25 otherwise applicable pursuant to subsections (f), (g), or (h)
26 of this Section shall not be applicable in any year to that

1 portion of the customer's electric power and energy
2 requirements formerly obtained from those facilities,
3 provided, that for purposes of this subsection (j), such
4 portion shall not exceed the average number of kilowatt-hours
5 per year obtained from the cogeneration or self-generation
6 facilities during the 3 years prior to the date on which the
7 customer became eligible for delivery services, except as
8 provided in subsection (f) of Section 16-110.

9 (k) The electric utility shall be entitled to recover
10 through tariffed charges all of the costs associated with the
11 purchase of zero emission credits from zero emission
12 facilities to meet the requirements of subsection (d-5) of
13 Section 1-75 of the Illinois Power Agency Act and all of the
14 costs associated with the purchase of carbon mitigation
15 credits from carbon-free energy resources to meet the
16 requirements of subsection (d-10) of Section 1-75 of the
17 Illinois Power Agency Act. Such costs shall include the costs
18 of procuring the zero emission credits and carbon mitigation
19 credits from carbon-free energy resources, as well as the
20 reasonable costs that the utility incurs as part of the
21 procurement processes and to implement and comply with plans
22 and processes approved by the Commission under subsections
23 ~~such subsection~~ (d-5) and (d-10). The costs shall be allocated
24 across all retail customers through a single, uniform cents
25 per kilowatt-hour charge applicable to all retail customers,
26 which shall appear as a separate line item on each customer's

1 bill. Beginning June 1, 2017, the electric utility shall be
2 entitled to recover through tariffed charges all of the costs
3 associated with the purchase of renewable energy resources to
4 meet the renewable energy resource standards of subsection (c)
5 of Section 1-75 of the Illinois Power Agency Act, under
6 procurement plans as approved in accordance with that Section
7 and Section 16-111.5 of this Act. Such costs shall include the
8 costs of procuring the renewable energy resources, as well as
9 the reasonable costs that the utility incurs as part of the
10 procurement processes and to implement and comply with plans
11 and processes approved by the Commission under such Sections.
12 The costs associated with the purchase of renewable energy
13 resources shall be allocated across all retail customers in
14 proportion to the amount of renewable energy resources the
15 utility procures for such customers through a single, uniform
16 cents per kilowatt-hour charge applicable to such retail
17 customers, which shall appear as a separate line item on each
18 such customer's bill. The credits, costs, and penalties
19 associated with the self-direct renewable portfolio standard
20 compliance program described in subparagraph (R) of paragraph
21 (1) of subsection (c) of Section 1-75 of the Illinois Power
22 Agency Act shall be allocated to approved eligible self-direct
23 customers by the utility in a cents per kilowatt-hour credit,
24 cost, or penalty, which shall appear as a separate line item on
25 each such customer's bill.

26 Notwithstanding whether the Commission has approved the

1 initial long-term renewable resources procurement plan as of
2 June 1, 2017, an electric utility shall place new tariffed
3 charges into effect beginning with the June 2017 monthly
4 billing period, to the extent practicable, to begin recovering
5 the costs of procuring renewable energy resources, as those
6 charges are calculated under the limitations described in
7 subparagraph (E) of paragraph (1) of subsection (c) of Section
8 1-75 of the Illinois Power Agency Act. Notwithstanding the
9 date on which the utility places such new tariffed charges
10 into effect, the utility shall be permitted to collect the
11 charges under such tariff as if the tariff had been in effect
12 beginning with the first day of the June 2017 monthly billing
13 period. For the delivery years commencing June 1, 2017, June
14 1, 2018, ~~and~~ June 1, 2019, and each delivery year thereafter,
15 the electric utility shall deposit into a separate interest
16 bearing account of a financial institution the monies
17 collected under the tariffed charges. Money collected from
18 customers for the procurement of renewable energy resources in
19 a given delivery year may be spent by the utility for the
20 procurement of renewable resources over any of the following 5
21 delivery years, after which unspent money shall be credited
22 back to retail customers. The electric utility shall spend all
23 money collected in earlier delivery years that has not yet
24 been returned to customers, first, before spending money
25 collected in later delivery years. Any interest earned shall
26 be credited back to retail customers under the reconciliation

1 proceeding provided for in this subsection (k), provided that
2 the electric utility shall first be reimbursed from the
3 interest for the administrative costs that it incurs to
4 administer and manage the account. Any taxes due on the funds
5 in the account, or interest earned on it, will be paid from the
6 account or, if insufficient monies are available in the
7 account, from the monies collected under the tariffed charges
8 to recover the costs of procuring renewable energy resources.
9 Monies deposited in the account shall be subject to the
10 review, reconciliation, and true-up process described in this
11 subsection (k) that is applicable to the funds collected and
12 costs incurred for the procurement of renewable energy
13 resources.

14 The electric utility shall be entitled to recover all of
15 the costs identified in this subsection (k) through automatic
16 adjustment clause tariffs applicable to all of the utility's
17 retail customers that allow the electric utility to adjust its
18 tariffed charges consistent with this subsection (k). The
19 determination as to whether any excess funds were collected
20 during a given delivery year for the purchase of renewable
21 energy resources, and the crediting of any excess funds back
22 to retail customers, shall not be made until after the close of
23 the delivery year, which will ensure that the maximum amount
24 of funds is available to implement the approved long-term
25 renewable resources procurement plan during a given delivery
26 year. The amount of excess funds eligible to be credited back

1 to retail customers shall be reduced by an amount equal to the
2 payment obligations required by any contracts entered into by
3 an electric utility under contracts described in subsection
4 (b) of Section 1-56 and subsection (c) of Section 1-75 of the
5 Illinois Power Agency Act, even if such payments have not yet
6 been made and regardless of the delivery year in which those
7 payment obligations were incurred. Notwithstanding anything to
8 the contrary, including in tariffs authorized by this
9 subsection (k) in effect prior to the effective date of this
10 amendatory Act of the 102nd General Assembly, all unspent
11 funds as of May 31, 2021 shall remain in the utility account
12 and shall on a first in, first out basis be used toward utility
13 payment obligations under contracts described in subsection
14 (b) of Section 1-56 and subsection (c) of Section 1-75 of the
15 Illinois Power Agency Act. The electric utility's collections
16 under such automatic adjustment clause tariffs to recover the
17 costs of renewable energy resources, ~~and~~ zero emission credits
18 from zero emission facilities, and carbon mitigation credits
19 from carbon-free energy resources shall be subject to separate
20 annual review, reconciliation, and true-up against actual
21 costs by the Commission under a procedure that shall be
22 specified in the electric utility's automatic adjustment
23 clause tariffs and that shall be approved by the Commission in
24 connection with its approval of such tariffs. The procedure
25 shall provide that any difference between the electric
26 utility's collections for zero emission credits and carbon

1 mitigation credits under the automatic adjustment charges for
2 an annual period and the electric utility's actual costs of
3 ~~renewable energy resources~~ and zero emission credits from zero
4 emission facilities and carbon mitigation credits from
5 carbon-free energy resources for that same annual period shall
6 be refunded to or collected from, as applicable, the electric
7 utility's retail customers in subsequent periods.

8 Nothing in this subsection (k) is intended to affect,
9 limit, or change the right of the electric utility to recover
10 the costs associated with the procurement of renewable energy
11 resources for periods commencing before, on, or after June 1,
12 2017, as otherwise provided in the Illinois Power Agency Act.

13 ~~Notwithstanding anything to the contrary, the Commission~~
14 ~~shall not conduct an annual review, reconciliation, and~~
15 ~~true up associated with renewable energy resources'~~
16 ~~collections and costs for the delivery years commencing June~~
17 ~~1, 2017, June 1, 2018, June 1, 2019, and June 1, 2020, and~~
18 ~~shall instead conduct a single review, reconciliation, and~~
19 ~~true up associated with renewable energy resources'~~
20 ~~collections and costs for the 4-year period beginning June 1,~~
21 ~~2017 and ending May 31, 2021, provided that the review,~~
22 ~~reconciliation, and true up shall not be initiated until after~~
23 ~~August 31, 2021. During the 4-year period, the utility shall~~
24 ~~be permitted to collect and retain funds under this subsection~~
25 ~~(k) and to purchase renewable energy resources under an~~
26 ~~approved long term renewable resources procurement plan using~~

1 ~~those funds regardless of the delivery year in which the funds~~
2 ~~were collected during the 4 year period.~~

3 ~~If the amount of funds collected during the delivery year~~
4 ~~commencing June 1, 2017, exceeds the costs incurred during~~
5 ~~that delivery year, then up to half of this excess amount, as~~
6 ~~calculated on June 1, 2018, may be used to fund the programs~~
7 ~~under subsection (b) of Section 1-56 of the Illinois Power~~
8 ~~Agency Act in the same proportion the programs are funded~~
9 ~~under that subsection (b). However, any amount identified~~
10 ~~under this subsection (k) to fund programs under subsection~~
11 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
12 ~~reduced if it exceeds the funding shortfall. For purposes of~~
13 ~~this Section, "funding shortfall" means the difference between~~
14 ~~\$200,000,000 and the amount appropriated by the General~~
15 ~~Assembly to the Illinois Power Agency Renewable Energy~~
16 ~~Resources Fund during the period that commences on the~~
17 ~~effective date of this amendatory act of the 99th General~~
18 ~~Assembly and ends on August 1, 2018.~~

19 ~~If the amount of funds collected during the delivery year~~
20 ~~commencing June 1, 2018, exceeds the costs incurred during~~
21 ~~that delivery year, then up to half of this excess amount, as~~
22 ~~calculated on June 1, 2019, may be used to fund the programs~~
23 ~~under subsection (b) of Section 1-56 of the Illinois Power~~
24 ~~Agency Act in the same proportion the programs are funded~~
25 ~~under that subsection (b). However, any amount identified~~
26 ~~under this subsection (k) to fund programs under subsection~~

1 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
2 ~~reduced if it exceeds the funding shortfall.~~

3 ~~If the amount of funds collected during the delivery year~~
4 ~~commencing June 1, 2019, exceeds the costs incurred during~~
5 ~~that delivery year, then up to half of this excess amount, as~~
6 ~~calculated on June 1, 2020, may be used to fund the programs~~
7 ~~under subsection (b) of Section 1-56 of the Illinois Power~~
8 ~~Agency Act in the same proportion the programs are funded~~
9 ~~under that subsection (b). However, any amount identified~~
10 ~~under this subsection (k) to fund programs under subsection~~
11 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
12 ~~reduced if it exceeds the funding shortfall.~~

13 The funding available under this subsection (k), if any,
14 for the programs described under subsection (b) of Section
15 1-56 of the Illinois Power Agency Act shall not reduce the
16 amount of funding for the programs described in subparagraph
17 (O) of paragraph (1) of subsection (c) of Section 1-75 of the
18 Illinois Power Agency Act. If funding is available under this
19 subsection (k) for programs described under subsection (b) of
20 Section 1-56 of the Illinois Power Agency Act, then the
21 long-term renewable resources plan shall provide for the
22 Agency to procure contracts in an amount that does not exceed
23 the funding, and the contracts approved by the Commission
24 shall be executed by the applicable utility or utilities.

25 (1) A utility that has terminated any contract executed
26 under subsection (d-5) or (d-10) of Section 1-75 of the

1 Illinois Power Agency Act shall be entitled to recover any
2 remaining balance associated with the purchase of zero
3 emission credits prior to such termination, and such utility
4 shall also apply a credit to its retail customer bills in the
5 event of any over-collection.

6 (m) (1) An electric utility that recovers its costs of
7 procuring zero emission credits from zero emission facilities
8 through a cents-per-kilowatthour charge under ~~to~~ subsection
9 (k) of this Section shall be subject to the requirements of
10 this subsection (m). Notwithstanding anything to the contrary,
11 such electric utility shall, beginning on April 30, 2018, and
12 each April 30 thereafter until April 30, 2026, calculate
13 whether any reduction must be applied to such
14 cents-per-kilowatthour charge that is paid by retail customers
15 of the electric utility that have opted out of ~~are exempt from~~
16 subsections (a) through (j) of Section 8-103B of this Act
17 under subsection (1) of Section 8-103B. Such charge shall be
18 reduced for such customers for the next delivery year
19 commencing on June 1 based on the amount necessary, if any, to
20 limit the annual estimated average net increase for the prior
21 calendar year due to the future energy investment costs to no
22 more than 1.3% of 5.98 cents per kilowatt-hour, which is the
23 average amount paid per kilowatthour for electric service
24 during the year ending December 31, 2015 by Illinois
25 industrial retail customers, as reported to the Edison
26 Electric Institute.

1 The calculations required by this subsection (m) shall be
2 made only once for each year, and no subsequent rate impact
3 determinations shall be made.

4 (2) For purposes of this Section, "future energy
5 investment costs" shall be calculated by subtracting the
6 cents-per-kilowatthour charge identified in subparagraph (A)
7 of this paragraph (2) from the sum of the
8 cents-per-kilowatthour charges identified in subparagraph (B)
9 of this paragraph (2):

10 (A) The cents-per-kilowatthour charge identified in
11 the electric utility's tariff placed into effect under
12 Section 8-103 of the Public Utilities Act that, on
13 December 1, 2016, was applicable to those retail customers
14 that have opted out of ~~are exempt from~~ subsections (a)
15 through (j) of Section 8-103B of this Act under subsection
16 (1) of Section 8-103B.

17 (B) The sum of the following cents-per-kilowatthour
18 charges applicable to those retail customers that have
19 opted out of ~~are exempt from~~ subsections (a) through (j)
20 of Section 8-103B of this Act under subsection (1) of
21 Section 8-103B, provided that if one or more of the
22 following charges has been in effect and applied to such
23 customers for more than one calendar year, then each
24 charge shall be equal to the average of the charges
25 applied over a period that commences with the calendar
26 year ending December 31, 2017 and ends with the most

1 recently completed calendar year prior to the calculation
2 required by this subsection (m):

3 (i) the cents-per-kilowatthour charge to recover
4 the costs incurred by the utility under subsection
5 (d-5) of Section 1-75 of the Illinois Power Agency
6 Act, adjusted for any reductions required under this
7 subsection (m); and

8 (ii) the cents-per-kilowatthour charge to recover
9 the costs incurred by the utility under Section
10 16-107.6 of the Public Utilities Act.

11 If no charge was applied for a given calendar year
12 under item (i) or (ii) of this subparagraph (B), then the
13 value of the charge for that year shall be zero.

14 (3) If a reduction is required by the calculation
15 performed under this subsection (m), then the amount of the
16 reduction shall be multiplied by the number of years reflected
17 in the averages calculated under subparagraph (B) of paragraph
18 (2) of this subsection (m). Such reduction shall be applied to
19 the cents-per-kilowatthour charge that is applicable to those
20 retail customers that have opted out of ~~are exempt from~~
21 subsections (a) through (j) of Section 8-103B of this Act
22 under subsection (l) of Section 8-103B beginning with the next
23 delivery year commencing after the date of the calculation
24 required by this subsection (m).

25 (4) The electric utility shall file a notice with the
26 Commission on May 1 of 2018 and each May 1 thereafter until May

1 1, 2026 containing the reduction, if any, which must be
2 applied for the delivery year which begins in the year of the
3 filing. The notice shall contain the calculations made
4 pursuant to this Section. By October 1 of each year beginning
5 in 2018, each electric utility shall notify the Commission if
6 it appears, based on an estimate of the calculation required
7 in this subsection (m), that a reduction will be required in
8 the next year.

9 (Source: P.A. 99-906, eff. 6-1-17.)

10 (220 ILCS 5/16-108.18 new)

11 Sec. 16-108.18. Performance-based ratemaking.

12 (a) The General Assembly finds:

13 (1) That improving the alignment of utility customer
14 and company interests is critical to ensuring equity,
15 rapid growth of distributed energy resources, electric
16 vehicles, and other new technologies that substantially
17 change the makeup of the grid and protect Illinois
18 residents and businesses from potential economic and
19 environmental harm from the State's energy systems.

20 (2) There is urgency around addressing increasing
21 threats from climate change and assisting communities that
22 have borne disproportionate impacts from climate change,
23 including air pollution, greenhouse gas emissions, and
24 energy burdens. Addressing this problem requires changes
25 to the business model under which utilities in Illinois

1 have traditionally functioned.

2 (3) Providing targeted incentives to support change
3 through a new performance-based structure to enhance
4 ratemaking is intended to enable alignment of utility,
5 customer, community, and environmental goals.

6 (4) Though Illinois has taken some measures to move
7 utilities to performance-based ratemaking through the
8 establishment of performance incentives and a
9 performance-based formula rate under the Energy
10 Infrastructure Modernization Act, these measures have not
11 been sufficiently transformative in urgently moving
12 electric utilities toward the State's ambitious energy
13 policy goals: protecting a healthy environment and
14 climate, improving public health, and creating quality
15 jobs and economic opportunities, including wealth
16 building, especially in economically disadvantaged
17 communities and communities of color.

18 (5) These measures were not developed through a
19 process to understand first what performance measures and
20 penalties would help drive the sought-after behavior by
21 the utilities.

22 (6) While the General Assembly has not made a finding
23 that the spending related to the Energy Infrastructure and
24 Modernization Act and its performance metrics was not
25 reasonable, it is important to address concerns that these
26 measures may have resulted in excess utility spending and

1 guaranteed profits without meaningful improvements in
2 customer experience, rate affordability, or equity.

3 (7) Discussions of performance incentive mechanisms
4 must always take into account the affordability of
5 customer rates and bills for all customers, including
6 low-income customers.

7 (8) The General Assembly therefore directs the
8 Illinois Commerce Commission to complete a transition that
9 includes a comprehensive performance-based regulation
10 framework for electric utilities serving more than 500,000
11 customers. The breadth of this framework should revise
12 existing utility regulations to position Illinois electric
13 utilities to effectively and efficiently achieve current
14 and anticipated future energy needs of this State, while
15 ensuring affordability for consumers.

16 (b) As used in this Section:

17 "Commission" means the Illinois Commerce Commission.

18 "Demand response" means measures that decrease peak
19 electricity demand or shift demand from peak to off-peak
20 periods.

21 "Distributed energy resources" or "DER" means a wide range
22 of technologies that are connected to the grid including those
23 that are located on the customer side of the customer's
24 electric meter and can provide value to the distribution
25 system, including, but not limited to, distributed generation,
26 energy storage, electric vehicles, and demand response

1 technologies.

2 "Economically disadvantaged communities" means areas of
3 one or more census tracts where average household income does
4 not exceed 80% of area median income.

5 "Environmental justice communities" means the definition
6 of that term as used and as may be updated in the long-term
7 renewable resources procurement plan by the Illinois Power
8 Agency and its Program Administrator in the Illinois Solar for
9 All Program.

10 "Equity investment eligible community" means the
11 geographic areas throughout Illinois which would most benefit
12 from equitable investments by the State designed to combat
13 discrimination. Specifically, the equity investment eligible
14 communities shall be defined as the following areas:

15 (1) R3 Areas as established pursuant to Section 10-40
16 of the Cannabis Regulation and Tax Act, where residents
17 have historically been excluded from economic
18 opportunities, including opportunities in the energy
19 sector; and

20 (2) Environmental justice communities, as defined by
21 the Illinois Power Agency pursuant to the Illinois Power
22 Agency Act, where residents have historically been subject
23 to disproportionate burdens of pollution, including
24 pollution from the energy sector.

25 "Performance incentive mechanism" means an instrument by
26 which utility performance is incentivized, which could include

1 a monetary performance incentive.

2 "Performance metric" means a manner of measurement for a
3 particular utility activity.

4 (c) Through coordinated, comprehensive system planning,
5 ratemaking, and performance incentives, the performance-based
6 ratemaking framework should be designed to accomplish the
7 following objectives:

8 (1) maintain and improve service reliability and
9 safety, including and particularly in environmental
10 justice, low-income and equity investment eligible
11 communities;

12 (2) decarbonize utility systems at a pace that meets
13 or exceeds State climate goals, while also ensuring the
14 affordability of rates for all customers, including
15 low-income customers;

16 (3) direct electric utilities to make cost-effective
17 investments that support achievement of Illinois' clean
18 energy policies, including, at a minimum, investments
19 designed to integrate distributed energy resources, comply
20 with critical infrastructure protection standards, plans,
21 and industry best practices, and support and take
22 advantage of potential benefits from the electric vehicle
23 charging and other electrification, while mitigating the
24 impacts;

25 (4) choose cost-effective assets and services, whether
26 utility-supplied or through third-party contracting,

1 considering both economic and environmental costs and the
2 effects on utility rates, to deliver high-quality service
3 to customers at least cost;

4 (5) maintain the affordability of electric delivery
5 services for all customers, including low-income
6 customers;

7 (6) maintain and grow a diverse workforce, diverse
8 supplier procurement base and, for relevant programs,
9 diverse approved-vendor pools, including increased
10 opportunities for minority-owned, female-owned,
11 veteran-owned, and disability-owned business enterprises;

12 (7) improve customer service performance and
13 engagement;

14 (8) address the particular burdens faced by consumers
15 in environmental justice and equity investment eligible
16 communities, including shareholder, consumer, and publicly
17 funded bill payment assistance and credit and collection
18 policies, and ensure equitable disconnections, late fees,
19 or arrearages as a result of utility credit and collection
20 practices, which may include consideration of impact by
21 zip code; and

22 (9) implement or otherwise enhance current supplier
23 diversity programs to increase diverse contractor
24 participation in professional services, subcontracting,
25 and prime contracting opportunities with programs that
26 address barriers to access. Supplier diversity programs

1 shall address specific barriers related to RFP and
2 contract access, access to capital, information technology
3 and cyber security access and costs, administrative
4 burdens, and quality control with specific metrics,
5 outcomes, and demographic data reported.

6 (d) Multi-Year Rate Plan.

7 (1) If an electric utility had a performance-based
8 formula rate in effect under Section 16-108.5 as of
9 December 31, 2020, then the utility may file a petition
10 proposing tariffs implementing a 4-year Multi-Year Rate
11 Plan as provided in this Section no later than, January
12 20, 2023, for delivery service rates to be effective for
13 the billing periods January 1, 2024 through December 31,
14 2027. The Commission shall issue an order approving or
15 approving as modified the utility's plan no later than
16 December 20, 2023. The term "Multi-Year Rate Plan" refers
17 to a plan establishing the base rates the utility shall
18 charge for each delivery year of the 4-year period to be
19 covered by the plan, which shall be subject to
20 modification only as expressly allowed in this Section.

21 (2) A utility proposing a Multi-Year Rate Plan shall
22 provide a 4-year investment plan and a description of the
23 utility's major planned investments, including, at a
24 minimum, all investments of \$2,000,000 or greater over the
25 plan period for an electric utility that serves more than
26 3,000,000 retail customers in the State or \$500,000 for an

1 electric utility that serves less than 3,000,000 retail
2 customers in the State but more than 500,000 retail
3 customers in the State. The 4-year investment plan must be
4 consistent with the Multi-Year Integrated Grid Plan
5 described in Section 16-105.17 of this Act. The investment
6 plan shall provide sufficiently detailed information, as
7 required by the Commission, including, at a minimum, a
8 description of each investment, the location of the
9 investment, and an explanation of the need for and benefit
10 of such an investment to the extent known.

11 (3) The Multi-Year Rate Plan shall be implemented
12 through a tariff filed with the Commission consistent with
13 the provisions of this paragraph (3) that shall apply to
14 all delivery service customers. The Commission shall
15 initiate and conduct an investigation of the tariff in a
16 manner consistent with the provisions of this paragraph
17 (3) and the provisions of Article IX of this Act, to the
18 extent they do not conflict with this paragraph (3). The
19 Multi-Year Rate Plan approved by the Commission shall do
20 the following:

21 (A) Provide for the recovery of the utility's
22 forecasted rate base, based on the 4-year investment
23 plan and the utility's Integrated Grid Plan. The
24 forecasted rate base must include the utility's
25 planned capital investments, with rates based on
26 average annual plant investment, and

1 investment-related costs, including income tax
2 impacts, depreciation, and ratemaking adjustments and
3 costs that are prudently incurred and reasonable in
4 amount consistent with Commission practice and law.
5 The process used to develop the forecasts must be
6 iterative, rigorous, and lead to forecasts that
7 reasonably represent the utility's investments during
8 the forecasted period and ensure that the investments
9 are projected to be used and useful during the annual
10 investment period and least cost, consistent with the
11 provisions of Articles VIII and IX of this Act.

12 (B) The cost of equity shall be approved by the
13 Commission consistent with Commission practice and
14 law.

15 (C) The revenue requirement shall reflect the
16 utility's actual capital structure for the applicable
17 calendar year. A year-end capital structure that
18 includes a common equity ratio of up to and including
19 50% of the total capital structure shall be deemed
20 prudent and reasonable. A higher common equity ratio
21 must be specifically approved by the Commission.

22 (E) Provide for recovery of prudent and reasonable
23 projected operating expenses, giving effect to
24 ratemaking adjustments, consistent with Commission
25 practice and law under Article IX of this Act.
26 Operating expenses for years after the first year of

1 the Multi-Year Rate Plan may be estimated by the use of
2 known and measurable changes, expense reductions
3 associated with planned capital investments as
4 appropriate, and reasonable and appropriate
5 escalators, indices, or other metrics.

6 (F) Amortize the amount of unprotected
7 property-related excess accumulated deferred income
8 taxes in rates as of January 1, 2023 over a period
9 ending December 31, 2027, unless otherwise required to
10 amortize the excess deferred income tax pursuant to
11 Section 16-108.21 of this Act.

12 (G) Allow recovery of incentive compensation
13 expense that is based on the achievement of
14 operational metrics, including metrics related to
15 budget controls, outage duration and frequency,
16 safety, customer service, efficiency and productivity,
17 environmental compliance and attainment of
18 affordability and environmental goals, and other goals
19 and metrics approved by the Commission. Incentive
20 compensation expense that is based on net income or an
21 affiliate's earnings per share shall not be
22 recoverable.

23 (H) To the maximum extent practicable, align the
24 4-year investment plan and annual capital budgets with
25 the electric utility's Multi-Year Integrated Grid
26 Plan.

1 (4) The Commission shall establish annual rates for
2 each year of the Multi-Year Rate Plan that accurately
3 reflect and are based only upon the utility's reasonable
4 and prudent costs of service over the term of the plan,
5 including the effect of all ratemaking adjustments
6 consistent with Commission practice and law as determined
7 by the Commission, provided that the costs are not being
8 recovered elsewhere in rates. Tariff riders authorized by
9 the Commission may continue outside of a plan authorized
10 under this Section to the extent such costs are not
11 recovered elsewhere in rates. For the first multi-year
12 rate plan, the burden of proof shall be on the electric
13 utility to establish the prudence of investments and
14 expenditures and to establish that such investments
15 consistent with and reasonably necessary to meet the
16 requirements of the utility's first approved Multi-Year
17 Integrated Grid Plan described in Section 16-105.17 of
18 this Act. For subsequent Multi-Year Rate Plans, the burden
19 of proof shall be on the electric utility to establish the
20 prudence of investments and expenditures and to establish
21 that such investments are consistent with and reasonably
22 necessary to meet the requirements of the utility's most
23 recently approved Multi-Year Integrated Grid Plan
24 described in Section 16-105.17 of this Act. The sole fact
25 that a cost differs from that incurred in a prior period or
26 that an investment is different from that described in the

1 Multi-Year Integrated Grid Plan shall not imply the
2 imprudence or unreasonableness of that cost or investment.
3 The sole fact that an investment is the same or similar to
4 that described in the Multi-Year Integrated Grid Plan
5 shall not imply prudence and reasonableness of that
6 investment.

7 (5) To facilitate public transparency, all materials,
8 data, testimony, and schedules shall be provided to the
9 Commission in an editable, machine-readable electronic
10 format including .doc, .docx, .xls, .xlsx, and similar
11 file formats, but not including .pdf or .exif. Should
12 utilities designate any materials confidential, they shall
13 have an affirmative duty to explain why the particular
14 information is marked confidential. In determining
15 prudence and reasonableness of rates, the Commission shall
16 make its determination based upon the record, including
17 each public comment filed or provided orally at open
18 meetings consistent with the Commission's rules and
19 practices.

20 (6) The Commission may, by order, establish terms,
21 conditions, and procedures for submitting and approving a
22 Multi-Year Rate Plan necessary to implement this Section
23 and ensure that rates remain just and reasonable during
24 the course of the plan, including terms and procedures for
25 rate adjustment.

26 (7) An electric utility that files a tariff pursuant

1 to paragraph (3) of this subsection (e) must submit a
2 one-time \$300,000 filing fee at the time the Chief Clerk
3 of the Commission accepts the filing, which shall be a
4 recoverable expense.

5 (8) An electric utility operating under a Multi-Year
6 Rate Plan shall file a new Multi-Year Rate Plan at least
7 300 days prior to the end of the initial Multi-Year Rate
8 Plan unless it elects to file a general rate case pursuant
9 to paragraph (9), and every 4 years thereafter, with a
10 rate-effective date of the proposed tariffs such that,
11 after the Commission suspension period, the rates would
12 take effect immediately at the close of the final year of
13 the initial Multi-Year Rate Plan. In subsequent Multi-Year
14 Rate Plans, as in the initial plans, utilities and
15 stakeholders may propose additional metrics that achieve
16 the outcomes described in paragraph (2) of subsection (f)
17 of this Section.

18 (9) Election of Rate Case.

19 (A) On or before the date prescribed by
20 subparagraph (B) of paragraph (9) of this Section,
21 electric utilities that serve more than 500,000 retail
22 customers in the State shall file either a general
23 rate case under Section 9-201 of this Act, or a
24 Multi-Year Rate Plan, as set forth in paragraph (1) of
25 this subsection (d).

26 (B) Electric utilities described in subparagraph

1 (A) of paragraph (9) of this Section shall file their
2 initial general rate case or Multi-Year Rate Plan, as
3 applicable, with the Commission no later than January
4 20, 2023.

5 (C) Notwithstanding which rate filing option an
6 electric utility elects to file on the date prescribed
7 by subparagraph (B) of paragraph (9) of this Section,
8 the electric utility shall be subject to the
9 Multi-year Integrated Plan filing requirements.

10 (D) Following its initial rate filing pursuant to
11 paragraph (2), an electric utility subject to the
12 requirements of this Section shall thereafter be
13 permitted to elect a different rate filing option
14 consistent with any filing intervals established for a
15 general rate case or Multi-Year Rate Plan, as follows:

16 (i) An electric utility that initially elected
17 to file a Multi-Year Rate Plan and thereafter
18 elects to transition to a general rate case may do
19 so upon completion of the 4-year Multi-Year Rate
20 Plan by filing a general rate case at the same time
21 that the utility would have filed its subsequent
22 Multi-Year Rate Plan, as specified in paragraph
23 (8) of this subsection (d). Notwithstanding this
24 election, the annual adjustment of the final year
25 of the Multi-Year Rate Plan shall proceed as
26 specified in paragraph (6) of subsection (f).

1 (ii) An electric utility that initially
2 elected to a file general rate case and thereafter
3 elects to transition to a Multi-Year Rate Plan may
4 do so only at the 4-year filing intervals
5 identified by paragraph (8) of this subsection
6 (d).

7 (10) The Commission shall approve tariffs establishing
8 rate design for all delivery service customers unless the
9 electric utility makes the election specified in Section
10 16-105.5, in which case the rate design shall be subject
11 to the provisions of that Section.

12 (11) The Commission shall establish requirements for
13 annual performance evaluation reports to be submitted
14 annually for performance metrics. Such reports shall
15 include, but not be limited to, a description of the
16 utility's performance under each metric and an
17 identification of any extraordinary events that adversely
18 affected the utility's performance.

19 (12) For the first Multi-Year Rate Plan, the
20 Commission shall consolidate its investigation with the
21 proceeding under Section 16-105.17 to establish the
22 Multi-Year Integrated Grid Plan no later than 45 days
23 after plan filing.

24 (13) Where a rate change under a Multi-Year Rate Plan
25 will result in a rate increase, an electric utility may
26 propose a rate phase-in plan that the Commission shall

1 approve with or without modification or deny in its final
2 order approving the new delivery services rates. A
3 proposed rate phase-in plan under this paragraph (13) must
4 allow the new delivery services rates to be implemented in
5 no more than 2 steps, as follows: in the first step, at
6 least 50% of the approved rate increase must be reflected
7 in rates, and, in the second step, 100% of the rate
8 increase must be reflected in rates. The second step's
9 rates must take effect no later than 12 months after the
10 first step's rates were placed into effect. The portion of
11 the approved rate increase not implemented in the first
12 step shall be recorded on the electric utility's books as
13 a regulatory asset, and shall accrue carrying costs to
14 ensure that the utility does not recover more or less than
15 it otherwise would because of the deferral. This portion
16 shall be recovered, with such carrying costs at the
17 weighted average cost of capital, through a surcharge
18 applied to retail customer bills that (i) begins no later
19 than 12 months after the date on which the second step's
20 rates went into effect and (ii) is applied over a period
21 not to exceed 24 months. Nothing in this paragraph is
22 intended to limit the Commission's authority to mitigate
23 the impact of rates caused by rate plans, or any other
24 instance on a revenue-neutral basis; nor shall it mitigate
25 or a utility's ability to make proposals to mitigate the
26 impact of rates. When a deferral, or similar method, is

1 used to mitigate the impact of rates, the utility should
2 be allowed to recover carrying costs.

3 (14) Notwithstanding the provisions of Section (13),
4 the Commission may, on its own initiative, take
5 revenue-neutral measures to relieve the impact of rate
6 increases on customers. Such initiatives may be taken by
7 the Commission in the first Multi-Year Rate Plan,
8 subsequent multi-year plans, or in other instances
9 described in this Act.

10 (15) Whenever during the pendency of a Multi-year Rate
11 Plan, an electric utility subject to this Section becomes
12 aware that, due to circumstances beyond its control,
13 prudent operating practices will require the utility to
14 make adjustments to the Multi-Year Rate Plan, the electric
15 utility may file a petition with the Commission requesting
16 modification of the approved annual revenue requirements
17 included in the Multi-Year Rate Plan. The electric utility
18 must support its request with evidence demonstrating why a
19 modification is necessary, due to circumstances beyond the
20 utility's control, to follow prudent operating practices
21 and must set forth the changes to each annual revenue
22 requirement to be approved, and the basis for any changes
23 in anticipated operating expenses or capital investment
24 levels. The utility shall affirmatively address the impact
25 of the changes on the Multi-Year Integrated Grid Plan and
26 Multi-Year Rate Plan originally submitted and approved by

1 the Commission. Any interested party may file an objection
2 to the changes proposed, or offer alternatives to the
3 utility's proposal, as supported by testimony and
4 evidence. After notice and hearing, the Commission shall
5 issue a final order regarding the electric utility's
6 request no later than 180 days after the filing of the
7 petition.

8 (e) Performance incentive mechanisms.

9 (1) The electric industry is undergoing rapid
10 transformation, including fundamental changes in how
11 electricity is generated, procured, and delivered and how
12 customers are choosing to participate in the supply and
13 delivery of electricity to and from the electric grid.
14 Building upon the State's goals to increase the
15 procurement of electricity from renewable energy
16 resources, including distributed generation and storage
17 devices, the General Assembly finds that electric
18 utilities should make cost-effective investments that
19 support moving forward on Illinois' clean energy policies.
20 It is therefore in the State's interest for the Commission
21 to establish performance incentive mechanisms in order to
22 better tie utility revenues to performance and customer
23 benefits, accelerate progress on Illinois energy and other
24 goals, ensure equity and affordability of rates for all
25 customers, including low-income customers, and hold
26 utilities publicly accountable.

1 (2) The Commission shall approve, based on the
2 substantial evidence proffered in the proceeding initiated
3 pursuant to this subsection performance metrics that, to
4 the extent practicable and achievable by the electric
5 utility, encourage cost-effective, equitable utility
6 achievement of the outcomes described in this subsection
7 (e) while ensuring no degradation in the significant
8 performance improvement achieved through previously
9 established performance metrics. For each electric
10 utility, the Commission shall approve metrics designed to
11 achieve incremental improvements over baseline performance
12 values and targets, over a performance period of up to 10
13 years, and no less than 4 years.

14 (A) The Commission shall approve no more than 8
15 metrics, with at least one metric from each of the
16 categories below, for each electric utility, from
17 subparagraphs (i) through (vi) of this subsection (A).
18 Upon a utility request, the Commission may approve the
19 use of a specific, measurable, and achievable tracking
20 metric described in paragraph (3) of subsection (e) as
21 a performance metric pursuant to paragraph (2) of
22 subsection (e).

23 (i) Metrics designed to ensure the utility
24 maintains and improves the high standards of both
25 overall and locational reliability and resiliency,
26 and makes improvements in power quality, including

1 and particularly in environmental justice and
2 equity investment eligible communities.

3 (ii) Peak load reductions attributable to
4 demand response programs.

5 (iii) Supplier diversity expansion, including
6 diverse contractor participation in professional
7 services, subcontracting, and prime contracting
8 opportunities, development of programs that
9 address the barriers to access, aligning
10 demographics of contractors to the demographics in
11 the utility's service territory, establish
12 long-term mentoring relationships that develop and
13 remove barriers to access for diverse and
14 underserved contractors. The utilities shall
15 provide solutions, resources, and tools to address
16 complex barriers of entry related to costly and
17 time-intensive cyber security requirements,
18 increasingly complex information technology
19 requirements, insurance barriers, service provider
20 sign-up process barriers, administrative process
21 barriers, and other barriers that inhibit access
22 to RFPs and contracts. For programs with contracts
23 over \$1,000,000, winning bidders must demonstrate
24 a subcontractor development or mentoring
25 relationship with at least one of their diverse
26 subcontracting partners for a core component of

1 the scope of the project. The mentoring time and
2 cost shall be taken into account in the creation
3 of RFP and shall include a structured and measured
4 plan by the prime contractor to increase the
5 capabilities of the subcontractor in their
6 proposed scope. The metric shall include reporting
7 on all supplier diversity programs by goals,
8 program results, demographics and geography, with
9 separate reporting by category of minority-owned,
10 female-owned, veteran-owned, and disability-owned
11 business enterprise metrics. The report shall
12 include resources and expenses committed to the
13 programs and conversion rates of new diverse
14 utility contractors.

15 (iv) Achieve affordable customer delivery
16 service costs, with particular emphasis on keeping
17 the bills of lower-income households, households
18 in equity investment eligible communities, and
19 household in environmental justice communities
20 within a manageable portion of their income and
21 adopting credit and collection policies that
22 reduce disconnections for these households
23 specifically and for customers overall to ensure
24 equitable disconnections, late fees, or arrearages
25 as a result of utility credit and collection
26 practices, which may include consideration of

1 impact by zip code.

2 (v) Metrics designed around the utility's
3 timeliness to customer requests for
4 interconnection in key milestone areas, such as:
5 initial response, supplemental review, and system
6 feasibility study; improved average service
7 reliability index for those customers that have
8 interconnected a distributed renewable energy
9 generation device to the utility's distribution
10 system and are lawfully taking service under an
11 applicable tariff; offering a variety of
12 affordable rate options, including demand
13 response, time of use rates for delivery and
14 supply, real-time pricing rates for supply;
15 comprehensive and predictable net metering, and
16 maximizing the benefits of grid modernization and
17 clean energy for ratepayers; and improving
18 customer access to utility system information
19 according to consumer demand and interest.

20 (vi) Metrics designed to measure the utility's
21 customer service performance, which may include
22 the average length of time to answer a customer's
23 call by a customer service representative, the
24 abandoned call rate and the relative ranking of
25 the electric utility, by a reputable third-party
26 organization, in customer service satisfaction

1 when compared to other similar electric utilities
2 in the Midwest region.

3 (B) Performance metrics shall include a
4 description of the metric, a calculation method, a
5 data collection method, annual performance targets,
6 and any incentives or penalties for the utility's
7 achievement of, or failure to achieve, their
8 performance targets, provided that the total amount of
9 potential incentives and penalties shall be
10 symmetrical. Incentives shall be rewards or penalties
11 or both, reflected as basis points added to, or
12 subtracted from, the utility's cost of equity. The
13 metrics and incentives shall apply for the entire time
14 period covered by a Multi-Year Rate Plan. The total
15 for all metrics shall be equal to 40 basis points,
16 however, the Commission may adjust the basis points
17 upward or downward by up to 20 basis points for any
18 given Multi-Year Rate Plan, as appropriate, but in no
19 event may the total exceed 60 basis points or fall
20 below 20 basis points.

21 (C) Metrics related to reliability shall be
22 implemented to ensure equitable benefits to
23 environmental justice and equity investment eligible
24 communities, as defined in this Act.

25 (D) The Commission shall approve performance
26 metrics that are reasonably within control of the

1 utility to achieve. The Commission also shall not
2 approve a metric that is solely expected to have the
3 effect of reducing the workforce. Performance metrics
4 should measure outcomes and actual, rather than
5 projected, results where possible. Nothing in this
6 paragraph is intended to require that different
7 electric utilities must be subject to the same
8 metrics, goals, or incentives.

9 (E) Increases or enhancements to an existing
10 performance goal or target shall be considered in
11 light of other metrics, cost-effectiveness, and other
12 factors the Commission deems appropriate. Performance
13 metrics shall include one year of tracking data
14 collected in a consistent manner, verifiable by an
15 independent evaluator in order to establish a baseline
16 and measure outcomes and actual results against
17 projections where possible.

18 (F) For the purpose of determining reasonable
19 performance metrics and related incentives, the
20 Commission shall develop a methodology to calculate
21 net benefits that includes customer and societal costs
22 and benefits and quantifies the effect on delivery
23 rates. In determining the appropriate level of a
24 performance incentive, the Commission shall consider:
25 the extent to which the amount is likely to encourage
26 the utility to achieve the performance target in the

1 least cost manner; the value of benefits to customers,
2 the grid, public health and safety, and the
3 environment from achievement of the performance
4 target, including in particular benefits to equity
5 investment eligible community; the affordability of
6 customer's electric bills, including low-income
7 customers, the utility's revenue requirement, the
8 promotion of renewable and distributed energy, and
9 other such factors that the Commission deems
10 appropriate. The consideration of these factors shall
11 result in an incentive level that ensures benefits
12 exceed costs for customers.

13 (G) Achievement of performance metrics are based
14 on the assumptions that the utility will adopt or
15 implement the technology and equipment, and make the
16 investments to the extent reasonably necessary to
17 achieve the goal. If the electric utility is unable to
18 meet the performance metrics as a result of
19 extraordinary circumstances outside of its control,
20 including but not limited to government-declared
21 emergencies, then the utility shall be permitted to
22 file a petition with the Commission requesting that
23 the utility be excused from compliance with the
24 applicable performance goal or goals and the
25 associated financial incentives and penalties. The
26 burden of proof shall be on the utility, consistent

1 with Article IX, and the utility's petition shall be
2 supported by substantial evidence. The Commission
3 shall, after notice and hearing, enter its order
4 approving or denying, in whole or in part, the
5 utility's petition based on the extent to which the
6 utility demonstrated that its achievement of the
7 affected metrics and performance goals was hindered by
8 extraordinary circumstances outside of the utility's
9 control.

10 (3) The Commission shall approve reasonable and
11 appropriate tracking metrics to collect and monitor data
12 for the purpose of measuring and reporting utility
13 performance and for establishing future performance
14 metrics. These additional tracking metrics shall include
15 at least one metric from each of the following categories
16 of performance:

17 (A) Minimize emissions of greenhouse gases and
18 other air pollutants that harm human health,
19 particularly in environmental justice and equity
20 investment eligible communities, through minimizing
21 total emissions by accelerating electrification of
22 transportation, buildings and industries where such
23 electrification results in net reductions, across all
24 fuels and over the life of electrification measures,
25 of greenhouse gases and other pollutants, taking into
26 consideration the fuel mix used to produce electricity

1 at the relevant hour and the effect of accelerating
2 electrification on electricity delivery services
3 rates, supply prices and peak demand, provided the
4 revenues the utility receives from accelerating
5 electrification of transportation, buildings and
6 industries exceed the costs.

7 (B) Enhance the grid's flexibility to adapt to
8 increased deployment of nondispatchable resources,
9 improve the ability and performance of the grid on
10 load balancing, and offer a variety of rate plans to
11 match consumer consumption patterns and lower consumer
12 bills for electricity delivery and supply.

13 (C) Ensure rates reflect cost savings attributable
14 to grid modernization and utilize distributed energy
15 resources that allow the utility to defer or forgo
16 traditional grid investments that would otherwise be
17 required to provide safe and reliable service.

18 (D) Metrics designed to create and sustain
19 full-time-equivalent jobs and opportunities for all
20 segments of the population and workforce, including
21 minority-owned businesses, women-owned businesses,
22 veteran-owned businesses, and businesses owned by a
23 person or persons with a disability, and that do not,
24 consistent with State and federal law, discriminate
25 based on race or socioeconomic status as a result of
26 this amendatory Act of the 102nd General Assembly.

1 (E) Maximize and prioritize the allocation of grid
2 planning benefits to environmental justice and
3 economically disadvantaged customers and communities,
4 such that all metrics provide equitable benefits
5 across the utility's service territory and maintain
6 and improve utility customers' access to uninterrupted
7 utility services.

8 (4) The Commission may establish new tracking and
9 performance metrics in future Multi-Year Rate Plans to
10 further measure achievement of the outcomes set forth in
11 paragraph (2) of subsection (f) of this Section and the
12 other goals and requirements of this Section.

13 (5) The Commission shall also evaluate metrics that
14 were established in prior Multi-Year Rate Plans to
15 determine if there has been an unanticipated material
16 change in circumstances such that adjustments are required
17 to improve the likelihood of the outcomes described in
18 paragraph (2) of subsection (f). For metrics that were
19 established in prior Multi-Year Rate Plan proceedings and
20 that the Commission elects to continue, the design of
21 these metrics, including the goals of tracking metrics and
22 the targets and incentive levels and structures of
23 performance metrics, may be adjusted pursuant to the
24 requirements in this Section. The Commission may also
25 change, adjust or phase out tracking and performance
26 metrics that were established in prior Multi-Year Rate

1 Plan proceedings if these metrics no longer meet the
2 requirements of this Section or if they are rendered
3 obsolete by the changing needs and technology of an
4 evolving grid. Additionally, performance metrics that no
5 longer require an incentive to create improved utility
6 performance may become tracking metrics in a Multi-Year
7 Rate Plan proceeding.

8 (6) The Commission shall initiate a workshop process
9 no later than August 1, 2021, or 15 days after the
10 effective date of this amendatory Act of the 102nd General
11 Assembly, whichever is later, for the purpose of
12 facilitating the development of metrics for each utility.
13 The workshop shall be coordinated by the staff of the
14 Commission, or a facilitator retained by staff, and shall
15 be organized and facilitated in a manner that encourages
16 representation from diverse stakeholders and ensures
17 equitable opportunities for participation, without
18 requiring formal intervention or representation by an
19 attorney. Working with staff of the Commission the
20 facilitator may conduct a combination of workshops
21 specific to a utility or applicable to multiple utilities
22 where content and stakeholders are substantially similar.
23 The workshop process shall conclude no later than October
24 31, 2021. Following the workshop, the staff of the
25 Commission, or the facilitator retained by the Staff,
26 shall prepare and submit a report to the Commission that

1 identifies the participants in the process, the metrics
2 proposed during the process, any material issues that
3 remained unresolved at the conclusions of such process,
4 and any recommendations for workshop process improvements.
5 Any workshop participant may file comments and reply
6 comments in response to the Staff report.

7 (A) No later than January, 20, 2022, each electric
8 utility that intends to file a petition pursuant to
9 subsection (b) of this Section shall file a petition
10 with the Commission seeking approval of its
11 performance metrics, which shall include for each
12 metric, at a minimum, (i) a detailed description, (ii)
13 the calculation of the baseline, (iii) the performance
14 period and overall performance goal, provided that the
15 performance period shall not commence prior to January
16 1, 2024, (iv) each annual performance goal, (v) the
17 performance adjustment, which shall be a symmetrical
18 basis point increase or decrease to the utility's cost
19 of equity based on the extent to which the utility
20 achieved the annual performance goal, and (vi) the new
21 or modified tariff mechanism that will apply the
22 performance adjustments. The Commission shall issue
23 its order approving, or approving with modification,
24 the utility's proposed performance metrics no later
25 than September 30, 2022.

26 (B) No later than August 1, 2025, the Commission

1 shall initiate a workshop process that conforms to the
2 workshop purpose and requirements of this paragraph
3 (6) of this Section to the extent they do not conflict.
4 The workshop process shall conclude no later than
5 October 31, 2025, and the staff of the Commission, or
6 the facilitator retained by the Staff, shall prepare
7 and submit a report consistent with the requirements
8 described in this paragraph (6) of this Section. No
9 later than January 20, 2026, each electric utility
10 subject to the requirements of this Section shall file
11 a petition that reflects, and is consistent with, the
12 components required in this paragraph (6) of this
13 Section, and the Commission shall issue its order
14 approving, or approving with modification, the
15 utility's proposed performance metrics no later than
16 September 30, 2026.

17 (f) On May 1 of each year, following the approval of the
18 first Multi-Year Rate Plan and its initial year, the
19 Commission shall open an annual performance evaluation
20 proceeding to evaluate the utilities' performance on their
21 metric targets during the year just completed, as well as the
22 appropriate Annual Adjustment as defined in paragraph (6). The
23 Commission shall determine the performance and annual
24 adjustments to be applied through a surcharge in the following
25 calendar year.

26 (1) On February 15 of each year, prior to the annual

1 performance evaluation proceeding, each utility shall file
2 a performance evaluation report with the Commission that
3 includes a description of and all data supporting how the
4 utility performed under each performance metric and an
5 identification of any extraordinary events that adversely
6 impacted the utility's performance.

7 (2) The metrics approved under this Section are based
8 on the assumptions that the utility may fully implement
9 the technology and equipment, and make the investments,
10 required to achieve the metrics and performance goals. If
11 the utility is unable to meet the metrics and performance
12 goals because it was hindered by unanticipated technology
13 or equipment implementation delays, government-declared
14 emergencies, or other investment impediments, then the
15 utility shall be permitted to file a petition with the
16 Commission on or before the date that its report is due
17 pursuant to paragraph (1) of this subsection (f)
18 requesting that the utility be excused from compliance
19 with the applicable performance goal or goals. The burden
20 of proof shall be on the utility, consistent with Article
21 IX, and the utility's petition shall be supported by
22 substantial evidence. No later than 90 days after the
23 utility files its petition, the Commission shall, after
24 notice and hearing, enter its order approving or denying,
25 in whole or in part, the utility's petition based on the
26 extent to which the utility demonstrated that its

1 achievement of the affected metrics and performance goals
2 was hindered by unanticipated technology or equipment
3 implementation delays, or other investment impediments,
4 that were reasonably outside of the utility's control.

5 (3) The electric utility shall provide for an annual
6 independent evaluation of its performance on metrics. The
7 independent evaluator shall review the utility's
8 assumptions, baselines, targets, calculation
9 methodologies, and other relevant information, especially
10 ensuring that the utility's data for establishing
11 baselines matches actual performance, and shall provide a
12 report to the Commission in each annual performance
13 evaluation describing the results. The independent
14 evaluator shall present this report as evidence as a
15 nonparty participant and shall not be represented by the
16 utility's legal counsel. The independent evaluator shall
17 be hired through a competitive bidding process with
18 approval of the contract by the Commission.

19 The Commission shall consider the report of the
20 independent evaluator in determining the utility's
21 achievement of performance targets. Discrepancies between
22 the utility's assumptions, baselines, targets, or
23 calculations and those of the independent evaluator shall
24 be closely scrutinized by the Commission. If the
25 Commission finds that the utility's reported data for any
26 metric or metrics significantly and incorrectly deviates

1 from the data reported by the independent evaluator, then
2 the Commission shall order the utility to revise its data
3 collection and calculation process within 60 days, with
4 specifications where appropriate.

5 (4) The Commission shall, after notice and hearing in
6 the annual performance evaluation proceeding, enter an
7 order approving the utility's performance adjustment based
8 on its achievement of or failure to achieve its
9 performance targets no later than December 20 each year.
10 The Commission-approved penalties or incentives shall be
11 applied beginning with the next calendar year.

12 (5) In order to promote the transparency of utility
13 investments during the effective period of a multi-year
14 rate plan, inform the Commission's investigation and
15 adjustment of rates in the annual adjustment process, and
16 to facilitate the participation of stakeholders in the
17 annual adjustment process, an electric utility with an
18 effective Multi-Year Rate Plan shall, within 90 days of
19 the close of each quarter during the Multi-Year Rate Plan
20 period, submit to the Commission a report that summarizes
21 the additions to utility plant that were placed into
22 service during the prior quarter, which for purposes of
23 the report shall be the most recently closed fiscal
24 quarter. The report shall also summarize the utility plant
25 the electric utility projects it will place into service
26 through the end of the calendar year in which the report is

1 filed. The projections, estimates, plans, and
2 forward-looking information that are provided in the
3 reports pursuant to this paragraph (5) are for planning
4 purposes and are intended to be illustrative of the
5 investments that the utility proposes to make as of the
6 time of submittal. Nothing in this paragraph (5)
7 precludes, or is intended to limit, a utility's ability to
8 modify and update its projections, estimates, plans, and
9 forward-looking information previously submitted in order
10 to reflect stakeholder input or other new or updated
11 information and analysis, including, but not limited to,
12 changes in specific investment needs, customer electric
13 use patterns, customer applications and preferences, and
14 commercially available equipment and technologies, however
15 the utility shall explain any changes or deviations
16 between the projected investments from the quarterly
17 reports and actual investments in the annual report. The
18 reports submitted pursuant to this subsection are intended
19 to be flexible planning tools, and are expected to evolve
20 as new information becomes available. Within 7 days of
21 receiving a quarterly report, the Commission shall timely
22 make such report available to the public by posting it on
23 the Commission's website. Each quarterly report shall
24 include the following detail:

25 (A) The total dollar value of the additions to
26 utility plant placed in service during the prior

1 quarter;

2 (B) A list of the major investment categories the
3 electric utility used to manage its routine standing
4 operational activities during the prior quarter
5 including the total dollar amount for the work
6 reflected in each investment category in which utility
7 plant in service is equal to or greater than
8 \$2,000,000 for an electric utility that serves more
9 than 3,000,000 customers in the State or \$500,000 for
10 an electric utility that serves less than 3,000,000
11 customers but more than 500,000 customers in the State
12 as of the last day of the quarterly reporting period,
13 as well as a summary description of each investment
14 category;

15 (C) A list of the projects which the electric
16 utility has identified by a unique investment tracking
17 number for utility plant placed in service during the
18 prior quarter for utility plant placed in service with
19 a total dollar value as of the last day of the
20 quarterly reporting period that is equal to or greater
21 than \$2,000,000 for an electric utility that serves
22 more than 3,000,000 customers in the State or \$500,000
23 for an electric utility that serves less than
24 3,000,000 retail customers but more than \$500,000
25 retail customers in the State, as well as a summary of
26 each project;

1 (D) The estimated total dollar value of the
2 additions to utility plant projected to be placed in
3 service through the end of the calendar year in which
4 the report is filed;

5 (E) A list of the major investment categories the
6 electric utility used to manage its routine standing
7 operational activities with utility plant projected to
8 be placed in service through the end of the calendar
9 year in which the report is filed, including the total
10 dollar amount for the work reflected in each
11 investment category in which utility plant in service
12 is projected to be equal to or greater than \$2,000,000
13 for an electric utility that serves more than
14 3,000,000 customers in the State or \$500,000 for an
15 electric utility that serves less than 3,000,000
16 retail customers but more than 500,000 retail
17 customers in the State, as well as a summary
18 description of each investment category; and

19 (F) A list of the projects for which the electric
20 utility has identified by a unique investment tracking
21 number for utility plant projected to be placed in
22 service through the end of the calendar year in which
23 the report is filed with an estimated dollar value
24 that is equal to or greater than \$2,000,000 for an
25 electric utility that serves more than 3,000,000
26 customers in the State or \$500,000 for an electric

1 utility that serves less than 3,000,000 retails
2 customers but more than \$500,000 retail customers in
3 the State, as well as a summary description of each
4 project.

5 (6) As part of the Annual Performance Adjustment, the
6 electric utility shall submit evidence sufficient to
7 support a determination of its actual revenue requirement
8 for the applicable calendar year, consistent with the
9 provisions of paragraphs (d) and (f) of this subsection.
10 The electric utility shall bear the burden of
11 demonstrating that its costs were prudent and reasonable,
12 subject to the provisions of paragraph (4) of this
13 subsection (f). The Commission's review of the electric
14 utility's annual adjustment shall be based on the same
15 evidentiary standards, including, but not limited to,
16 those concerning the prudence and reasonableness of the
17 known and measurable costs forecasted to be incurred by
18 the utility, and the used and usefulness of the actual
19 plant investment pursuant to Section 9-211 of this Act,
20 that the Commission applies in a proceeding to review a
21 filing for changes in rates pursuant to Section 9-201 of
22 this Act. The Commission shall determine the prudence and
23 reasonableness of the actual costs incurred by the utility
24 during the applicable calendar year, as well as determine
25 the original cost of plant in service as of the end of the
26 applicable calendar year. The Commission shall then

1 determine the Annual Adjustment, which shall mean the
2 amount by which, the electric utility's actual revenue
3 requirement for the applicable year of the Multi-Year Rate
4 Plan either exceeded, or was exceeded by, the revenue
5 requirement approved by the Commission for such calendar
6 year, plus carrying costs calculated at the weighted
7 average cost of capital approved for the Multi-Year Rate
8 Plan.

9 The Commission's determination of the electric
10 utility's actual revenue requirement for the applicable
11 calendar year shall be based on:

12 (A) the Commission-approved used and useful,
13 prudent and reasonable actual costs for the applicable
14 calendar year, which shall be determined pursuant to
15 the following criteria:

16 (i) The overall level of actual costs incurred
17 during the calendar year, provided that the
18 Commission may not allow recovery of actual costs
19 that are more than 105% of the approved revenue
20 requirement calculated as provided in item (ii) of
21 this subparagraph (A), except to the extent the
22 Commission approves a modification of the
23 Multi-Year Rate Plan to permit such recovery.

24 (ii) The calculation of 105% of the revenue
25 requirement required by this subparagraph (A)
26 shall exclude the revenue requirement impacts of

1 the following volatile and fluctuating variables
2 that occurred during the year: (i) storms and
3 weather-related events for which the utility
4 provides sufficient evidence to demonstrate that
5 such expenses were not foreseeable and not in
6 control of the utility; (ii) new business; (iii)
7 changes in interest rates; (iv) changes in taxes;
8 (v) facility relocations; (vi) changes in pension
9 or post-retirement benefits costs due to
10 fluctuations in interest rates, market returns or
11 actuarial assumptions; (vii) amortization expenses
12 related to costs; and (viii) changes in the timing
13 of when an expenditure or investment is made such
14 that it is accelerated to occur during the
15 applicable year or deferred to occur in a
16 subsequent year.

17 (B) the year-end rate base;

18 (C) the cost of equity approved in the multi-year
19 rate plan; and

20 (D) the electric utility's actual year-end capital
21 structure, provided that the common equity ratio in
22 such capital structure may not exceed the common
23 equity ratio that was approved by the Commission in
24 the Multi-Year Rate Plan.

25 (2) The Commission's determinations of the prudence
26 and reasonableness of the costs incurred for the

1 applicable year, and of the original cost of plant in
2 service as of the end of the applicable calendar year,
3 shall be final upon entry of the Commission's order and
4 shall not be subject to collateral attack in any other
5 Commission proceeding, case, docket, order, rule, or
6 regulation; however, nothing in this Section shall
7 prohibit a party from petitioning the Commission to rehear
8 or appeal to the courts the order pursuant to the
9 provisions of this Act.

10 (g) During the period leading to approval of the first
11 Multi-Year Integrated Grid Plan, each electric utility will
12 necessarily continue to invest in its distribution grid. Those
13 investments will be subject to a determination of prudence and
14 reasonableness consistent with Commission practice and law.
15 Any failure to conform to the Multi-Year Integrated Grid Plan
16 ultimately approved shall not imply imprudence or
17 unreasonableness.

18 (h) After calculating the Performance Adjustment and
19 Annual Adjustment, the Commission shall order the electric
20 utility to collect the amount in excess of the revenue
21 requirement from customers, or issue a refund to customers, as
22 applicable, to be applied through a surcharge beginning with
23 the next calendar year.

24 Electric utilities subject to the requirements of this
25 Section shall be permitted to file new or revised tariffs to
26 comply with the provisions of, and Commission orders entered

1 pursuant to, this Section.

2 (220 ILCS 5/16-108.19 new)

3 Sec. 16-108.19. Division of Integrated Distribution
4 Planning.

5 (a) The Commission shall establish the Division of
6 Integrated Distribution Planning within the Bureau of Public
7 Utilities. The Division shall be staffed by no less than 13
8 professionals, including engineers, rate analysts,
9 accountants, policy analysts, utility research and analysis
10 analysts, cybersecurity analysts, informational technology
11 specialists, and lawyers to review and evaluate Integrated
12 Grid Plans, updates to Integrated Grid Plans, audits, and
13 other duties as assigned by the Chief of the Public Utilities
14 Bureau.

15 (b) The Division of Integrated Distribution Planning shall
16 be established by January 1, 2022.

17 (220 ILCS 5/16-108.20 new)

18 Sec. 16-108.20. Cost-effectiveness incentive.

19 (a) The General Assembly finds that it is critical to
20 maintain this focus on utility bill affordability as the State
21 transitions to a clean energy economy. The General Assembly
22 accordingly finds that it may be in the public interest to
23 incentivize electric utilities to reduce spending where
24 practicable and where such reduction will not have an adverse

1 impact on the State's clean energy goals; this Act's
2 overarching objectives of efficiency, environmental quality,
3 reliability, and equity; or the utility's achievement on its
4 metrics.

5 (b) In addition to the performance metrics established and
6 approved by the Commission pursuant to Section 16-108.18 of
7 this Act, the Commission may also determine whether each
8 electric utility that serves more than 500,000 retail
9 customers in the State may also be subject to a performance
10 metric that incentivizes the utility to make cost-effective
11 choices and stretch to achieve cost savings for public utility
12 customers where it can do so without adverse impact (on
13 efficiency, environmental quality, reliability or equity).

14 (c) The Commission shall initiate a docket on the subject
15 of cost-effective shared savings, and shall make a
16 determination if it would be in the public interest and the
17 best interest of electric utility customers to establish a
18 performance metric that incentivizes utilities to reduce their
19 costs while meeting all other performance metrics and
20 addressing state goals as found in this Act.

21 (d) At the conclusion of the docket, if the Commission
22 determines that such an incentive is in the best interest of
23 consumers, the Commission shall have the authority to set a
24 specific metric as part of the performance metric process
25 pursuant to Section 16-108.18. Such metric shall include a
26 determination of the percentage of the shared savings to be

1 returned to the customers and to the utility. Such percentage
2 shall be set so as to incentivize the utility to make savings,
3 while providing substantial benefits to consumers.

4 (220 ILCS 5/16-108.21 new)

5 Sec. 16-108.21. Accelerated repayment of excess deferred
6 income tax.

7 (a) The General Assembly finds:

8 (1) That a portion of each utility's compensation from
9 ratepayers is attributable to reimbursement for federal
10 taxes paid by the utility.

11 (2) Due to the enactment of the 2017 Tax Cut and Jobs
12 Act, the federal income tax rate for corporations was
13 lowered, resulting in excess deferred income tax for
14 distribution utilities in the State that serve more than
15 100,000 customers.

16 (3) In proceedings before the Commission, it was
17 determined that the repayment period to ratepayers by the
18 utilities which serve more than 100,000 customers in this
19 State for this excess deferred income tax would be 39.5
20 years.

21 (4) The COVID-19 pandemic has harmed many customers of
22 all rate classes in the State, and resulted in the
23 Commission adopting a number of measures to provide relief
24 for customers.

25 (5) It would be in the interest of the State for the

1 repayment of the excess deferred income tax referenced in
2 Commission Dockets 19-0436, 19-0387, 20-0381, and 20-0393
3 to be paid back to ratepayers on a timetable greatly
4 accelerated from that set forth in the dockets.

5 (b) Notwithstanding the Commission Orders in Dockets
6 19-0436, 19-0387, 20-0381, and 20-0382, the excess deferred
7 income tax referenced in those dockets shall be fully refunded
8 to ratepayers by the respective utilities no later than
9 December 31, 2025.

10 (c) The Commission shall initiate a docket to provide for
11 the refunding of these excess deferred income taxes to
12 ratepayers of the utilities referenced in those dockets, and
13 shall set forth any necessary provisions to accomplish the
14 reimbursement on the schedule delineated in subsection (b).

15 (220 ILCS 5/16-108.25 new)

16 Sec. 16-108.25. Tariff regarding transition in rates. Each
17 electric utility that files a Multi-Year Rate Plan pursuant to
18 Section 16-108.18 of this Act or a general rate case as
19 described in this Act shall also file a tariff that sets forth
20 the processes and procedures by which the electric utility
21 will transition from its current rates and ratemaking
22 mechanism to the new Multi-Year Rate Plan or a general rate
23 case and rates that will take effect under that multi-year
24 plan. The proposed tariff shall be consistent with the tariff
25 approved by the Commission in Docket No. 20-0426 and covers

1 the period until the new delivery rates are effective and all
2 required processes and procedures described in the tariff have
3 been completed.

4 Each electric utility subject to this Section shall file
5 its proposed tariff no later than 30 days after the effective
6 date of this amendatory Act of the 102nd General Assembly, and
7 the Commission shall enter its order approving the tariff no
8 later than 120 days after it was filed if the Commission finds
9 that the proposed tariff is consistent with the tariff
10 previously approved in Docket No. 20-0426 for the period until
11 the new delivery rates are effective and all required
12 processes and procedures described in the tariff have been
13 completed. If the Commission does not so find, then the
14 Commission shall approve the utility's tariff with those
15 modifications that are required to make the proposed tariff
16 consistent with the tariff approved in Docket 20-0426 until
17 the new delivery rates are effective and all required
18 processes and procedures described in the tariff have been
19 completed.

20 An electric utility that has a tariff in effect on the
21 effective date of this amendatory Act of the 102nd General
22 Assembly that provides for the transition from its current
23 rates and ratemaking mechanism to new base rates approved
24 pursuant to Article IX of this Act, shall file a compliance
25 tariff modifying its existing tariff to comply with the
26 provisions of this Section. The compliance tariff shall go

1 into effect on 45 days' notice.

2 (220 ILCS 5/16-108.30 new)

3 Sec. 16-108.30. Energy Transition Assistance Fund.

4 (a) The Energy Transition Assistance Fund is hereby
5 created as a special fund in the State Treasury. The Energy
6 Transition Assistance Fund is authorized to receive moneys
7 collected pursuant to this Section. Subject to appropriation,
8 the Department of Commerce and Economic Opportunity shall use
9 moneys from the Energy Transition Assistance Fund consistent
10 with the purposes of this Act.

11 (b) An electric utility serving more than 500,000
12 customers in the State shall assess an energy transition
13 assistance charge on all its retail customers for the Energy
14 Transition Assistance Fund. The utility's total charge shall
15 be set based upon the value determined by the Department of
16 Commerce and Economic Opportunity pursuant to subsection (d)
17 or (e), as applicable, of Section 605-1075 of the Department
18 of Commerce and Economic Opportunity Law of the Civil
19 Administrative Code of Illinois. For each utility, the charge
20 shall be recovered through a single, uniform cents per
21 kilowatt-hour charge applicable to all retail customers. For
22 each utility, the charge shall not exceed 1.3% of the amount
23 paid per kilowatthour by those customers during the year
24 ending May 31, 2009.

25 (c) Within 75 days of the effective date of this

1 amendatory Act of the 102nd General Assembly, each electric
2 utility serving more than 500,000 customers in the State shall
3 file with the Illinois Commerce Commission tariffs
4 incorporating the energy transition assistance charge in other
5 charges stated in such tariffs, which shall become effective
6 no later than the beginning of the first billing cycle
7 following such filing. Each electric utility serving more than
8 500,000 customers in the State shall, prior to the beginning
9 of each calendar year starting with calendar year 2021, file
10 with the Illinois Commerce Commission tariff revisions to
11 incorporate annual revisions to the energy transition
12 assistance charge as prescribed by the Department of Commerce
13 and Economic Opportunity pursuant to Section 605-1075 of the
14 Department of Commerce and Economic Opportunity Law of the
15 Civil Administrative Code of Illinois so that such revision
16 becomes effective no later than the beginning of the first
17 billing cycle in each respective year.

18 (d) The energy transition assistance charge shall be
19 considered a charge for public utility service.

20 (e) By the 20th day of the month following the month in
21 which the charges imposed by this Section were collected, each
22 electric utility serving more than 500,000 customers in the
23 State shall remit to Department of Revenue all moneys received
24 as payment of the energy transition assistance charge on a
25 return prescribed and furnished by the Department of Revenue
26 showing such information as the Department of Revenue may

1 reasonably require. If a customer makes a partial payment, a
2 public utility may apply such partial payments first to
3 amounts owed to the utility. No customer may be subjected to
4 disconnection of his or her utility service for failure to pay
5 the energy transition assistance charge.

6 If any payment provided for in this subsection exceeds the
7 electric utility's liabilities under this Act, as shown on an
8 original return, the Department may authorize the electric
9 utility to credit such excess payment against liability
10 subsequently to be remitted to the Department under this Act,
11 in accordance with reasonable rules adopted by the Department.

12 All the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e,
13 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13
14 of the Retailers' Occupation Tax Act that are not inconsistent
15 with this Act apply, as far as practicable, to the charge
16 imposed by this Act to the same extent as if those provisions
17 were included in this Act. References in the incorporated
18 Sections of the Retailers' Occupation Tax Act to retailers, to
19 sellers, or to persons engaged in the business of selling
20 tangible personal property mean persons required to remit the
21 charge imposed under this Act.

22 (f) The Department of Revenue shall deposit into the
23 Energy Transition Assistance Fund all moneys remitted to it in
24 accordance with this Section.

25 (g) The Department of Revenue may establish such rules as
26 it deems necessary to implement this Section.

1 (h) The Department of Commerce and Economic Opportunity
2 may establish such rules as it deems necessary to implement
3 this Section.

4 (220 ILCS 5/16-111.5)

5 Sec. 16-111.5. Provisions relating to procurement.

6 (a) An electric utility that on December 31, 2005 served
7 at least 100,000 customers in Illinois shall procure power and
8 energy for its eligible retail customers in accordance with
9 the applicable provisions set forth in Section 1-75 of the
10 Illinois Power Agency Act and this Section. Beginning with the
11 delivery year commencing on June 1, 2017, such electric
12 utility shall also procure zero emission credits from zero
13 emission facilities in accordance with the applicable
14 provisions set forth in Section 1-75 of the Illinois Power
15 Agency Act, and, for years beginning on or after June 1, 2017,
16 the utility shall procure renewable energy resources in
17 accordance with the applicable provisions set forth in Section
18 1-75 of the Illinois Power Agency Act and this Section.
19 Beginning with the delivery year commencing on June 1, 2022,
20 an electric utility serving over 3,000,000 customers shall
21 also procure carbon mitigation credits from carbon-free energy
22 resources in accordance with the applicable provisions set
23 forth in Section 1-75 of the Illinois Power Agency Act and this
24 Section. A small multi-jurisdictional electric utility that on
25 December 31, 2005 served less than 100,000 customers in

1 Illinois may elect to procure power and energy for all or a
2 portion of its eligible Illinois retail customers in
3 accordance with the applicable provisions set forth in this
4 Section and Section 1-75 of the Illinois Power Agency Act.
5 This Section shall not apply to a small multi-jurisdictional
6 utility until such time as a small multi-jurisdictional
7 utility requests the Illinois Power Agency to prepare a
8 procurement plan for its eligible retail customers. "Eligible
9 retail customers" for the purposes of this Section means those
10 retail customers that purchase power and energy from the
11 electric utility under fixed-price bundled service tariffs,
12 other than those retail customers whose service is declared or
13 deemed competitive under Section 16-113 and those other
14 customer groups specified in this Section, including
15 self-generating customers, customers electing hourly pricing,
16 or those customers who are otherwise ineligible for
17 fixed-price bundled tariff service. For those customers that
18 are excluded from the procurement plan's electric supply
19 service requirements, and the utility shall procure any supply
20 requirements, including capacity, ancillary services, and
21 hourly priced energy, in the applicable markets as needed to
22 serve those customers, provided that the utility may include
23 in its procurement plan load requirements for the load that is
24 associated with those retail customers whose service has been
25 declared or deemed competitive pursuant to Section 16-113 of
26 this Act to the extent that those customers are purchasing

1 power and energy during one of the transition periods
2 identified in subsection (b) of Section 16-113 of this Act.

3 (b) A procurement plan shall be prepared for each electric
4 utility consistent with the applicable requirements of the
5 Illinois Power Agency Act and this Section. For purposes of
6 this Section, Illinois electric utilities that are affiliated
7 by virtue of a common parent company are considered to be a
8 single electric utility. Small multi-jurisdictional utilities
9 may request a procurement plan for a portion of or all of its
10 Illinois load. Each procurement plan shall analyze the
11 projected balance of supply and demand for those retail
12 customers to be included in the plan's electric supply service
13 requirements over a 5-year period, with the first planning
14 year beginning on June 1 of the year following the year in
15 which the plan is filed. The plan shall specifically identify
16 the wholesale products to be procured following plan approval,
17 and shall follow all the requirements set forth in the Public
18 Utilities Act and all applicable State and federal laws,
19 statutes, rules, or regulations, as well as Commission orders.
20 Nothing in this Section precludes consideration of contracts
21 longer than 5 years and related forecast data. Unless
22 specified otherwise in this Section, in the procurement plan
23 or in the implementing tariff, any procurement occurring in
24 accordance with this plan shall be competitively bid through a
25 request for proposals process. Approval and implementation of
26 the procurement plan shall be subject to review and approval

1 by the Commission according to the provisions set forth in
2 this Section. A procurement plan shall include each of the
3 following components:

4 (1) Hourly load analysis. This analysis shall include:

5 (i) multi-year historical analysis of hourly
6 loads;

7 (ii) switching trends and competitive retail
8 market analysis;

9 (iii) known or projected changes to future loads;
10 and

11 (iv) growth forecasts by customer class.

12 (2) Analysis of the impact of any demand side and
13 renewable energy initiatives. This analysis shall include:

14 (i) the impact of demand response programs and
15 energy efficiency programs, both current and
16 projected; for small multi-jurisdictional utilities,
17 the impact of demand response and energy efficiency
18 programs approved pursuant to Section 8-408 of this
19 Act, both current and projected; and

20 (ii) supply side needs that are projected to be
21 offset by purchases of renewable energy resources, if
22 any.

23 (3) A plan for meeting the expected load requirements
24 that will not be met through preexisting contracts. This
25 plan shall include:

26 (i) definitions of the different Illinois retail

1 customer classes for which supply is being purchased;

2 (ii) the proposed mix of demand-response products
3 for which contracts will be executed during the next
4 year. For small multi-jurisdictional electric
5 utilities that on December 31, 2005 served fewer than
6 100,000 customers in Illinois, these shall be defined
7 as demand-response products offered in an energy
8 efficiency plan approved pursuant to Section 8-408 of
9 this Act. The cost-effective demand-response measures
10 shall be procured whenever the cost is lower than
11 procuring comparable capacity products, provided that
12 such products shall:

13 (A) be procured by a demand-response provider
14 from those retail customers included in the plan's
15 electric supply service requirements;

16 (B) at least satisfy the demand-response
17 requirements of the regional transmission
18 organization market in which the utility's service
19 territory is located, including, but not limited
20 to, any applicable capacity or dispatch
21 requirements;

22 (C) provide for customers' participation in
23 the stream of benefits produced by the
24 demand-response products;

25 (D) provide for reimbursement by the
26 demand-response provider of the utility for any

1 costs incurred as a result of the failure of the
2 supplier of such products to perform its
3 obligations thereunder; and

4 (E) meet the same credit requirements as apply
5 to suppliers of capacity, in the applicable
6 regional transmission organization market;

7 (iii) monthly forecasted system supply
8 requirements, including expected minimum, maximum, and
9 average values for the planning period;

10 (iv) the proposed mix and selection of standard
11 wholesale products for which contracts will be
12 executed during the next year, separately or in
13 combination, to meet that portion of its load
14 requirements not met through pre-existing contracts,
15 including but not limited to monthly 5 x 16 peak period
16 block energy, monthly off-peak wrap energy, monthly 7
17 x 24 energy, annual 5 x 16 energy, other standardized
18 energy or capacity products designed to provide
19 eligible retail customer benefits from commercially
20 deployed advanced technologies including but not
21 limited to high voltage direct current converter
22 stations, as such term is defined in Section 1-10 of
23 the Illinois Power Agency Act, whether or not such
24 product is currently available in wholesale markets,
25 annual off-peak wrap energy, annual 7 x 24 energy,
26 monthly capacity, annual capacity, peak load capacity

1 obligations, capacity purchase plan, and ancillary
2 services;

3 (v) proposed term structures for each wholesale
4 product type included in the proposed procurement plan
5 portfolio of products; and

6 (vi) an assessment of the price risk, load
7 uncertainty, and other factors that are associated
8 with the proposed procurement plan; this assessment,
9 to the extent possible, shall include an analysis of
10 the following factors: contract terms, time frames for
11 securing products or services, fuel costs, weather
12 patterns, transmission costs, market conditions, and
13 the governmental regulatory environment; the proposed
14 procurement plan shall also identify alternatives for
15 those portfolio measures that are identified as having
16 significant price risk and mitigation in the form of
17 additional retail customer and ratepayer price,
18 reliability, and environmental benefits from
19 standardized energy products delivered from
20 commercially deployed advanced technologies,
21 including, but not limited to, high voltage direct
22 current converter stations, as such term is defined in
23 Section 1-10 of the Illinois Power Agency Act, whether
24 or not such product is currently available in
25 wholesale markets.

26 (4) Proposed procedures for balancing loads. The

1 procurement plan shall include, for load requirements
2 included in the procurement plan, the process for (i)
3 hourly balancing of supply and demand and (ii) the
4 criteria for portfolio re-balancing in the event of
5 significant shifts in load.

6 (5) Long-Term Renewable Resources Procurement Plan.
7 The Agency shall prepare a long-term renewable resources
8 procurement plan for the procurement of renewable energy
9 credits under Sections 1-56 and 1-75 of the Illinois Power
10 Agency Act for delivery beginning in the 2017 delivery
11 year.

12 (i) The initial long-term renewable resources
13 procurement plan and all subsequent revisions shall be
14 subject to review and approval by the Commission. For
15 the purposes of this Section, "delivery year" has the
16 same meaning as in Section 1-10 of the Illinois Power
17 Agency Act. For purposes of this Section, "Agency"
18 shall mean the Illinois Power Agency.

19 (ii) The long-term renewable resources planning
20 process shall be conducted as follows:

21 (A) Electric utilities shall provide a range
22 of load forecasts to the Illinois Power Agency
23 within 45 days of the Agency's request for
24 forecasts, which request shall specify the length
25 and conditions for the forecasts including, but
26 not limited to, the quantity of distributed

1 generation expected to be interconnected for each
2 year.

3 (B) The Agency shall publish for comment the
4 initial long-term renewable resources procurement
5 plan no later than 120 days after the effective
6 date of this amendatory Act of the 99th General
7 Assembly and shall review, and may revise, the
8 plan at least every 2 years thereafter. To the
9 extent practicable, the Agency shall review and
10 propose any revisions to the long-term renewable
11 energy resources procurement plan in conjunction
12 with the Agency's other planning and approval
13 processes conducted under this Section. The
14 initial long-term renewable resources procurement
15 plan shall:

16 (aa) Identify the procurement programs and
17 competitive procurement events consistent with
18 the applicable requirements of the Illinois
19 Power Agency Act and shall be designed to
20 achieve the goals set forth in subsection (c)
21 of Section 1-75 of that Act.

22 (bb) Include a schedule for procurements
23 for renewable energy credits from
24 utility-scale wind projects, utility-scale
25 solar projects, and brownfield site
26 photovoltaic projects consistent with

1 subparagraph (G) of paragraph (1) of
2 subsection (c) of Section 1-75 of the Illinois
3 Power Agency Act.

4 (cc) Identify the process whereby the
5 Agency will submit to the Commission for
6 review and approval the proposed contracts to
7 implement the programs required by such plan.

8 Copies of the initial long-term renewable
9 resources procurement plan and all subsequent
10 revisions shall be posted and made publicly
11 available on the Agency's and Commission's
12 websites, and copies shall also be provided to
13 each affected electric utility. An affected
14 utility and other interested parties shall have 45
15 days following the date of posting to provide
16 comment to the Agency on the initial long-term
17 renewable resources procurement plan and all
18 subsequent revisions. All comments submitted to
19 the Agency shall be specific, supported by data or
20 other detailed analyses, and, if objecting to all
21 or a portion of the procurement plan, accompanied
22 by specific alternative wording or proposals. All
23 comments shall be posted on the Agency's and
24 Commission's websites. During this 45-day comment
25 period, the Agency shall hold at least one public
26 hearing within each utility's service area that is

1 subject to the requirements of this paragraph (5)
2 for the purpose of receiving public comment.
3 Within 21 days following the end of the 45-day
4 review period, the Agency may revise the long-term
5 renewable resources procurement plan based on the
6 comments received and shall file the plan with the
7 Commission for review and approval.

8 (C) Within 14 days after the filing of the
9 initial long-term renewable resources procurement
10 plan or any subsequent revisions, any person
11 objecting to the plan may file an objection with
12 the Commission. Within 21 days after the filing of
13 the plan, the Commission shall determine whether a
14 hearing is necessary. The Commission shall enter
15 its order confirming or modifying the initial
16 long-term renewable resources procurement plan or
17 any subsequent revisions within 120 days after the
18 filing of the plan by the Illinois Power Agency.

19 (D) The Commission shall approve the initial
20 long-term renewable resources procurement plan and
21 any subsequent revisions, including expressly the
22 forecast used in the plan and taking into account
23 that funding will be limited to the amount of
24 revenues actually collected by the utilities, if
25 the Commission determines that the plan will
26 reasonably and prudently accomplish the

1 requirements of Section 1-56 and subsection (c) of
2 Section 1-75 of the Illinois Power Agency Act. The
3 Commission shall also approve the process for the
4 submission, review, and approval of the proposed
5 contracts to procure renewable energy credits or
6 implement the programs authorized by the
7 Commission pursuant to a long-term renewable
8 resources procurement plan approved under this
9 Section.

10 In approving any long-term renewable resources
11 procurement plan after the effective date of this
12 amendatory Act of the 102nd General Assembly, the
13 Commission shall approve or modify the Agency's
14 proposal for minimum equity standards pursuant to
15 subsection (c-10) of Section 1-75 of the Illinois
16 Power Agency Act. The Commission shall consider
17 any analysis performed by the Agency in developing
18 its proposal, including past performance,
19 availability of equity eligible contractors, and
20 availability of equity eligible persons at the
21 time the long-term renewable resources procurement
22 plan is approved.

23 (iii) The Agency or third parties contracted by
24 the Agency shall implement all programs authorized by
25 the Commission in an approved long-term renewable
26 resources procurement plan without further review and

1 approval by the Commission. Third parties shall not
2 begin implementing any programs or receive any payment
3 under this Section until the Commission has approved
4 the contract or contracts under the process authorized
5 by the Commission in item (D) of subparagraph (ii) of
6 paragraph (5) of this subsection (b) and the third
7 party and the Agency or utility, as applicable, have
8 executed the contract. For those renewable energy
9 credits subject to procurement through a competitive
10 bid process under the plan or under the initial
11 forward procurements for wind and solar resources
12 described in subparagraph (G) of paragraph (1) of
13 subsection (c) of Section 1-75 of the Illinois Power
14 Agency Act, the Agency shall follow the procurement
15 process specified in the provisions relating to
16 electricity procurement in subsections (e) through (i)
17 of this Section.

18 (iv) An electric utility shall recover its costs
19 associated with the procurement of renewable energy
20 credits under this Section and pursuant to subsection
21 (c-5) of Section 1-75 of the Illinois Power Agency Act
22 through an automatic adjustment clause tariff under
23 subsection (k) or a tariff pursuant to subsection
24 (i-5), as applicable, of Section 16-108 of this Act. A
25 utility shall not be required to advance any payment
26 or pay any amounts under this Section that exceed the

1 actual amount of revenues collected by the utility
2 under paragraph (6) of subsection (c) of Section 1-75
3 of the Illinois Power Agency Act, subsection (c-5) of
4 Section 1-75 of the Illinois Power Agency Act, and
5 subsection (k) or subsection (i-5), as applicable, of
6 Section 16-108 of this Act, and contracts executed
7 under this Section shall expressly incorporate this
8 limitation.

9 (v) For the public interest, safety, and welfare,
10 the Agency and the Commission may adopt rules to carry
11 out the provisions of this Section on an emergency
12 basis immediately following the effective date of this
13 amendatory Act of the 99th General Assembly.

14 (vi) On or before July 1 of each year, the
15 Commission shall hold an informal hearing for the
16 purpose of receiving comments on the prior year's
17 procurement process and any recommendations for
18 change.

19 (b-5) An electric utility that as of January 1, 2019
20 served more than 300,000 retail customers in this State shall
21 purchase renewable energy credits from new renewable energy
22 facilities constructed at or adjacent to the sites of
23 coal-fueled electric generating facilities in this State in
24 accordance with subsection (c-5) of Section 1-75 of the
25 Illinois Power Agency Act. Except as expressly provided in
26 this Section, the plans and procedures for such procurements

1 shall not be included in the procurement plans provided for in
2 this Section, but rather shall be conducted and implemented
3 solely in accordance with subsection (c-5) of Section 1-75 of
4 the Illinois Power Agency Act.

5 (c) The provisions of this subsection (c) shall not apply
6 to procurements conducted pursuant to subsection (c-5) of
7 Section 1-75 of the Illinois Power Agency Act. However, the
8 Agency may retain a procurement administrator to assist the
9 Agency in planning and carrying out the procurement events and
10 implementing the other requirements specified in such
11 subsection (c-5) of Section 1-75 of the Illinois Power Agency
12 Act, with the costs incurred by the Agency for the procurement
13 administrator to be recovered through fees charged to
14 applicants for selection to sell and deliver renewable energy
15 credits to electric utilities pursuant to subsection (c-5) of
16 Section 1-75 of the Illinois Power Agency Act. The procurement
17 process set forth in Section 1-75 of the Illinois Power Agency
18 Act and subsection (e) of this Section shall be administered
19 by a procurement administrator and monitored by a procurement
20 monitor.

21 (1) The procurement administrator shall:

22 (i) design the final procurement process in
23 accordance with Section 1-75 of the Illinois Power
24 Agency Act and subsection (e) of this Section
25 following Commission approval of the procurement plan;

26 (ii) develop benchmarks in accordance with

1 subsection (e) (3) to be used to evaluate bids; these
2 benchmarks shall be submitted to the Commission for
3 review and approval on a confidential basis prior to
4 the procurement event;

5 (iii) serve as the interface between the electric
6 utility and suppliers;

7 (iv) manage the bidder pre-qualification and
8 registration process;

9 (v) obtain the electric utilities' agreement to
10 the final form of all supply contracts and credit
11 collateral agreements;

12 (vi) administer the request for proposals process;

13 (vii) have the discretion to negotiate to
14 determine whether bidders are willing to lower the
15 price of bids that meet the benchmarks approved by the
16 Commission; any post-bid negotiations with bidders
17 shall be limited to price only and shall be completed
18 within 24 hours after opening the sealed bids and
19 shall be conducted in a fair and unbiased manner; in
20 conducting the negotiations, there shall be no
21 disclosure of any information derived from proposals
22 submitted by competing bidders; if information is
23 disclosed to any bidder, it shall be provided to all
24 competing bidders;

25 (viii) maintain confidentiality of supplier and
26 bidding information in a manner consistent with all

1 applicable laws, rules, regulations, and tariffs;

2 (ix) submit a confidential report to the
3 Commission recommending acceptance or rejection of
4 bids;

5 (x) notify the utility of contract counterparties
6 and contract specifics; and

7 (xi) administer related contingency procurement
8 events.

9 (2) The procurement monitor, who shall be retained by
10 the Commission, shall:

11 (i) monitor interactions among the procurement
12 administrator, suppliers, and utility;

13 (ii) monitor and report to the Commission on the
14 progress of the procurement process;

15 (iii) provide an independent confidential report
16 to the Commission regarding the results of the
17 procurement event;

18 (iv) assess compliance with the procurement plans
19 approved by the Commission for each utility that on
20 December 31, 2005 provided electric service to at
21 least 100,000 customers in Illinois and for each small
22 multi-jurisdictional utility that on December 31, 2005
23 served less than 100,000 customers in Illinois;

24 (v) preserve the confidentiality of supplier and
25 bidding information in a manner consistent with all
26 applicable laws, rules, regulations, and tariffs;

1 (vi) provide expert advice to the Commission and
2 consult with the procurement administrator regarding
3 issues related to procurement process design, rules,
4 protocols, and policy-related matters; and

5 (vii) consult with the procurement administrator
6 regarding the development and use of benchmark
7 criteria, standard form contracts, credit policies,
8 and bid documents.

9 (d) Except as provided in subsection (j), the planning
10 process shall be conducted as follows:

11 (1) Beginning in 2008, each Illinois utility procuring
12 power pursuant to this Section shall annually provide a
13 range of load forecasts to the Illinois Power Agency by
14 July 15 of each year, or such other date as may be required
15 by the Commission or Agency. The load forecasts shall
16 cover the 5-year procurement planning period for the next
17 procurement plan and shall include hourly data
18 representing a high-load, low-load, and expected-load
19 scenario for the load of those retail customers included
20 in the plan's electric supply service requirements. The
21 utility shall provide supporting data and assumptions for
22 each of the scenarios.

23 (2) Beginning in 2008, the Illinois Power Agency shall
24 prepare a procurement plan by August 15th of each year, or
25 such other date as may be required by the Commission. The
26 procurement plan shall identify the portfolio of

1 demand-response and power and energy products to be
2 procured. Cost-effective demand-response measures shall be
3 procured as set forth in item (iii) of subsection (b) of
4 this Section. Copies of the procurement plan shall be
5 posted and made publicly available on the Agency's and
6 Commission's websites, and copies shall also be provided
7 to each affected electric utility. An affected utility
8 shall have 30 days following the date of posting to
9 provide comment to the Agency on the procurement plan.
10 Other interested entities also may comment on the
11 procurement plan. All comments submitted to the Agency
12 shall be specific, supported by data or other detailed
13 analyses, and, if objecting to all or a portion of the
14 procurement plan, accompanied by specific alternative
15 wording or proposals. All comments shall be posted on the
16 Agency's and Commission's websites. During this 30-day
17 comment period, the Agency shall hold at least one public
18 hearing within each utility's service area for the purpose
19 of receiving public comment on the procurement plan.
20 Within 14 days following the end of the 30-day review
21 period, the Agency shall revise the procurement plan as
22 necessary based on the comments received and file the
23 procurement plan with the Commission and post the
24 procurement plan on the websites.

25 (3) Within 5 days after the filing of the procurement
26 plan, any person objecting to the procurement plan shall

1 file an objection with the Commission. Within 10 days
2 after the filing, the Commission shall determine whether a
3 hearing is necessary. The Commission shall enter its order
4 confirming or modifying the procurement plan within 90
5 days after the filing of the procurement plan by the
6 Illinois Power Agency.

7 (4) The Commission shall approve the procurement plan,
8 including expressly the forecast used in the procurement
9 plan, if the Commission determines that it will ensure
10 adequate, reliable, affordable, efficient, and
11 environmentally sustainable electric service at the lowest
12 total cost over time, taking into account any benefits of
13 price stability.

14 (4.5) The Commission shall review the Agency's
15 recommendations for the selection of applicants to enter
16 into long-term contracts for the sale and delivery of
17 renewable energy credits from new renewable energy
18 facilities to be constructed at or adjacent to the sites
19 of coal-fueled electric generating facilities in this
20 State in accordance with the provisions of subsection
21 (c-5) of Section 1-75 of the Illinois Power Agency Act,
22 and shall approve the Agency's recommendations if the
23 Commission determines that the applicants recommended by
24 the Agency for selection, the proposed new renewable
25 energy facilities to be constructed, the amounts of
26 renewable energy credits to be delivered pursuant to the

1 contracts, and the other terms of the contracts, are
2 consistent with the requirements of subsection (c-5) of
3 Section 1-75 of the Illinois Power Agency Act.

4 (e) The procurement process shall include each of the
5 following components:

6 (1) Solicitation, pre-qualification, and registration
7 of bidders. The procurement administrator shall
8 disseminate information to potential bidders to promote a
9 procurement event, notify potential bidders that the
10 procurement administrator may enter into a post-bid price
11 negotiation with bidders that meet the applicable
12 benchmarks, provide supply requirements, and otherwise
13 explain the competitive procurement process. In addition
14 to such other publication as the procurement administrator
15 determines is appropriate, this information shall be
16 posted on the Illinois Power Agency's and the Commission's
17 websites. The procurement administrator shall also
18 administer the prequalification process, including
19 evaluation of credit worthiness, compliance with
20 procurement rules, and agreement to the standard form
21 contract developed pursuant to paragraph (2) of this
22 subsection (e). The procurement administrator shall then
23 identify and register bidders to participate in the
24 procurement event.

25 (2) Standard contract forms and credit terms and
26 instruments. The procurement administrator, in

1 consultation with the utilities, the Commission, and other
2 interested parties and subject to Commission oversight,
3 shall develop and provide standard contract forms for the
4 supplier contracts that meet generally accepted industry
5 practices. Standard credit terms and instruments that meet
6 generally accepted industry practices shall be similarly
7 developed. The procurement administrator shall make
8 available to the Commission all written comments it
9 receives on the contract forms, credit terms, or
10 instruments. If the procurement administrator cannot reach
11 agreement with the applicable electric utility as to the
12 contract terms and conditions, the procurement
13 administrator must notify the Commission of any disputed
14 terms and the Commission shall resolve the dispute. The
15 terms of the contracts shall not be subject to negotiation
16 by winning bidders, and the bidders must agree to the
17 terms of the contract in advance so that winning bids are
18 selected solely on the basis of price.

19 (3) Establishment of a market-based price benchmark.
20 As part of the development of the procurement process, the
21 procurement administrator, in consultation with the
22 Commission staff, Agency staff, and the procurement
23 monitor, shall establish benchmarks for evaluating the
24 final prices in the contracts for each of the products
25 that will be procured through the procurement process. The
26 benchmarks shall be based on price data for similar

1 products for the same delivery period and same delivery
2 hub, or other delivery hubs after adjusting for that
3 difference. The price benchmarks may also be adjusted to
4 take into account differences between the information
5 reflected in the underlying data sources and the specific
6 products and procurement process being used to procure
7 power for the Illinois utilities. The benchmarks shall be
8 confidential but shall be provided to, and will be subject
9 to Commission review and approval, prior to a procurement
10 event.

11 (4) Request for proposals competitive procurement
12 process. The procurement administrator shall design and
13 issue a request for proposals to supply electricity in
14 accordance with each utility's procurement plan, as
15 approved by the Commission. The request for proposals
16 shall set forth a procedure for sealed, binding commitment
17 bidding with pay-as-bid settlement, and provision for
18 selection of bids on the basis of price.

19 (5) A plan for implementing contingencies in the event
20 of supplier default or failure of the procurement process
21 to fully meet the expected load requirement due to
22 insufficient supplier participation, Commission rejection
23 of results, or any other cause.

24 (i) Event of supplier default: In the event of
25 supplier default, the utility shall review the
26 contract of the defaulting supplier to determine if

1 the amount of supply is 200 megawatts or greater, and
2 if there are more than 60 days remaining of the
3 contract term. If both of these conditions are met,
4 and the default results in termination of the
5 contract, the utility shall immediately notify the
6 Illinois Power Agency that a request for proposals
7 must be issued to procure replacement power, and the
8 procurement administrator shall run an additional
9 procurement event. If the contracted supply of the
10 defaulting supplier is less than 200 megawatts or
11 there are less than 60 days remaining of the contract
12 term, the utility shall procure power and energy from
13 the applicable regional transmission organization
14 market, including ancillary services, capacity, and
15 day-ahead or real time energy, or both, for the
16 duration of the contract term to replace the
17 contracted supply; provided, however, that if a needed
18 product is not available through the regional
19 transmission organization market it shall be purchased
20 from the wholesale market.

21 (ii) Failure of the procurement process to fully
22 meet the expected load requirement: If the procurement
23 process fails to fully meet the expected load
24 requirement due to insufficient supplier participation
25 or due to a Commission rejection of the procurement
26 results, the procurement administrator, the

1 procurement monitor, and the Commission staff shall
2 meet within 10 days to analyze potential causes of low
3 supplier interest or causes for the Commission
4 decision. If changes are identified that would likely
5 result in increased supplier participation, or that
6 would address concerns causing the Commission to
7 reject the results of the prior procurement event, the
8 procurement administrator may implement those changes
9 and rerun the request for proposals process according
10 to a schedule determined by those parties and
11 consistent with Section 1-75 of the Illinois Power
12 Agency Act and this subsection. In any event, a new
13 request for proposals process shall be implemented by
14 the procurement administrator within 90 days after the
15 determination that the procurement process has failed
16 to fully meet the expected load requirement.

17 (iii) In all cases where there is insufficient
18 supply provided under contracts awarded through the
19 procurement process to fully meet the electric
20 utility's load requirement, the utility shall meet the
21 load requirement by procuring power and energy from
22 the applicable regional transmission organization
23 market, including ancillary services, capacity, and
24 day-ahead or real time energy, or both; provided,
25 however, that if a needed product is not available
26 through the regional transmission organization market

1 it shall be purchased from the wholesale market.

2 (6) The procurement processes ~~process~~ described in
3 this subsection and in subsection (c-5) of Section 1-75 of
4 the Illinois Power Agency Act are ~~is~~ exempt from the
5 requirements of the Illinois Procurement Code, pursuant to
6 Section 20-10 of that Code.

7 (f) Within 2 business days after opening the sealed bids,
8 the procurement administrator shall submit a confidential
9 report to the Commission. The report shall contain the results
10 of the bidding for each of the products along with the
11 procurement administrator's recommendation for the acceptance
12 and rejection of bids based on the price benchmark criteria
13 and other factors observed in the process. The procurement
14 monitor also shall submit a confidential report to the
15 Commission within 2 business days after opening the sealed
16 bids. The report shall contain the procurement monitor's
17 assessment of bidder behavior in the process as well as an
18 assessment of the procurement administrator's compliance with
19 the procurement process and rules. The Commission shall review
20 the confidential reports submitted by the procurement
21 administrator and procurement monitor, and shall accept or
22 reject the recommendations of the procurement administrator
23 within 2 business days after receipt of the reports.

24 (g) Within 3 business days after the Commission decision
25 approving the results of a procurement event, the utility
26 shall enter into binding contractual arrangements with the

1 winning suppliers using the standard form contracts; except
2 that the utility shall not be required either directly or
3 indirectly to execute the contracts if a tariff that is
4 consistent with subsection (1) of this Section has not been
5 approved and placed into effect for that utility.

6 (h) For the procurement of standard wholesale products,
7 the names of the successful bidders and the load weighted
8 average of the winning bid prices for each contract type and
9 for each contract term shall be made available to the public at
10 the time of Commission approval of a procurement event. For
11 procurements conducted to meet the requirements of subsection
12 (b) of Section 1-56 or subsection (c) of Section 1-75 of the
13 Illinois Power Agency Act governed by the provisions of this
14 Section, the address and nameplate capacity of the new
15 renewable energy generating facility proposed by a winning
16 bidder shall also be made available to the public at the time
17 of Commission approval of a procurement event, along with the
18 business address and contact information for any winning
19 bidder. An estimate or approximation of the nameplate capacity
20 of the new renewable energy generating facility may be
21 disclosed if necessary to protect the confidentiality of
22 individual bid prices.

23 The Commission, the procurement monitor, the procurement
24 administrator, the Illinois Power Agency, and all participants
25 in the procurement process shall maintain the confidentiality
26 of all other supplier and bidding information in a manner

1 consistent with all applicable laws, rules, regulations, and
2 tariffs. Confidential information, including the confidential
3 reports submitted by the procurement administrator and
4 procurement monitor pursuant to subsection (f) of this
5 Section, shall not be made publicly available and shall not be
6 discoverable by any party in any proceeding, absent a
7 compelling demonstration of need, nor shall those reports be
8 admissible in any proceeding other than one for law
9 enforcement purposes. ~~The names of the successful bidders and~~
10 ~~the load weighted average of the winning bid prices for each~~
11 ~~contract type and for each contract term shall be made~~
12 ~~available to the public at the time of Commission approval of a~~
13 ~~procurement event. The Commission, the procurement monitor,~~
14 ~~the procurement administrator, the Illinois Power Agency, and~~
15 ~~all participants in the procurement process shall maintain the~~
16 ~~confidentiality of all other supplier and bidding information~~
17 ~~in a manner consistent with all applicable laws, rules,~~
18 ~~regulations, and tariffs. Confidential information, including~~
19 ~~the confidential reports submitted by the procurement~~
20 ~~administrator and procurement monitor pursuant to subsection~~
21 ~~(f) of this Section, shall not be made publicly available and~~
22 ~~shall not be discoverable by any party in any proceeding,~~
23 ~~absent a compelling demonstration of need, nor shall those~~
24 ~~reports be admissible in any proceeding other than one for law~~
25 ~~enforcement purposes.~~

26 (i) Within 2 business days after a Commission decision

1 approving the results of a procurement event or such other
2 date as may be required by the Commission from time to time,
3 the utility shall file for informational purposes with the
4 Commission its actual or estimated retail supply charges, as
5 applicable, by customer supply group reflecting the costs
6 associated with the procurement and computed in accordance
7 with the tariffs filed pursuant to subsection (l) of this
8 Section and approved by the Commission.

9 (j) Within 60 days following August 28, 2007 (the
10 effective date of Public Act 95-481), each electric utility
11 that on December 31, 2005 provided electric service to at
12 least 100,000 customers in Illinois shall prepare and file
13 with the Commission an initial procurement plan, which shall
14 conform in all material respects to the requirements of the
15 procurement plan set forth in subsection (b); provided,
16 however, that the Illinois Power Agency Act shall not apply to
17 the initial procurement plan prepared pursuant to this
18 subsection. The initial procurement plan shall identify the
19 portfolio of power and energy products to be procured and
20 delivered for the period June 2008 through May 2009, and shall
21 identify the proposed procurement administrator, who shall
22 have the same experience and expertise as is required of a
23 procurement administrator hired pursuant to Section 1-75 of
24 the Illinois Power Agency Act. Copies of the procurement plan
25 shall be posted and made publicly available on the
26 Commission's website. The initial procurement plan may include

1 contracts for renewable resources that extend beyond May 2009.

2 (i) Within 14 days following filing of the initial
3 procurement plan, any person may file a detailed objection
4 with the Commission contesting the procurement plan
5 submitted by the electric utility. All objections to the
6 electric utility's plan shall be specific, supported by
7 data or other detailed analyses. The electric utility may
8 file a response to any objections to its procurement plan
9 within 7 days after the date objections are due to be
10 filed. Within 7 days after the date the utility's response
11 is due, the Commission shall determine whether a hearing
12 is necessary. If it determines that a hearing is
13 necessary, it shall require the hearing to be completed
14 and issue an order on the procurement plan within 60 days
15 after the filing of the procurement plan by the electric
16 utility.

17 (ii) The order shall approve or modify the procurement
18 plan, approve an independent procurement administrator,
19 and approve or modify the electric utility's tariffs that
20 are proposed with the initial procurement plan. The
21 Commission shall approve the procurement plan if the
22 Commission determines that it will ensure adequate,
23 reliable, affordable, efficient, and environmentally
24 sustainable electric service at the lowest total cost over
25 time, taking into account any benefits of price stability.

26 (k) (Blank).

1 (k-5) (Blank).

2 (l) An electric utility shall recover its costs incurred
3 under this Section and subsection (c-5) of Section 1-75 of the
4 Illinois Power Agency Act, including, but not limited to, the
5 costs of procuring power and energy demand-response resources
6 under this Section and its costs for purchasing renewable
7 energy credits pursuant to subsection (c-5) of Section 1-75 of
8 the Illinois Power Agency Act. The utility shall file with the
9 initial procurement plan its proposed tariffs through which
10 its costs of procuring power that are incurred pursuant to a
11 Commission-approved procurement plan and those other costs
12 identified in this subsection (l), will be recovered. The
13 tariffs shall include a formula rate or charge designed to
14 pass through both the costs incurred by the utility in
15 procuring a supply of electric power and energy for the
16 applicable customer classes with no mark-up or return on the
17 price paid by the utility for that supply, plus any just and
18 reasonable costs that the utility incurs in arranging and
19 providing for the supply of electric power and energy. The
20 formula rate or charge shall also contain provisions that
21 ensure that its application does not result in over or under
22 recovery due to changes in customer usage and demand patterns,
23 and that provide for the correction, on at least an annual
24 basis, of any accounting errors that may occur. A utility
25 shall recover through the tariff all reasonable costs incurred
26 to implement or comply with any procurement plan that is

1 developed and put into effect pursuant to Section 1-75 of the
2 Illinois Power Agency Act and this Section, and for the
3 procurement of renewable energy credits pursuant to subsection
4 (c-5) of Section 1-75 of the Illinois Power Agency Act,
5 including any fees assessed by the Illinois Power Agency,
6 costs associated with load balancing, and contingency plan
7 costs. The electric utility shall also recover its full costs
8 of procuring electric supply for which it contracted before
9 the effective date of this Section in conjunction with the
10 provision of full requirements service under fixed-price
11 bundled service tariffs subsequent to December 31, 2006. All
12 such costs shall be deemed to have been prudently incurred.
13 The pass-through tariffs that are filed and approved pursuant
14 to this Section shall not be subject to review under, or in any
15 way limited by, Section 16-111(i) of this Act. All of the costs
16 incurred by the electric utility associated with the purchase
17 of zero emission credits in accordance with subsection (d-5)
18 of Section 1-75 of the Illinois Power Agency Act, all costs
19 incurred by the electric utility associated with the purchase
20 of carbon mitigation credits in accordance with subsection
21 (d-10) of Section 1-75 of the Illinois Power Agency Act, and,
22 beginning June 1, 2017, all of the costs incurred by the
23 electric utility associated with the purchase of renewable
24 energy resources in accordance with Sections 1-56 and 1-75 of
25 the Illinois Power Agency Act, and all of the costs incurred by
26 the electric utility in purchasing renewable energy credits in

1 accordance with subsection (c-5) of Section 1-75 of the
2 Illinois Power Agency Act, shall be recovered through the
3 electric utility's tariffed charges applicable to all of its
4 retail customers, as specified in subsection (k) or subsection
5 (i-5), as applicable, of Section 16-108 of this Act, and shall
6 not be recovered through the electric utility's tariffed
7 charges for electric power and energy supply to its eligible
8 retail customers.

9 (m) The Commission has the authority to adopt rules to
10 carry out the provisions of this Section. For the public
11 interest, safety, and welfare, the Commission also has
12 authority to adopt rules to carry out the provisions of this
13 Section on an emergency basis immediately following August 28,
14 2007 (the effective date of Public Act 95-481).

15 (n) Notwithstanding any other provision of this Act, any
16 affiliated electric utilities that submit a single procurement
17 plan covering their combined needs may procure for those
18 combined needs in conjunction with that plan, and may enter
19 jointly into power supply contracts, purchases, and other
20 procurement arrangements, and allocate capacity and energy and
21 cost responsibility therefor among themselves in proportion to
22 their requirements.

23 (o) On or before June 1 of each year, the Commission shall
24 hold an informal hearing for the purpose of receiving comments
25 on the prior year's procurement process and any
26 recommendations for change.

1 (p) An electric utility subject to this Section may
2 propose to invest, lease, own, or operate an electric
3 generation facility as part of its procurement plan, provided
4 the utility demonstrates that such facility is the least-cost
5 option to provide electric service to those retail customers
6 included in the plan's electric supply service requirements.
7 If the facility is shown to be the least-cost option and is
8 included in a procurement plan prepared in accordance with
9 Section 1-75 of the Illinois Power Agency Act and this
10 Section, then the electric utility shall make a filing
11 pursuant to Section 8-406 of this Act, and may request of the
12 Commission any statutory relief required thereunder. If the
13 Commission grants all of the necessary approvals for the
14 proposed facility, such supply shall thereafter be considered
15 as a pre-existing contract under subsection (b) of this
16 Section. The Commission shall in any order approving a
17 proposal under this subsection specify how the utility will
18 recover the prudently incurred costs of investing in, leasing,
19 owning, or operating such generation facility through just and
20 reasonable rates charged to those retail customers included in
21 the plan's electric supply service requirements. Cost recovery
22 for facilities included in the utility's procurement plan
23 pursuant to this subsection shall not be subject to review
24 under or in any way limited by the provisions of Section
25 16-111(i) of this Act. Nothing in this Section is intended to
26 prohibit a utility from filing for a fuel adjustment clause as

1 is otherwise permitted under Section 9-220 of this Act.

2 (q) If the Illinois Power Agency filed with the
3 Commission, under Section 16-111.5 of this Act, its proposed
4 procurement plan for the period commencing June 1, 2017, and
5 the Commission has not yet entered its final order approving
6 the plan on or before the effective date of this amendatory Act
7 of the 99th General Assembly, then the Illinois Power Agency
8 shall file a notice of withdrawal with the Commission, after
9 the effective date of this amendatory Act of the 99th General
10 Assembly, to withdraw the proposed procurement of renewable
11 energy resources to be approved under the plan, other than the
12 procurement of renewable energy credits from distributed
13 renewable energy generation devices using funds previously
14 collected from electric utilities' retail customers that take
15 service pursuant to electric utilities' hourly pricing tariff
16 or tariffs and, for an electric utility that serves less than
17 100,000 retail customers in the State, other than the
18 procurement of renewable energy credits from distributed
19 renewable energy generation devices. Upon receipt of the
20 notice, the Commission shall enter an order that approves the
21 withdrawal of the proposed procurement of renewable energy
22 resources from the plan. The initially proposed procurement of
23 renewable energy resources shall not be approved or be the
24 subject of any further hearing, investigation, proceeding, or
25 order of any kind.

26 This amendatory Act of the 99th General Assembly preempts

1 and supersedes any order entered by the Commission that
2 approved the Illinois Power Agency's procurement plan for the
3 period commencing June 1, 2017, to the extent it is
4 inconsistent with the provisions of this amendatory Act of the
5 99th General Assembly. To the extent any previously entered
6 order approved the procurement of renewable energy resources,
7 the portion of that order approving the procurement shall be
8 void, other than the procurement of renewable energy credits
9 from distributed renewable energy generation devices using
10 funds previously collected from electric utilities' retail
11 customers that take service under electric utilities' hourly
12 pricing tariff or tariffs and, for an electric utility that
13 serves less than 100,000 retail customers in the State, other
14 than the procurement of renewable energy credits for
15 distributed renewable energy generation devices.

16 (Source: P.A. 99-906, eff. 6-1-17.)

17 (220 ILCS 5/16-111.10 new)

18 Sec. 16-111.10. Equitable Energy Upgrade Program.

19 (a) The General Assembly finds and declares that Illinois
20 homes and businesses can contribute to the creation of a clean
21 energy economy, conservation of natural resources, and
22 reliability of the electricity grid through the installation
23 of cost-effective renewable energy generation, energy
24 efficiency and demand response equipment, and energy storage
25 systems. Further, a large portion of Illinois residents and

1 businesses that would benefit from the installation of energy
2 efficiency, storage, and renewable energy generation systems
3 are unable to purchase systems due to capital or credit
4 barriers. This State should pursue options to enable many more
5 Illinoisans to access the health, environmental, and financial
6 benefits of new clean energy technology.

7 (b) As used in this Section:

8 "Commission" means the Illinois Commerce Commission.

9 "Energy project" means renewable energy generation
10 systems, including solar projects, energy efficiency upgrades,
11 energy storage systems, demand response equipment, or any
12 combination thereof.

13 "Fund" means the Clean Energy Jobs and Justice Fund
14 established in the Clean Energy Jobs and Justice Fund Act.

15 "Program" means the Equitable Energy Upgrade Program
16 established under subsection (c).

17 "Utility" means electric public utilities providing
18 services to 500,000 or more customers under this Act.

19 (c) The Commission shall open an investigation into and
20 direct all electric public utilities in this State to adopt an
21 Equitable Energy Upgrade Program that permits customers to
22 finance the construction of energy projects through an
23 optional tariff payable directly through their utility bill,
24 modeled after the Pay As You Save system, developed by the
25 Energy Efficiency Institute. The Program model shall enable
26 utilities to offer to make investments in energy projects to

1 customer properties with low-cost capital and use an opt-in
2 tariff to recover the costs. The Program shall be designed to
3 provide customers with immediate financial savings if they
4 choose to participate. The Program shall allow residential
5 electric utility customers that own the property, or renters
6 that have permission of the property owner, for which they
7 subscribe to utility service to agree to the installation of
8 an energy project. The Program shall ensure:

9 (1) eligible projects do not require upfront payments;
10 however, customers may pay down the costs for projects
11 with a payment to the installing contractor in order to
12 qualify projects that would otherwise require upfront
13 payments;

14 (2) eligible projects have sufficient estimated
15 savings and estimated life span to produce significant,
16 immediate net savings;

17 (3) participants shall agree the utility can recover
18 its costs for the projects at their location by paying for
19 the project through an optional tariff directly through
20 the participant's electricity bill, allowing participants
21 to benefit from installation of energy projects without
22 traditional loans;

23 (4) accessibility by lower-income residents and
24 environmental justice community residents; and

25 (5) the utility must ensure that customers who are
26 interested in participating are notified that if they are

1 income qualified, they may also be eligible for the
2 Percentage of Income Payment Plan program and free energy
3 improvements through other programs and provide contact
4 information.

5 (d) The Commission shall establish Program guidelines with
6 the anticipated schedule of Program availability as follows:

7 (1) Year 1: Beginning in the first year of operation,
8 each utility with greater than 100,000 retail customers is
9 required to obtain low-cost capital of at least
10 \$20,000,000 annually for investments in energy projects.

11 (2) Year 2: Beginning in the second year of operation,
12 each utility with greater than 100,000 retail customers is
13 required to obtain low-cost capital for investments in
14 energy projects of at least \$40,000,000 annually.

15 (3) Year 3: Beginning in the third year of operation,
16 each utility with greater than 100,000 retail customers is
17 required to obtain low-cost capital for investments in as
18 many systems as customers demand, subject to available
19 capital provided by the utility, State, or other lenders.

20 (e) In the design of the Program, the Commission shall:

21 (1) Within 270 days after the effective date of this
22 amendatory Act of the 102nd General Assembly, convene a
23 workshop during which interested participants may discuss
24 issues and submit comments related to the Program.

25 (2) Establish Program guidelines for implementation of
26 the Program in accordance with the Pay As You Save

1 Essential Elements and Minimum Program Requirements that
2 electric utilities must abide by when implementing the
3 Program. Program guidelines established by the Commission
4 shall include the following elements:

5 (A) The Commission shall establish conditions
6 under which utilities secure capital to fund the
7 energy projects. The Commission may allow utilities to
8 raise capital independently, work with third-party
9 lenders to secure the capital for participants, or a
10 combination thereof. Any process the Commission
11 approves must use a market mechanism to identify the
12 least costly sources of capital funds so as to pass on
13 maximum savings to participants. The State or the
14 Clean Energy Jobs and Justice Fund may also provide
15 capital for the Program.

16 (B) Customer protection guidelines should be
17 designed consistent with Pay As You Save Essential
18 Elements and Minimum Program Requirements.

19 (C) The Commission shall establish conditions by
20 which utilities may connect Program participants to
21 energy project vendors. In setting conditions for
22 connection, the Commission may prioritize vendors that
23 have a history of good relations with the State,
24 including vendors that have hired participants from
25 State-created job training programs.

26 (D) Guarantee that conservative estimates of

1 financial savings will immediately and significantly
2 exceed Program costs for Program participants.

3 (f) Within 120 days after the Commission releases the
4 Program conditions established under this Section, each
5 utility subject to the requirements of this Section shall
6 submit an informational filing to the Commission that
7 describes its plan for implementing the provisions of this
8 Section. If the Commission finds that the submission does not
9 properly comply with the statutory or regulatory requirements
10 of the Program, the Commission may require that the utility
11 make modifications to its filing.

12 (g) An independent process evaluation shall be conducted
13 after one year of the Program's operation. An independent
14 impact evaluation shall be conducted after 3 years of
15 operation, excluding one-time startup costs and results from
16 the first 12 months of the Program. The Commission shall
17 convene an advisory council of stakeholders, including
18 representation of low-income and environmental justice
19 community members to make recommendations in response to the
20 findings of the independent evaluation.

21 (h) The Program shall be designed using the Pay As You Save
22 system guidelines to be cost-effective for customers. Only
23 projects that are deemed to be cost-effective and can be
24 reasonably expected to ensure customer savings are eligible
25 for funding through the Program, unless, as specified in
26 paragraph (1) of subsection (c), customers able to make

1 upfront copayments to installers buy down the cost of projects
2 so it can be deemed cost-effective.

3 (i) Eligible customers must be:

4 (1) property renters with permission of the property
5 owner; or

6 (2) property owners.

7 (j) The calculation of project cost-effectiveness shall be
8 based upon the Pay As You Save system requirements.

9 (1) The calculation of cost-effectiveness must be
10 conducted by an objective process approved by the
11 Commission and based on rates in effect at the time of
12 installation.

13 (2) A project shall be considered cost-effective only
14 if it is estimated to produce significant immediate net
15 savings, not counting copayments voluntarily made by
16 customers. The Commission may establish guidelines by
17 which this required savings is estimated.

18 (k) The Program should be modeled after the Pay As You Save
19 system, by which Program participants finance energy projects
20 using the savings that the energy project creates with a
21 tariffed on-bill program. Eligible projects shall not create
22 personal debt for the customer, result in a lien in the event
23 of nonpayment, or require customers to pay monthly charges for
24 any upgrade that fails and is not repaired within 21 days. The
25 utility may restart charges once the upgrade is repaired and
26 functioning and extend the term of payments to recover its

1 costs for missed payments and deferred cost recovery,
2 providing the upgrade continues to function.

3 (l) Any energy project that is defective or damaged due to
4 no fault of the participant must be either replaced or
5 repaired with parts that meet industry standards at the cost
6 of the utility or vendor, as specified by the Commission, and
7 charges shall be suspended until repairs or replacement is
8 completed. The Commission may establish, increase, or replace
9 the requirements imposed in this subsection. The Commission
10 may determine that this responsibility is best handled by
11 participating project vendors in the form of insurance,
12 contractual guarantees, or other mechanisms, and issue rules
13 detailing this requirement. Customers shall not be charged
14 monthly payments for upgrades that are no longer functioning.

15 (m) In the event of nonpayment, the remaining balance due
16 to pay off the system shall remain with the utility meter at an
17 upgraded location. The Commission shall establish conditions
18 subject to this constraint in the event of nonpayment that are
19 in accordance with the Pay As You Save system.

20 (n) If the demand by utility customers exceeds the Program
21 capital supply in a given year, utilities shall ensure that
22 50% of participants are:

23 (1) customers in neighborhoods where a majority of
24 households make 150% or less of area median income; or

25 (2) residents of environmental justice communities.

26 (o) Utilities shall endeavor to inform customers about the

1 availability of the Program, their potential eligibility for
2 participation in the Program, and whether they are likely to
3 save money on the basis of an estimate conducted using
4 variables consistent with the Program that the utility has at
5 its disposal. The Commission may establish guidelines by which
6 utilities must abide by this directive and alternatives if the
7 Commission deems utilities' efforts as inadequate.

8 (p) Subject to Commission specifications under subsection
9 (c), each utility shall work with certified project vendors
10 selected using a request for proposals process to establish
11 the terms and processes under which a utility can install
12 eligible renewable energy generation and energy storage
13 systems using the capital to fit the Equitable Energy Upgrade
14 model. The certified project vendor shall explain and offer
15 the approved upgrades to customers and shall assist customers
16 in applying for financing through the Program. As part of the
17 process, vendors shall also provide participants with
18 information about any other relevant incentives that may be
19 available.

20 (q) An electric utility shall recover all of the prudently
21 incurred costs of offering a program approved by the
22 Commission under this Section. For investor-owned utilities,
23 shareholder incentives will be proportional to meeting
24 Commission approved thresholds for the number of customers
25 served and the amount of its investments in those locations.

26 (r) The Commission shall adopt all rules necessary for the

1 administration of this Section.

2 (220 ILCS 5/16-127)

3 Sec. 16-127. Environmental disclosure.

4 (a) ~~Every Effective January 1, 2013, every~~ electric
5 utility and alternative retail electric supplier shall provide
6 the following information, to the maximum extent practicable,
7 to its customers on a quarterly basis:

8 (i) the known sources of electricity supplied,
9 broken-out by percentages, of biomass power, coal-fired
10 power, hydro power, natural gas-fired power, nuclear
11 power, oil-fired power, solar power, wind power and other
12 resources, respectively;

13 (ii) a pie chart that graphically depicts the
14 percentages of the sources of the electricity supplied as
15 set forth in subparagraph (i) of this subsection;

16 (iii) a pie chart that graphically depicts the
17 quantity of renewable energy resources procured pursuant
18 to Section 1-75 of the Illinois Power Agency Act as a
19 percentage of electricity supplied to serve eligible
20 retail customers as defined in Section 16-111.5(a) of this
21 Act; and

22 (iv) ~~after May, 31, 2017,~~ a pie chart that graphically
23 depicts the quantity of zero emission credits from zero
24 emission facilities procured under Section 1-75 of the
25 Illinois Power Agency Act as a percentage of the actual

1 load of retail customers within its service area and, for
2 an electric utility serving over 3,000,000 customers, the
3 quantity of carbon mitigation credits from carbon-free
4 energy resources procured under Section 1-75 of the
5 Illinois Power Agency Act, which may be depicted in
6 combination with the zero emission credits procured.

7 (b) In addition, every electric utility and alternative
8 retail electric supplier shall provide, to the maximum extent
9 practicable, to its customers on a quarterly basis, a
10 standardized chart in a format to be determined by the
11 Commission in a rule following notice and hearings which
12 provides the amounts of carbon dioxide, nitrogen oxides and
13 sulfur dioxide emissions and nuclear waste attributable to the
14 known sources of electricity supplied as set forth in
15 subparagraph (i) of subsection (a) of this Section.

16 (c) The electric utilities and alternative retail electric
17 suppliers may provide their customers with such other
18 information as they believe relevant to the information
19 required in subsections (a) and (b) of this Section. All of the
20 information required in subsections (a) and (b) of this
21 Section shall be made available by the electric utilities or
22 alternative retail electric suppliers either in an electronic
23 medium, such as on a website or by electronic mail, or through
24 the U.S. Postal Service.

25 (d) For the purposes of subsection (a) of this Section,
26 "biomass" means dedicated crops grown for energy production

1 and organic wastes.

2 (e) All of the information provided in subsections (a) and
3 (b) of this Section shall be presented to the Commission for
4 inclusion in its World Wide Web Site.

5 (Source: P.A. 99-906, eff. 6-1-17.)

6 (220 ILCS 5/16-135 new)

7 Sec. 16-135. Energy Storage Program.

8 (a) The Illinois General Assembly hereby finds and
9 declares that:

10 (1) Energy storage systems provide opportunities to:

11 (A) reduce costs to ratepayers directly or
12 indirectly by avoiding or deferring the need for
13 investment in new generation and for upgrades to
14 systems for the transmission and distribution of
15 electricity;

16 (B) reduce the use of fossil fuels for meeting
17 demand during peak load periods;

18 (C) provide ancillary services such as frequency
19 response, load following, and voltage support;

20 (D) assist electric utilities with integrating
21 sources of renewable energy into the grid for the
22 transmission and distribution of electricity, and with
23 maintaining grid stability;

24 (E) support diversification of energy resources;

25 (F) enhance the resilience and reliability of the

1 electric grid; and

2 (G) reduce greenhouse gas emissions and other air
3 pollutants resulting from power generation, thereby
4 minimizing public health impacts that result from
5 power generation.

6 (2) There are significant barriers to obtaining the
7 benefits of energy storage systems, including inadequate
8 valuation of the services that energy storage can provide
9 to the grid and the public.

10 (3) It is in the public interest to:

11 (A) develop a robust competitive market for
12 existing and new providers of energy storage systems
13 in order to leverage Illinois' position as a leader in
14 advanced energy and to capture the potential for
15 economic development;

16 (B) implement targets and programs to achieve
17 deployment of energy storage systems; and

18 (C) modernize distributed energy resource programs
19 and interconnection standards to lower costs and
20 efficiently deploy energy storage systems in order to
21 increase economic development and job creation within
22 the state's clean energy economy.

23 (b) In this Section:

24 "Energy storage peak standard" means a percentage of
25 annual retail electricity sales during peak hours that an
26 electric utility must derive from electricity discharged from

1 eligible energy storage systems.

2 "Deployment" means the installation of energy storage
3 systems through a variety of mechanisms, including utility
4 procurement, customer installation, or other processes.

5 "Electric utility" has the same meaning as provided in
6 Section 16-102 of this Act.

7 "Energy storage system" means a technology that is capable
8 of absorbing zero-carbon energy, storing it for a period of
9 time, and redelivering that energy after it has been stored in
10 order to provide direct or indirect benefits to the broader
11 electricity system. The term includes, but is not limited to,
12 electrochemical, thermal, and electromechanical technologies.

13 "Nonwires alternatives solicitation" means a utility
14 solicitation for third-party-owned or utility-owned
15 distributed energy resources that uses nontraditional
16 solutions to defer or replace planned investment on the
17 distribution or transmission system.

18 "Total peak demand" means the highest hourly electricity
19 demand for an electric utility in a given year, measured in
20 megawatts, from all of the electric utility's customers of
21 distribution service.

22 (c) The Commission, in consultation with the Illinois
23 Power Agency, shall initiate a proceeding to examine specific
24 programs, mechanisms, and policies that could support the
25 deployment of energy storage systems. The Illinois Commerce
26 Commission shall engage a broad group of Illinois

1 stakeholders, including electric utilities, the energy storage
2 industry, the renewable energy industry, and others to inform
3 the proceeding. The proceeding must, at minimum:

4 (1) develop a framework to identify and measure the
5 potential costs, benefits, that deployment of energy
6 storage could produce, as well as barriers to realizing
7 such benefits, including, but not limited to:

8 (A) avoided cost and deferred investments in
9 generation, transmission, and distribution facilities;

10 (B) reduced ancillary services costs;

11 (C) reduced transmission and distribution
12 congestion;

13 (D) lower peak power costs and reduced capacity
14 costs;

15 (E) reduced costs for emergency power supplies
16 during outages;

17 (F) reduced curtailment of renewable energy
18 generators;

19 (G) reduced greenhouse gas emissions and other
20 criteria air pollutants;

21 (H) increased grid hosting capacity of renewable
22 energy generators that produce energy on an
23 intermittent basis;

24 (I) increased reliability and resilience of the
25 electric grid;

26 (J) reduced line losses;

1 (K) increased resource diversification;

2 (L) increased economic development;

3 (2) analyze and estimate:

4 (A) the impact on the system's ability to
5 integrate renewable resources;

6 (B) the benefits of addition of storage at
7 specific locations, such as at existing peaking units
8 or locations on the grid close to large load centers;

9 (C) the impact on grid reliability and power
10 quality; and

11 (D) the effect on retail electric rates and supply
12 rates over the useful life of a given energy storage
13 system; and

14 (3) Evaluate and identify cost-effective policies and
15 programs to support the deployment of energy storage
16 systems, including, but not limited to:

17 (A) incentive programs;

18 (B) energy storage peak standards;

19 (C) nonwires alternative solicitation;

20 (D) peak demand reduction programs for
21 behind-the-meter storage for all customer classes;

22 (E) value of distributed energy resources
23 programs;

24 (F) tax incentives;

25 (G) time-varying rates;

26 (H) updating of interconnection processes and

1 metering standards; and

2 (I) procurement by the Illinois Power Agency of
3 energy storage resources.

4 (d) The Commission shall, no later than May 31, 2022,
5 submit to the General Assembly and the Governor any
6 recommendations for additional legislative, regulatory, or
7 executive actions based on the findings of the proceeding.

8 (e) At the conclusion of the proceeding required under
9 subsection (c), the Commission shall consider and recommend to
10 the Governor and General Assembly energy storage deployment
11 targets, if any, for each electric utility that serves more
12 than 200,000 customers to be achieved by December 31, 2032,
13 including recommended interim targets.

14 (f) In setting recommendations for energy storage
15 deployment targets, the Commission shall:

16 (1) take into account the costs and benefits of
17 procuring energy storage according to the framework
18 developed in the proceeding under subsection (c);

19 (2) consider establishing specific subcategories of
20 deployment of systems by point of interconnection or
21 application.

22 (220 ILCS 5/17-900 new)

23 Sec. 17-900. Customer self-generation of electricity.

24 (a) The General Assembly finds and declares that municipal
25 systems and electric cooperatives shall continue to be

1 governed by their respective governing bodies, but that such
2 governing bodies should recognize and implement policies to
3 provide the opportunity for their residential and small
4 commercial customers who wish to self-generate electricity and
5 for reasonable credits to customers for excess electricity,
6 balanced against the rights of the other non-self-generating
7 customers. This includes creating consistent, fair policies
8 that are accessible to all customers and transparent, fair
9 processes for raising and addressing any concerns.

10 (b) Customers have the right to install renewable
11 generating facilities to be located on the customer's premises
12 or customer's side of the billing meter and that are intended
13 primarily to offset the customer's own electrical requirements
14 and produce, consume, and store their own renewable energy
15 without discriminatory repercussions from an electric
16 cooperative or municipal system. This includes a customer's
17 rights to:

18 (1) generate, consume, and deliver excess renewable
19 energy to the distribution grid and reduce his or her use
20 of electricity obtained from the grid;

21 (2) use technology to store energy at his or her
22 residence;

23 (3) interconnect his or her electrical system that
24 generates renewable energy, stores energy, or any
25 combination thereof, with the electricity meter on the
26 customer's premises that is provided by an electric

1 cooperative or municipal system:

2 (A) in a timely manner;

3 (B) in accordance with requirements established by
4 the electric cooperative or municipal utility to
5 ensure the safety of utility workers; and

6 (C) after providing written notice to the electric
7 cooperative or municipal utility system providing
8 service in the service territory, installing a
9 nomenclature plate on the electrical meter panel and
10 meeting all applicable State and local safety and
11 electrical code requirements associated with
12 installing a parallel distributed generation system;
13 and

14 (4) receive fair credit for excess energy delivered to
15 the distribution grid.

16 (c) The policies of municipal systems and electric
17 cooperatives regarding self-generation and credits for excess
18 electricity may reasonably differ from those required of other
19 entities by Article XVI of the Public Utilities Act or other
20 Acts. The credits must recognize the value of self-generation
21 to the distribution grid and benefits to other customers.

22 (d) Within 180 days after this amendatory Act of the 102nd
23 General Assembly, each electric cooperative and municipal
24 system shall update its policies for the interconnection and
25 fair crediting of customer self-generation and storage if
26 necessary, to comply with the standards of subsection (b) of

1 this Section. Each electric cooperative and municipal system
2 shall post its updated policies to a public-facing area of its
3 website.

4 (e) An electric cooperative or municipal system customer
5 who produces, consumes, and stores his or her own renewable
6 energy shall not face discriminatory rate design, fees or
7 charges, treatment, or excessive compliance requirements that
8 would unreasonably affect that customer's right to
9 self-generate electricity as provided for in this Section.

10 (f) An electric cooperative or municipal utility system
11 customer shall have a right to appeal any decision related to
12 self-generation and storage that violates these rights to
13 self-generation and non-discrimination pursuant to the
14 provisions of this Section through a complaint under the
15 Administrative Review Law or similar legal process.

16 Section 90-52. If and only if Senate Bill 2017 of the 102nd
17 General Assembly becomes law in the form in which it passed
18 both houses on June 1, 2021, then the Energy Assistance Act is
19 amended by changing Sections 13 and 18 as follows:

20 (305 ILCS 20/13)

21 (Section scheduled to be repealed on January 1, 2025)

22 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

23 (a) The Supplemental Low-Income Energy Assistance Fund is
24 hereby created as a special fund in the State Treasury.

1 ~~Notwithstanding any other law to the contrary, the~~
2 ~~Supplemental Low Income Energy Assistance Fund is not subject~~
3 ~~to sweeps, administrative charge backs, or any other fiscal or~~
4 ~~budgetary maneuver that would in any way transfer any amounts~~
5 ~~from the Supplemental Low Income Energy Assistance Fund into~~
6 ~~any other fund of the State.~~ The Supplemental Low-Income
7 Energy Assistance Fund is authorized to receive moneys from
8 voluntary donations from individuals, foundations,
9 corporations, and other sources, moneys received pursuant to
10 Section 17, and, by statutory deposit, the moneys collected
11 pursuant to this Section. The Fund is also authorized to
12 receive voluntary donations from individuals, foundations,
13 corporations, and other sources. Subject to appropriation, the
14 Department shall use moneys from the Supplemental Low-Income
15 Energy Assistance Fund for payments to electric or gas public
16 utilities, municipal electric or gas utilities, and electric
17 cooperatives on behalf of their customers who are participants
18 in the program authorized by Sections 4 and 18 of this Act, for
19 the provision of weatherization services and for
20 administration of the Supplemental Low-Income Energy
21 Assistance Fund. All other deposits outside of the Energy
22 Assistance Charge as set forth in subsection (b) are not
23 subject to the percentage restrictions related to
24 administrative and weatherization expenses provided in this
25 subsection. The yearly expenditures for weatherization may not
26 exceed 10% of the amount collected during the year pursuant to

1 this Section, except when unspent funds from the Supplemental
2 Low-Income Energy Assistance Fund are reallocated from a
3 previous year; any unspent balance of the 10% weatherization
4 allowance may be utilized for weatherization expenses in the
5 year they are reallocated. The yearly administrative expenses
6 of the Supplemental Low-Income Energy Assistance Fund may not
7 exceed 13% of the amount collected during that year pursuant
8 to this Section, except when unspent funds from the
9 Supplemental Low-Income Energy Assistance Fund are reallocated
10 from a previous year; any unspent balance of the 13%
11 administrative allowance may be utilized for administrative
12 expenses in the year they are reallocated. Of the 13%
13 administrative allowance, no less than 8% shall be provided to
14 Local Administrative Agencies for administrative expenses.

15 (b) Notwithstanding the provisions of Section 16-111 of
16 the Public Utilities Act but subject to subsection (k) of this
17 Section, each public utility, electric cooperative, as defined
18 in Section 3.4 of the Electric Supplier Act, and municipal
19 utility, as referenced in Section 3-105 of the Public
20 Utilities Act, that is engaged in the delivery of electricity
21 or the distribution of natural gas within the State of
22 Illinois shall, effective January 1, 2022 ~~2021~~, assess each of
23 its customer accounts a monthly Energy Assistance Charge for
24 the Supplemental Low-Income Energy Assistance Fund. The
25 delivering public utility, municipal electric or gas utility,
26 or electric or gas cooperative for a self-assessing purchaser

1 remains subject to the collection of the fee imposed by this
2 Section. The monthly charge shall be as follows:

3 (1) Base Energy Assistance Charge per month on each
4 account for residential electrical service;

5 (2) Base Energy Assistance Charge per month on each
6 account for residential gas service;

7 (3) Ten times the Base Energy Assistance Charge per
8 month on each account for non-residential electric service
9 which had less than 10 megawatts of peak demand during the
10 previous calendar year;

11 (4) Ten times the Base Energy Assistance Charge per
12 month on each account for non-residential gas service
13 which had distributed to it less than 4,000,000 therms of
14 gas during the previous calendar year;

15 (5) Three hundred and seventy-five times the Base
16 Energy Assistance Charge per month on each account for
17 non-residential electric service which had 10 megawatts or
18 greater of peak demand during the previous calendar year;
19 and

20 (6) Three hundred and seventy-five times the Base
21 Energy Assistance Charge per month on each account for ~~For~~
22 non-residential gas service which had 4,000,000 or more
23 therms of gas distributed to it during the previous
24 calendar year.

25 The Base Energy Assistance Charge shall be \$0.48 per month
26 for the calendar year beginning January 1, 2022 and shall

1 increase by \$0.16 per month for any calendar year, provided no
2 less than 80% of the previous State fiscal year's available
3 Supplemental Low-Income Energy Assistance Fund funding was
4 exhausted. The maximum Base Energy Assistance Charge shall not
5 exceed \$0.96 per month for any calendar year.

6 The incremental change to such charges imposed by Public
7 Act 99-933 and this amendatory Act of the 102nd General
8 Assembly shall not (i) be used for any purpose other than to
9 directly assist customers and (ii) be applicable to utilities
10 serving less than 100,000 ~~25,000~~ customers in Illinois on
11 January 1, 2021. The incremental change to such charges
12 imposed by this amendatory Act of the 102nd General Assembly
13 are intended to increase utilization of the Percentage of
14 Income Payment Plan (PIPP or PIP Plan) and shall be applied
15 such that PIP Plan enrollment is at least doubled, as compared
16 to 2020 enrollment, by 2024.

17 In addition, electric and gas utilities have committed,
18 and shall contribute, a one-time payment of \$22 million to the
19 Fund, within 10 days after the effective date of the tariffs
20 established pursuant to Sections 16-111.8 and 19-145 of the
21 Public Utilities Act to be used for the Department's cost of
22 implementing the programs described in Section 18 of this
23 amendatory Act of the 96th General Assembly, the Arrearage
24 Reduction Program described in Section 18, and the programs
25 described in Section 8-105 of the Public Utilities Act. If a
26 utility elects not to file a rider within 90 days after the

1 effective date of this amendatory Act of the 96th General
2 Assembly, then the contribution from such utility shall be
3 made no later than February 1, 2010.

4 (c) For purposes of this Section:

5 (1) "residential electric service" means electric
6 utility service for household purposes delivered to a
7 dwelling of 2 or fewer units which is billed under a
8 residential rate, or electric utility service for
9 household purposes delivered to a dwelling unit or units
10 which is billed under a residential rate and is registered
11 by a separate meter for each dwelling unit;

12 (2) "residential gas service" means gas utility
13 service for household purposes distributed to a dwelling
14 of 2 or fewer units which is billed under a residential
15 rate, or gas utility service for household purposes
16 distributed to a dwelling unit or units which is billed
17 under a residential rate and is registered by a separate
18 meter for each dwelling unit;

19 (3) "non-residential electric service" means electric
20 utility service which is not residential electric service;
21 and

22 (4) "non-residential gas service" means gas utility
23 service which is not residential gas service.

24 (d) Within 30 days after the effective date of this
25 amendatory Act of the 96th General Assembly, each public
26 utility engaged in the delivery of electricity or the

1 distribution of natural gas shall file with the Illinois
2 Commerce Commission tariffs incorporating the Energy
3 Assistance Charge in other charges stated in such tariffs,
4 which shall become effective no later than the beginning of
5 the first billing cycle following such filing.

6 (e) The Energy Assistance Charge assessed by electric and
7 gas public utilities shall be considered a charge for public
8 utility service.

9 (f) By the 20th day of the month following the month in
10 which the charges imposed by the Section were collected, each
11 public utility, municipal utility, and electric cooperative
12 shall remit to the Department of Revenue all moneys received
13 as payment of the Energy Assistance Charge on a return
14 prescribed and furnished by the Department of Revenue showing
15 such information as the Department of Revenue may reasonably
16 require; provided, however, that a utility offering an
17 Arrearage Reduction Program or Supplemental Arrearage
18 Reduction Program pursuant to Section 18 of this Act shall be
19 entitled to net those amounts necessary to fund and recover
20 the costs of such Programs as authorized by that Section that
21 is no more than the incremental change in such Energy
22 Assistance Charge authorized by Public Act 96-33. If a
23 customer makes a partial payment, a public utility, municipal
24 utility, or electric cooperative may elect either: (i) to
25 apply such partial payments first to amounts owed to the
26 utility or cooperative for its services and then to payment

1 for the Energy Assistance Charge or (ii) to apply such partial
2 payments on a pro-rata basis between amounts owed to the
3 utility or cooperative for its services and to payment for the
4 Energy Assistance Charge.

5 If any payment provided for in this Section exceeds the
6 distributor's liabilities under this Act, as shown on an
7 original return, the Department may authorize the distributor
8 to credit such excess payment against liability subsequently
9 to be remitted to the Department under this Act, in accordance
10 with reasonable rules adopted by the Department. If the
11 Department subsequently determines that all or any part of the
12 credit taken was not actually due to the distributor, the
13 distributor's discount shall be reduced by an amount equal to
14 the difference between the discount as applied to the credit
15 taken and that actually due, and that distributor shall be
16 liable for penalties and interest on such difference.

17 (g) The Department of Revenue shall deposit into the
18 Supplemental Low-Income Energy Assistance Fund all moneys
19 remitted to it in accordance with subsection (f) of this
20 Section. The utilities shall coordinate with the Department to
21 establish an equitable and practical methodology for
22 implementing this subsection (g) beginning with the 2010
23 program year.

24 (h) On or before December 31, 2002, the Department shall
25 prepare a report for the General Assembly on the expenditure
26 of funds appropriated from the Low-Income Energy Assistance

1 Block Grant Fund for the program authorized under Section 4 of
2 this Act.

3 (i) The Department of Revenue may establish such rules as
4 it deems necessary to implement this Section.

5 (j) The Department of Commerce and Economic Opportunity
6 may establish such rules as it deems necessary to implement
7 this Section.

8 (k) The charges imposed by this Section shall only apply
9 to customers of municipal electric or gas utilities and
10 electric or gas cooperatives if the municipal electric or gas
11 utility or electric or gas cooperative makes an affirmative
12 decision to impose the charge. If a municipal electric or gas
13 utility or an electric cooperative makes an affirmative
14 decision to impose the charge provided by this Section, the
15 municipal electric or gas utility or electric cooperative
16 shall inform the Department of Revenue in writing of such
17 decision when it begins to impose the charge. If a municipal
18 electric or gas utility or electric or gas cooperative does
19 not assess this charge, the Department may not use funds from
20 the Supplemental Low-Income Energy Assistance Fund to provide
21 benefits to its customers under the program authorized by
22 Section 4 of this Act.

23 In its use of federal funds under this Act, the Department
24 may not cause a disproportionate share of those federal funds
25 to benefit customers of systems which do not assess the charge
26 provided by this Section.

1 This Section is repealed on January 1, 2025 unless renewed
2 by action of the General Assembly.

3 (Source: P.A. 99-457, eff. 1-1-16; 99-906, eff. 6-1-17;
4 99-933, eff. 1-27-17; 100-863, eff. 8-14-18; 100-1171, eff.
5 1-4-19; 10200SB2017enr.)

6 (305 ILCS 20/18)

7 Sec. 18. Financial assistance; payment plans.

8 (a) The Percentage of Income Payment Plan (PIPP or PIP
9 Plan) is hereby created as a mandatory bill payment assistance
10 program for low-income residential customers of utilities
11 serving more than 100,000 retail customers as of January 1,
12 2021 ~~2009~~. The PIP Plan will:

13 (1) bring participants' gas and electric bills into
14 the range of affordability;

15 (2) provide incentives for participants to make timely
16 payments;

17 (3) encourage participants to reduce usage and
18 participate in conservation and energy efficiency measures
19 that reduce the customer's bill and payment requirements;

20 ~~and~~

21 (4) identify participants whose homes are most in need
22 of weatherization; and -

23 (5) endeavor to maximize participation and spend at
24 least 80% of the funding available for the year.

25 (b) For purposes of this Section:

1 (1) "LIHEAP" means the energy assistance program
2 established under the Illinois Energy Assistance Act and
3 the Low-Income Home Energy Assistance Act of 1981.

4 (2) "Plan participant" is an eligible participant who
5 is also eligible for the PIPP and who will receive either a
6 percentage of income payment credit under the PIPP
7 criteria set forth in this Act or a benefit pursuant to
8 Section 4 of this Act. Plan participants are a subset of
9 eligible participants.

10 (3) "Pre-program arrears" means the amount a plan
11 participant owes for gas or electric service at the time
12 the participant is determined to be eligible for the PIPP
13 or the program set forth in Section 4 of this Act.

14 (4) "Eligible participant" means any person who has
15 applied for, been accepted and is receiving residential
16 service from a gas or electric utility and who is also
17 eligible for LIHEAP or otherwise satisfies the eligibility
18 criteria set forth in paragraph (1) of subsection (c).

19 (c) The PIP Plan shall be administered as follows:

20 (1) The Department shall coordinate with Local
21 Administrative Agencies (LAAs), to determine eligibility
22 for the Illinois Low Income Home Energy Assistance Program
23 (LIHEAP) pursuant to the Energy Assistance Act, provided
24 that eligible income shall be no more than 150% of the
25 poverty level or 60% of the State median income, except
26 that for the period from the effective date of this

1 amendatory Act of the 101st General Assembly through June
2 30, 2021, eligible income shall be no more than 200% of the
3 poverty level. Applicants will be screened to determine
4 whether the applicant's projected payments for electric
5 service or natural gas service over a 12-month period
6 exceed the criteria established in this Section. The
7 Department, in consultation with the Policy Advisory
8 Council, may adjust the percentage of poverty level
9 annually to determine income eligibility. To maintain the
10 financial integrity of the program, the Department may
11 limit eligibility to households with income below 125% of
12 the poverty level.

13 (2) The Department shall establish the percentage of
14 income formula to determine the amount of a monthly credit
15 for participants with eligible income based on poverty
16 level. , not to exceed \$150 per month per household, not to
17 exceed \$1,800 annually; however, for the period from the
18 effective date of this amendatory Act of the 101st General
19 Assembly through June 30, 2021, the monthly credit for
20 participants with eligible income over 100% of the poverty
21 level may be as much as \$200 per month per household, not
22 to exceed \$2,400 annually, and, the monthly credit for
23 participants with eligible income 100% or less of the
24 poverty level may be as much as \$250 per month per
25 household, not to exceed \$3,000 annually. Credits will be
26 applied to PIP Plan participants' utility bills based on

1 the portion of the bill that is the responsibility of the
2 participant provided that the percentage shall be no more
3 than a total of 6% of the relevant income for gas and
4 electric utility bills combined, but in any event no less
5 than \$10 per month, unless the household does not pay
6 directly for heat, in which case its payment shall be 2.4%
7 of income but in any event no less than \$5 per month. The
8 Department, in consultation with the Policy Advisory
9 Council, may adjust such monthly credit amounts annually
10 and may establish a minimum credit amount based on the
11 cost of administering the program and may deny credits to
12 otherwise eligible participants if the cost of
13 administering the credit exceeds the actual amount of any
14 monthly credit to a participant. If the participant takes
15 both gas and electric service, 50% ~~66.67%~~ of the credit
16 shall be allocated to the entity that provides the
17 participant's primary energy supply for heating. Each
18 participant shall enter into a levelized payment plan for,
19 as applicable, gas and electric service and such plans
20 shall be implemented by the utility so that a
21 participant's usage and required payments are reviewed and
22 adjusted regularly, but no more frequently than quarterly.
23 Nothing in this Section is intended to prohibit a
24 customer, who is otherwise eligible for LIHEAP, from
25 participating in the program described in Section 4 of
26 this Act. Eligible participants who receive such a benefit

1 shall be considered plan participants and shall be
2 eligible to participate in the Arrearage Reduction Program
3 described in item (5) of this subsection (c).

4 (3) The Department shall remit, through the LAAs, to
5 the utility or participating alternative supplier that
6 portion of the plan participant's bill that is not the
7 responsibility of the participant. In the event that the
8 Department fails to timely remit payment to the utility,
9 the utility shall be entitled to recover all costs related
10 to such nonpayment through the automatic adjustment clause
11 tariffs established pursuant to Section 16-111.8 and
12 Section 19-145 of the Public Utilities Act. For purposes
13 of this item (3) of this subsection (c), payment is due on
14 the date specified on the participant's bill. The
15 Department, the Department of Revenue and LAAs shall adopt
16 processes that provide for the timely payment required by
17 this item (3) of this subsection (c).

18 (4) A plan participant is responsible for all actual
19 charges for utility service in excess of the PIPP credit.
20 Pre-program arrears that are included in the Arrearage
21 Reduction Program described in item (5) of this subsection
22 (c) shall not be included in the calculation of the
23 levelized payment plan. Emergency or crisis assistance
24 payments shall not affect the amount of any PIPP credit to
25 which a participant is entitled.

26 (5) Electric and gas utilities subject to this Section

1 shall implement an Arrearage Reduction Program (ARP) for
2 plan participants as follows: for each month that a plan
3 participant timely pays his or her utility bill, the
4 utility shall apply a credit to a portion of the
5 participant's pre-program arrears, if any, equal to
6 one-twelfth of such arrearage provided that the total
7 amount of arrearage credits shall equal no more than
8 \$1,000 annually for each participant for gas and no more
9 than \$1,000 annually for each participant for electricity.
10 In the third year of the PIPP, the Department, in
11 consultation with the Policy Advisory Council established
12 pursuant to Section 5 of this Act, shall determine by rule
13 an appropriate per participant total cap on such amounts,
14 if any. Those plan participants participating in the ARP
15 shall not be subject to the imposition of any additional
16 late payment fees on pre-program arrears covered by the
17 ARP. In all other respects, the utility shall bill and
18 collect the monthly bill of a plan participant pursuant to
19 the same rules, regulations, programs and policies as
20 applicable to residential customers generally.
21 Participation in the Arrearage Reduction Program shall be
22 limited to the maximum amount of funds available as set
23 forth in subsection (f) of Section 13 of this Act. In the
24 event any donated funds under Section 13 of this Act are
25 specifically designated for the purpose of funding the
26 ARP, the Department shall remit such amounts to the

1 utilities upon verification that such funds are needed to
2 fund the ARP. Nothing in this Section shall preclude a
3 utility from continuing to implement, and apply credits
4 under, an ARP in the event that the PIPP or LIHEAP is
5 suspended due to lack of funding such that the plan
6 participant does not receive a benefit under either the
7 PIPP or LIHEAP.

8 (5.5) In addition to the ARP described in paragraph
9 (5) of this subsection (c), utilities may also implement a
10 Supplemental Arrearage Reduction Program (SARP) for
11 eligible participants who are not able to become plan
12 participants due to PIPP timing or funding constraints. If
13 a utility elects to implement a SARP, it shall be
14 administered as follows: for each month that a SARP
15 participant timely pays his or her utility bill, the
16 utility shall apply a credit to a portion of the
17 participant's pre-program arrears, if any, equal to
18 one-twelfth of such arrearage, provided that the utility
19 may limit the total amount of arrearage credits to no more
20 than \$1,000 annually for each participant for gas and no
21 more than \$1,000 annually for each participant for
22 electricity. SARP participants shall not be subject to the
23 imposition of any additional late payment fees on
24 pre-program arrears covered by the SARP. In all other
25 respects, the utility shall bill and collect the monthly
26 bill of a SARP participant under the same rules,

1 regulations, programs, and policies as applicable to
2 residential customers generally. Participation in the SARP
3 shall be limited to the maximum amount of funds available
4 as set forth in subsection (f) of Section 13 of this Act.
5 In the event any donated funds under Section 13 of this Act
6 are specifically designated for the purpose of funding the
7 SARP, the Department shall remit such amounts to the
8 utilities upon verification that such funds are needed to
9 fund the SARP.

10 (6) The Department may terminate a plan participant's
11 eligibility for the PIP Plan upon notification by the
12 utility that the participant's monthly utility payment is
13 more than 75 ~~45~~ days past due. One-twelfth of a customer's
14 arrears shall be deducted from the total arrears owed
15 for each on-time payment made by the customer.

16 (7) The Department, in consultation with the Policy
17 Advisory Council, may adjust the number of PIP Plan
18 participants annually, if necessary, to match the
19 availability of funds. Any plan participant who qualifies
20 for a PIPP credit under a utility's PIPP shall be entitled
21 to participate in and receive a credit under such
22 utility's ARP for so long as such utility has ARP funds
23 available, regardless of whether the customer's
24 participation under another utility's PIPP or ARP has been
25 curtailed or limited because of a lack of funds.

26 (8) The Department shall fully implement the PIPP at

1 the earliest possible date it is able to effectively
2 administer the PIPP. Within 90 days of the effective date
3 of this amendatory Act of the 96th General Assembly, the
4 Department shall, in consultation with utility companies,
5 participating alternative suppliers, LAAs and the Illinois
6 Commerce Commission (Commission), issue a detailed
7 implementation plan which shall include detailed testing
8 protocols and analysis of the capacity for implementation
9 by the LAAs and utilities. Such consultation process also
10 shall address how to implement the PIPP in the most
11 cost-effective and timely manner, and shall identify
12 opportunities for relying on the expertise of utilities,
13 LAAs and the Commission. Following the implementation of
14 the testing protocols, the Department shall issue a
15 written report on the feasibility of full or gradual
16 implementation. The PIPP shall be fully implemented by
17 September 1, 2011, but may be phased in prior to that date.

18 (9) As part of the screening process established under
19 item (1) of this subsection (c), the Department and LAAs
20 shall assess whether any energy efficiency or demand
21 response measures are available to the plan participant at
22 no cost, and if so, the participant shall enroll in any
23 such program for which he or she is eligible. The LAAs
24 shall assist the participant in the applicable enrollment
25 or application process.

26 (10) Each alternative retail electric and gas supplier

1 serving residential customers shall elect whether to
2 participate in the PIPP or ARP described in this Section.
3 Any such supplier electing to participate in the PIPP
4 shall provide to the Department such information as the
5 Department may require, including, without limitation,
6 information sufficient for the Department to determine the
7 proportionate allocation of credits between the
8 alternative supplier and the utility. If a utility in
9 whose service territory an alternative supplier serves
10 customers contributes money to the ARP fund which is not
11 recovered from ratepayers, then an alternative supplier
12 which participates in ARP in that utility's service
13 territory shall also contribute to the ARP fund in an
14 amount that is commensurate with the number of alternative
15 supplier customers who elect to participate in the
16 program.

17 (11) The PIPP shall be designed and implemented each
18 year to maximize participation and spend at least 80% of
19 the funding available for the year.

20 (d) The Department, in consultation with the Policy
21 Advisory Council, shall develop and implement a program to
22 educate customers about the PIP Plan and about their rights
23 and responsibilities under the percentage of income component.
24 The Department, in consultation with the Policy Advisory
25 Council, shall establish a process that LAAs shall use to
26 contact customers in jeopardy of losing eligibility due to

1 late payments. The Department shall ensure that LAAs are
2 adequately funded to perform all necessary educational tasks.

3 (e) The PIPP shall be administered in a manner which
4 ensures that credits to plan participants will not be counted
5 as income or as a resource in other means-tested assistance
6 programs for low-income households or otherwise result in the
7 loss of federal or State assistance dollars for low-income
8 households.

9 (f) In order to ensure that implementation costs are
10 minimized, the Department and utilities shall work together to
11 identify cost-effective ways to transfer information
12 electronically and to employ available protocols that will
13 minimize their respective administrative costs as follows:

14 (1) The Commission may require utilities to provide
15 such information on customer usage and billing and payment
16 information as required by the Department to implement the
17 PIP Plan and to provide written notices and communications
18 to plan participants.

19 (2) Each utility and participating alternative
20 supplier shall file annual reports with the Department and
21 the Commission that cumulatively summarize and update
22 program information as required by the Commission's rules.
23 The reports shall track implementation costs and contain
24 such information as is necessary to evaluate the success
25 of the PIPP.

26 (2.5) The Department shall annually prepare and submit

1 a report to the General Assembly, the Commission, and the
2 Policy Advisory Council that identifies the following
3 amounts for the most recently completed year: total monies
4 collected under subsection (b) of Section 13 of this Act
5 for all PIPPs implemented in the State; monies allocated
6 to each utility for implementation of its PIPP; and monies
7 allocated to each utility for other purposes, including a
8 description of each of those purposes. The Commission
9 shall publish the report on its website.

10 (3) The Department and the Commission shall have the
11 authority to promulgate rules and regulations necessary to
12 execute and administer the provisions of this Section.

13 (g) Each utility shall be entitled to recover reasonable
14 administrative and operational costs incurred to comply with
15 this Section from the Supplemental Low Income Energy
16 Assistance Fund. The utility may net such costs against monies
17 it would otherwise remit to the Funds, and each utility shall
18 include in the annual report required under subsection (f) of
19 this Section an accounting for the funds collected.

20 (Source: P.A. 101-636, eff. 6-10-20.)

21 Section 90-55. The Environmental Protection Act is amended
22 by adding Sections 3.131 and 9.18 and by changing Sections
23 9.15 and 22.59 as follows:

24 (415 ILCS 5/3.131 new)

1 Sec. 3.131. Clean energy. "Clean energy" means energy
2 generation that is substantially free (90% or greater) of
3 carbon dioxide emissions.

4 (415 ILCS 5/9.15)

5 Sec. 9.15. Greenhouse gases.

6 (a) An air pollution construction permit shall not be
7 required due to emissions of greenhouse gases if the
8 equipment, site, or source is not subject to regulation, as
9 defined by 40 CFR 52.21, as now or hereafter amended, for
10 greenhouse gases or is otherwise not addressed by the Board in
11 regulations for greenhouse gases. These exemptions do. ~~This~~
12 ~~exemption does~~ not relieve an owner or operator from the
13 obligation to comply with other applicable rules or
14 regulations.

15 (b) An air pollution operating permit shall not be
16 required due to emissions of greenhouse gases if the
17 equipment, site, or source is not subject to regulation, as
18 defined by Section 39.5 of this Act, for greenhouse gases or is
19 otherwise not addressed by the Board in regulations for
20 greenhouse gases. These exemptions do. ~~This exemption does~~ not
21 relieve an owner or operator from the obligation to comply
22 with other applicable rules or regulations.

23 (c) (Blank). ~~Notwithstanding any provision to the contrary~~
24 ~~in this Section, an air pollution construction or operating~~
25 ~~permit shall not be required due to emissions of greenhouse~~

1 ~~gases if any of the following events occur:~~

2 ~~(1) enactment of federal legislation depriving the~~
3 ~~Administrator of the USEPA of authority to regulate~~
4 ~~greenhouse gases under the Clean Air Act;~~

5 ~~(2) the issuance of any opinion, ruling, judgment,~~
6 ~~order, or decree by a federal court depriving the~~
7 ~~Administrator of the USEPA of authority to regulate~~
8 ~~greenhouse gases under the Clean Air Act; or~~

9 ~~(3) action by the President of the United States or~~
10 ~~the President's authorized agent, including the~~
11 ~~Administrator of the USEPA, to repeal or withdraw the~~
12 ~~Greenhouse Gas Tailoring Rule (75 Fed. Reg. 31514, June 3,~~
13 ~~2010).~~

14 ~~This subsection (c) does not relieve an owner or operator~~
15 ~~from the obligation to comply with applicable rules or~~
16 ~~regulations other than those relating to greenhouse gases.~~

17 (d) (Blank). ~~If any event listed in subsection (c) of this~~
18 ~~Section occurs, permits issued after such event shall not~~
19 ~~impose permit terms or conditions addressing greenhouse gases~~
20 ~~during the effectiveness of any event listed in subsection~~
21 ~~(c).~~

22 (e) (Blank). ~~If an event listed in subsection (c) of this~~
23 ~~Section occurs, any owner or operator with a permit that~~
24 ~~includes terms or conditions addressing greenhouse gases may~~
25 ~~elect to submit an application to the Agency to address a~~
26 ~~revision or repeal of such terms or conditions. The Agency~~

1 ~~shall expeditiously process such permit application in~~
2 ~~accordance with applicable laws and regulations.~~

3 (f) As used in this Section:

4 "Carbon dioxide emission" means the plant annual CO₂ total
5 output emission as measured by the United States Environmental
6 Protection Agency in its Emissions & Generation Resource
7 Integrated Database (eGrid).

8 "Carbon dioxide equivalent emissions" or "CO₂e" means the
9 sum total of the mass amount of emissions in tons per year,
10 calculated by multiplying the mass amount of each of the 6
11 greenhouse gases specified in Section 3.207, in tons per year,
12 by its associated global warming potential as set forth in 40
13 CFR 98, subpart A, table A-1 or its successor, and then adding
14 them all together.

15 "Cogeneration" or "combined heat and power" refers to any
16 system that, either simultaneously or sequentially, produces
17 electricity and useful thermal energy from a single fuel
18 source.

19 "Copollutants" refers to the 6 criteria pollutants that
20 have been identified by the United States Environmental
21 Protection Agency pursuant to the Clean Air Act.

22 "Electric generating unit" or "EGU" means a fossil
23 fuel-fired stationary boiler, combustion turbine, or combined
24 cycle system that serves as a generator that has a nameplate
25 capacity greater than 25 MWe and produces electricity for
26 sale.

1 "Environmental justice community" means the definition of
2 that term based on existing methodologies and findings, used
3 and as may be updated by the Illinois Power Agency and its
4 program administrator in the Illinois Solar for All Program.

5 "Equity investment eligible community" or "eligible
6 community" means the geographic areas throughout Illinois that
7 would most benefit from equitable investments by the State
8 designed to combat discrimination and foster sustainable
9 economic growth. Specifically, eligible community means the
10 following areas:

11 (1) areas where residents have been historically
12 excluded from economic opportunities, including
13 opportunities in the energy sector, as defined as R3 areas
14 pursuant to Section 10-40 of the Cannabis Regulation and
15 Tax Act; and

16 (2) areas where residents have been historically
17 subject to disproportionate burdens of pollution,
18 including pollution from the energy sector, as established
19 by environmental justice communities as defined by the
20 Illinois Power Agency pursuant to the Illinois Power
21 Agency Act, excluding any racial or ethnic indicators.

22 "Equity investment eligible person" or "eligible person"
23 means the persons who would most benefit from equitable
24 investments by the State designed to combat discrimination and
25 foster sustainable economic growth. Specifically, eligible
26 person means the following people:

1 (1) persons whose primary residence is in an equity
2 investment eligible community;

3 (2) persons whose primary residence is in a
4 municipality, or a county with a population under 100,000,
5 where the closure of an electric generating unit or mine
6 has been publicly announced or the electric generating
7 unit or mine is in the process of closing or closed within
8 the last 5 years;

9 (3) persons who are graduates of or currently enrolled
10 in the foster care system; or

11 (4) persons who were formerly incarcerated.

12 "Existing emissions" means:

13 (1) for CO₂e, the total average tons-per-year of CO₂e
14 emitted by the EGU or large GHG-emitting unit either in
15 the years 2018 through 2020 or, if the unit was not yet in
16 operation by January 1, 2018, in the first 3 full years of
17 that unit's operation; and

18 (2) for any copollutant, the total average
19 tons-per-year of that copollutant emitted by the EGU or
20 large GHG-emitting unit either in the years 2018 through
21 2020 or, if the unit was not yet in operation by January 1,
22 2018, in the first 3 full years of that unit's operation.

23 "Green hydrogen" means a power plant technology in which
24 an EGU creates electric power exclusively from electrolytic
25 hydrogen, in a manner that produces zero carbon and
26 copollutant emissions, using hydrogen fuel that is

1 electrolyzed using a 100% renewable zero carbon emission
2 energy source.

3 "Large greenhouse gas-emitting unit" or "large
4 GHG-emitting unit" means a unit that is an electric generating
5 unit or other fossil fuel-fired unit that itself has a
6 nameplate capacity or serves a generator that has a nameplate
7 capacity greater than 25 MWe and that produces electricity,
8 including, but not limited to, coal-fired, coal-derived,
9 oil-fired, natural gas-fired, and cogeneration units.

10 "NO_x emission rate" means the "plant annual NO_x total
11 output emission rate" as measured by the United States
12 Environmental Protection Agency in its Emissions & Generation
13 Resource Integrated Database (eGrid), in the most recent year
14 for which data is available.

15 "Public greenhouse gas-emitting units" or "public
16 GHG-emitting unit" means large greenhouse gas-emitting units,
17 including EGUs, that are wholly owned, directly or indirectly,
18 by one or more municipalities, municipal corporations, joint
19 municipal electric power agencies, electric cooperatives, or
20 other governmental or nonprofit entities, whether organized
21 and created under the laws of Illinois or another state.

22 "SO₂ emission rate" means the "plant annual SO₂ total
23 output emission rate" as measured by the United States
24 Environmental Protection Agency in its Emissions & Generation
25 Resource Integrated Database (eGrid), in the most recent year
26 for which data is available.

1 (g) All EGUs and large greenhouse gas-emitting units that
2 use coal or oil as a fuel and are not public GHG-emitting units
3 shall permanently reduce all CO₂e and copollutant emissions to
4 zero no later than January 1, 2030.

5 (h) All EGUs and large greenhouse gas-emitting units that
6 use coal as a fuel and are public GHG-emitting units shall
7 permanently reduce CO₂e emissions to zero no later than
8 December 31, 2045. Any source with such units must also reduce
9 their CO₂e emissions by 45% from existing emissions by no later
10 than January 1, 2035.

11 (i) All EGUs and large greenhouse gas-emitting units that
12 use gas as a fuel and are not public GHG-emitting units shall
13 permanently reduce all CO₂e and copollutant emissions to zero,
14 including through unit retirement or the use of 100% green
15 hydrogen or other similar technology that is commercially
16 proven to achieve zero carbon emissions, according to the
17 following:

18 (1) No later than January 1, 2030: all EGUs and large
19 greenhouse gas-emitting units that have a NO_x emissions
20 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
21 greater than 0.006 lb/MWh, and are located in or within 3
22 miles of an environmental justice community or an equity
23 investment eligible community.

24 (2) No later than January 1, 2040: all EGUs and large
25 greenhouse gas-emitting units that have a NO_x emission
26 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate

1 greater than 0.006 lb/MWh, and are not located in or
2 within 3 miles of an environmental justice community or an
3 equity investment eligible community. After January 1,
4 2035, each such EGU and large greenhouse gas-emitting unit
5 shall reduce its CO₂e emissions by at least 50% from its
6 existing emissions for CO₂e, and shall be limited in
7 operation to, on average, 6 hours or less per day,
8 measured over a calendar year, and shall not run for more
9 than 24 consecutive hours except in emergency conditions,
10 as designated by a Regional Transmission Organization or
11 Independent System Operator.

12 (3) No later than January 1, 2035: all EGUs and large
13 greenhouse gas-emitting units that began operation prior
14 to the effective date of this amendatory Act of the 102nd
15 General Assembly and have a NO_x emission rate of less than
16 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
17 or equal to 0.006 lb/MWh, and are located in or within 3
18 miles of an environmental justice community or an equity
19 investment eligible community. Each such EGU and large
20 greenhouse gas-emitting unit shall reduce its CO₂e
21 emissions by at least 50% from its existing emissions for
22 CO₂e no later than January 1, 2030.

23 (4) No later than January 1, 2040: All remaining EGUs
24 and large greenhouse gas-emitting units that have a heat
25 rate greater than or equal to 7000 BTU/kWh. Each such EGU
26 and Large greenhouse gas-emitting unit shall reduce its

1 CO₂e emissions by at least 50% from its existing emissions
2 for CO₂e no later than January 1, 2035.

3 (5) No later than January 1, 2045: all remaining EGUs
4 and large greenhouse gas-emitting units.

5 (j) All EGUs and large greenhouse gas-emitting units that
6 use gas as a fuel and are public GHG-emitting units shall
7 permanently reduce all CO₂e and copollutant emissions to zero,
8 including through unit retirement or the use of 100% green
9 hydrogen or other similar technology that is commercially
10 proven to achieve zero carbon emissions by January 1, 2045.

11 (k) All EGUs and large greenhouse gas-emitting units that
12 utilize combined heat and power or cogeneration technology
13 shall permanently reduce all CO₂e and copollutant emissions to
14 zero, including through unit retirement or the use of 100%
15 green hydrogen or other similar technology that is
16 commercially proven to achieve zero carbon emissions by
17 January 1, 2045.

18 (k-5) No EGU or large greenhouse gas-emitting unit that
19 uses gas as a fuel and is not a public GHG-emitting unit may
20 emit, in any 12-month period, CO₂e or copollutants in excess of
21 that unit's existing emissions for those pollutants.

22 (l) Notwithstanding subsections (g) through (k-5), large
23 GHG-emitting units including EGUs may temporarily continue
24 emitting greenhouse gases after any applicable deadline
25 specified in any of subsections (g) through (k-5) if it has
26 been determined, as described in paragraphs (1) and (2) of

1 this subsection, that ongoing operation of the EGU is
2 necessary to maintain power grid supply and reliability or
3 ongoing operation of large GHG-emitting unit that is not an
4 EGU is necessary to serve as an emergency backup to
5 operations. Up to and including the occurrence of an emission
6 reduction deadline under subsection (i), all EGUs and large
7 GHG-emitting units must comply with the following terms:

8 (1) if an EGU or large GHG-emitting unit that is a
9 participant in a regional transmission organization
10 intends to retire, it must submit documentation to the
11 appropriate regional transmission organization by the
12 appropriate deadline that meets all applicable regulatory
13 requirements necessary to obtain approval to permanently
14 cease operating the large GHG-emitting unit;

15 (2) if any EGU or large GHG-emitting unit that is a
16 participant in a regional transmission organization
17 receives notice that the regional transmission
18 organization has determined that continued operation of
19 the unit is required, the unit may continue operating
20 until the issue identified by the regional transmission
21 organization is resolved. The owner or operator of the
22 unit must cooperate with the regional transmission
23 organization in resolving the issue and must reduce its
24 emissions to zero, consistent with the requirements under
25 subsection (g), (h), (i), (j), (k), or (k-5), as
26 applicable, as soon as practicable when the issue

1 identified by the regional transmission organization is
2 resolved; and

3 (3) any large GHG-emitting unit that is not a
4 participant in a regional transmission organization shall
5 be allowed to continue emitting greenhouse gases after the
6 zero-emission date specified in subsection (g), (h), (i),
7 (j), (k), or (k-5), as applicable, in the capacity of an
8 emergency backup unit if approved by the Illinois Commerce
9 Commission.

10 (m) No variance, adjusted standard, or other regulatory
11 relief otherwise available in this Act may be granted to the
12 emissions reduction and elimination obligations in this
13 Section.

14 (n) By June 30 of each year, beginning in 2025, the Agency
15 shall prepare and publish on its website a report setting
16 forth the actual greenhouse gas emissions from individual
17 units and the aggregate statewide emissions from all units for
18 the prior year.

19 (o) Every 5 years beginning in 2025, the Environmental
20 Protection Agency, Illinois Power Agency, and Illinois
21 Commerce Commission shall jointly prepare, and release
22 publicly, a report to the General Assembly that examines the
23 State's current progress toward its renewable energy resource
24 development goals, the status of CO₂e and copollutant
25 emissions reductions, the current status and progress toward
26 developing and implementing green hydrogen technologies, the

1 current and projected status of electric resource adequacy and
2 reliability throughout the State for the period beginning 5
3 years ahead, and proposed solutions for any findings. The
4 Environmental Protection Agency, Illinois Power Agency, and
5 Illinois Commerce Commission shall consult PJM
6 Interconnection, LLC and Midcontinent Independent System
7 Operator, Inc., or their respective successor organizations
8 regarding forecasted resource adequacy and reliability needs,
9 anticipated new generation interconnection, new transmission
10 development or upgrades, and any announced large GHG-emitting
11 unit closure dates and include this information in the report.
12 The report shall be released publicly by no later than
13 December 15 of the year it is prepared. If the Environmental
14 Protection Agency, Illinois Power Agency, and Illinois
15 Commerce Commission jointly conclude in the report that the
16 data from the regional grid operators, the pace of renewable
17 energy development, the pace of development of energy storage
18 and demand response utilization, transmission capacity, and
19 the CO₂e and copollutant emissions reductions required by
20 subsection (i) reasonably demonstrate that a resource adequacy
21 shortfall will occur, including whether there will be
22 sufficient in-state capacity to meet the zonal requirements of
23 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
24 regional transmission organizations, or that the regional
25 transmission operators determine that a reliability violation
26 will occur during the time frame the study is evaluating, then

1 the Illinois Power Agency, in conjunction with the
2 Environmental Protection Agency shall develop a plan to reduce
3 or delay CO₂e and copollutant emissions reductions
4 requirements only to the extent and for the duration necessary
5 to meet the resource adequacy and reliability needs of the
6 State, including allowing any plants whose emission reduction
7 deadline has been identified in the plan as creating a
8 reliability concern to continue operating, including operating
9 with reduced emissions or as emergency backup where
10 appropriate.

11 (1) In developing the plan, the Environmental
12 Protection Agency and the Illinois Power Agency shall hold
13 at least one workshop open to the public and shall
14 consider any comments made by stakeholders or the public.
15 Upon development of the plan, copies of the plan shall be
16 posted and made publicly available on the Environmental
17 Protection Agency's, the Illinois Power Agency's, and the
18 Illinois Commerce Commission's websites. All interested
19 parties shall have 60 days following the date of posting
20 to provide comment to the Environmental Protection Agency
21 and the Illinois Power Agency on the plan. All comments
22 submitted to the Environmental Protection Agency and the
23 Illinois Power Agency shall be encouraged to be specific,
24 supported by data or other detailed analyses, and, if
25 objecting to all or a portion of the plan, accompanied by
26 specific alternative wording or proposals. All comments

1 shall be posted on the Environmental Protection Agency's,
2 the Illinois Power Agency's, and the Illinois Commerce
3 Commission's websites. Within 30 days following the end of
4 the 60-day review period, the Environmental Protection
5 Agency and the Illinois Power Agency shall revise the plan
6 as necessary based on the comments received and file its
7 revised plan with the Illinois Commerce Commission for
8 approval.

9 (2) Within 60 days after the filing of the revised
10 plan at the Illinois Commerce Commission, any person
11 objecting to the plan shall file an objection with the
12 Illinois Commerce Commission. Within 30 days after the
13 expiration of the comment period, the Illinois Commerce
14 Commission shall determine whether an evidentiary hearing
15 is necessary. The Illinois Commerce Commission shall also
16 host 3 public hearings within 90 days after the plan is
17 filed. Following the evidentiary and public hearings, the
18 Illinois Commerce Commission shall enter its order
19 approving or approving with modifications the reliability
20 mitigation plan within 180 days.

21 (3) The Illinois Commerce Commission shall only
22 approve the plan if the Illinois Commerce Commission
23 determines that it will resolve the resource adequacy or
24 reliability deficiency identified in the reliability
25 mitigation plan at the least amount of CO₂e and copollutant
26 emissions, taking into consideration the emissions impacts

1 on environmental justice communities, and that it will
2 ensure adequate, reliable, affordable, efficient, and
3 environmentally sustainable electric service at the lowest
4 total cost over time, taking into account the impact of
5 increases in emissions.

6 (4) If the resource adequacy or reliability deficiency
7 identified in the reliability mitigation plan is resolved
8 or reduced, the Environmental Protection Agency and the
9 Illinois Power Agency may file an amended plan adjusting
10 the reduction or delay in CO₂e and copollutant emission
11 reduction requirements identified in the plan.

12 (Source: P.A. 97-95, eff. 7-12-11.)

13 (415 ILCS 5/9.18 new)

14 Sec. 9.18. Commission on market-based carbon pricing
15 solutions.

16 (a) In the United States, state-based market policies to
17 reduce greenhouse gases have been in operation since 2009.
18 More than a quarter of the US population lives in a state with
19 carbon pricing and these states represent one-third of the
20 United States' gross domestic product. Market-based policies
21 have proved effective at reducing emissions in states across
22 the United States, and around the world. Additionally,
23 well-designed carbon pricing incentivizes energy efficiency
24 and drives investments in low-carbon solutions and
25 technologies, such as renewables, hydrogen, biofuels, and

1 carbon capture, use, and storage. Illinois must assess
2 available suites of programs and policies to support a rapid,
3 economy-wide decarbonization and spur the development of a
4 clean energy economy in the State, while maintaining Illinois'
5 competitive advantage.

6 (b) The Governor is hereby authorized to create a carbon
7 pricing commission to study the short-term and long-term
8 impacts of joining, implementing, or designing a sector-based,
9 statewide, or regional carbon pricing program. The commission
10 shall analyze and compare the relative cost of, and greenhouse
11 gas reductions from, various carbon pricing programs available
12 to Illinois and the Midwest, including, but not limited to:
13 the Regional Greenhouse Gas Initiative (RGGI), the
14 Transportation and Climate Initiative (TCI), California's
15 cap-and-trade program, California's low carbon fuel standard,
16 Washington State's cap-and-invest program, the Oregon Clean
17 Fuels Program, and other relevant market-based programs. At
18 the conclusion of the study, no later than December 31, 2022,
19 the commission shall issue a public report containing its
20 findings.

21 (c) This Section is repealed on January 1, 2024.

22 (415 ILCS 5/22.59)

23 Sec. 22.59. CCR surface impoundments.

24 (a) The General Assembly finds that:

25 (1) the State of Illinois has a long-standing policy

1 to restore, protect, and enhance the environment,
2 including the purity of the air, land, and waters,
3 including groundwaters, of this State;

4 (2) a clean environment is essential to the growth and
5 well-being of this State;

6 (3) CCR generated by the electric generating industry
7 has caused groundwater contamination and other forms of
8 pollution at active and inactive plants throughout this
9 State;

10 (4) environmental laws should be supplemented to
11 ensure consistent, responsible regulation of all existing
12 CCR surface impoundments; and

13 (5) meaningful participation of State residents,
14 especially vulnerable populations who may be affected by
15 regulatory actions, is critical to ensure that
16 environmental justice considerations are incorporated in
17 the development of, decision-making related to, and
18 implementation of environmental laws and rulemaking that
19 protects and improves the well-being of communities in
20 this State that bear disproportionate burdens imposed by
21 environmental pollution.

22 Therefore, the purpose of this Section is to promote a
23 healthful environment, including clean water, air, and land,
24 meaningful public involvement, and the responsible disposal
25 and storage of coal combustion residuals, so as to protect
26 public health and to prevent pollution of the environment of

1 this State.

2 The provisions of this Section shall be liberally
3 construed to carry out the purposes of this Section.

4 (b) No person shall:

5 (1) cause or allow the discharge of any contaminants
6 from a CCR surface impoundment into the environment so as
7 to cause, directly or indirectly, a violation of this
8 Section or any regulations or standards adopted by the
9 Board under this Section, either alone or in combination
10 with contaminants from other sources;

11 (2) construct, install, modify, operate, or close any
12 CCR surface impoundment without a permit granted by the
13 Agency, or so as to violate any conditions imposed by such
14 permit, any provision of this Section or any regulations
15 or standards adopted by the Board under this Section; or

16 (3) cause or allow, directly or indirectly, the
17 discharge, deposit, injection, dumping, spilling, leaking,
18 or placing of any CCR upon the land in a place and manner
19 so as to cause or tend to cause a violation this Section or
20 any regulations or standards adopted by the Board under
21 this Section.

22 (c) For purposes of this Section, a permit issued by the
23 Administrator of the United States Environmental Protection
24 Agency under Section 4005 of the federal Resource Conservation
25 and Recovery Act, shall be deemed to be a permit under this
26 Section and subsection (y) of Section 39.

1 (d) Before commencing closure of a CCR surface
2 impoundment, in accordance with Board rules, the owner of a
3 CCR surface impoundment must submit to the Agency for approval
4 a closure alternatives analysis that analyzes all closure
5 methods being considered and that otherwise satisfies all
6 closure requirements adopted by the Board under this Act.
7 Complete removal of CCR, as specified by the Board's rules,
8 from the CCR surface impoundment must be considered and
9 analyzed. Section 3.405 does not apply to the Board's rules
10 specifying complete removal of CCR. The selected closure
11 method must ensure compliance with regulations adopted by the
12 Board pursuant to this Section.

13 (e) Owners or operators of CCR surface impoundments who
14 have submitted a closure plan to the Agency before May 1, 2019,
15 and who have completed closure prior to 24 months after July
16 30, 2019 (the effective date of Public Act 101-171) ~~this~~
17 ~~amendatory Act of the 101st General Assembly~~ shall not be
18 required to obtain a construction permit for the surface
19 impoundment closure under this Section.

20 (f) Except for the State, its agencies and institutions, a
21 unit of local government, or not-for-profit electric
22 cooperative as defined in Section 3.4 of the Electric Supplier
23 Act, any person who owns or operates a CCR surface impoundment
24 in this State shall post with the Agency a performance bond or
25 other security for the purpose of: (i) ensuring closure of the
26 CCR surface impoundment and post-closure care in accordance

1 with this Act and its rules; and (ii) insuring remediation of
2 releases from the CCR surface impoundment. The only acceptable
3 forms of financial assurance are: a trust fund, a surety bond
4 guaranteeing payment, a surety bond guaranteeing performance,
5 or an irrevocable letter of credit.

6 (1) The cost estimate for the post-closure care of a
7 CCR surface impoundment shall be calculated using a
8 30-year post-closure care period or such longer period as
9 may be approved by the Agency under Board or federal
10 rules.

11 (2) The Agency is authorized to enter into such
12 contracts and agreements as it may deem necessary to carry
13 out the purposes of this Section. Neither the State, nor
14 the Director, nor any State employee shall be liable for
15 any damages or injuries arising out of or resulting from
16 any action taken under this Section.

17 (3) The Agency shall have the authority to approve or
18 disapprove any performance bond or other security posted
19 under this subsection. Any person whose performance bond
20 or other security is disapproved by the Agency may contest
21 the disapproval as a permit denial appeal pursuant to
22 Section 40.

23 (g) The Board shall adopt rules establishing construction
24 permit requirements, operating permit requirements, design
25 standards, reporting, financial assurance, and closure and
26 post-closure care requirements for CCR surface impoundments.

1 Not later than 8 months after July 30, 2019 (the effective date
2 of Public Act 101-171) ~~this amendatory Act of the 101st~~
3 ~~General Assembly~~ the Agency shall propose, and not later than
4 one year after receipt of the Agency's proposal the Board
5 shall adopt, rules under this Section. The Board shall not be
6 deemed in noncompliance with the rulemaking deadline due to
7 delays in adopting rules as a result of the Joint Commission on
8 Administrative Rules oversight process. The rules must, at a
9 minimum:

10 (1) be at least as protective and comprehensive as the
11 federal regulations or amendments thereto promulgated by
12 the Administrator of the United States Environmental
13 Protection Agency in Subpart D of 40 CFR 257 governing CCR
14 surface impoundments;

15 (2) specify the minimum contents of CCR surface
16 impoundment construction and operating permit
17 applications, including the closure alternatives analysis
18 required under subsection (d);

19 (3) specify which types of permits include
20 requirements for closure, post-closure, remediation and
21 all other requirements applicable to CCR surface
22 impoundments;

23 (4) specify when permit applications for existing CCR
24 surface impoundments must be submitted, taking into
25 consideration whether the CCR surface impoundment must
26 close under the RCRA;

1 (5) specify standards for review and approval by the
2 Agency of CCR surface impoundment permit applications;

3 (6) specify meaningful public participation procedures
4 for the issuance of CCR surface impoundment construction
5 and operating permits, including, but not limited to,
6 public notice of the submission of permit applications, an
7 opportunity for the submission of public comments, an
8 opportunity for a public hearing prior to permit issuance,
9 and a summary and response of the comments prepared by the
10 Agency;

11 (7) prescribe the type and amount of the performance
12 bonds or other securities required under subsection (f),
13 and the conditions under which the State is entitled to
14 collect moneys from such performance bonds or other
15 securities;

16 (8) specify a procedure to identify areas of
17 environmental justice concern in relation to CCR surface
18 impoundments;

19 (9) specify a method to prioritize CCR surface
20 impoundments required to close under RCRA if not otherwise
21 specified by the United States Environmental Protection
22 Agency, so that the CCR surface impoundments with the
23 highest risk to public health and the environment, and
24 areas of environmental justice concern are given first
25 priority;

26 (10) define when complete removal of CCR is achieved

1 and specify the standards for responsible removal of CCR
2 from CCR surface impoundments, including, but not limited
3 to, dust controls and the protection of adjacent surface
4 water and groundwater; and

5 (11) describe the process and standards for
6 identifying a specific alternative source of groundwater
7 pollution when the owner or operator of the CCR surface
8 impoundment believes that groundwater contamination on the
9 site is not from the CCR surface impoundment.

10 (h) Any owner of a CCR surface impoundment that generates
11 CCR and sells or otherwise provides coal combustion byproducts
12 pursuant to Section 3.135 shall, every 12 months, post on its
13 publicly available website a report specifying the volume or
14 weight of CCR, in cubic yards or tons, that it sold or provided
15 during the past 12 months.

16 (i) The owner of a CCR surface impoundment shall post all
17 closure plans, permit applications, and supporting
18 documentation, as well as any Agency approval of the plans or
19 applications on its publicly available website.

20 (j) The owner or operator of a CCR surface impoundment
21 shall pay the following fees:

22 (1) An initial fee to the Agency within 6 months after
23 July 30, 2019 (the effective date of Public Act 101-171)
24 ~~this amendatory Act of the 101st General Assembly~~ of:

25 \$50,000 for each closed CCR surface impoundment;

26 and

1 \$75,000 for each CCR surface impoundment that have
2 not completed closure.

3 (2) Annual fees to the Agency, beginning on July 1,
4 2020, of:

5 \$25,000 for each CCR surface impoundment that has
6 not completed closure; and

7 \$15,000 for each CCR surface impoundment that has
8 completed closure, but has not completed post-closure
9 care.

10 (k) All fees collected by the Agency under subsection (j)
11 shall be deposited into the Environmental Protection Permit
12 and Inspection Fund.

13 (1) The Coal Combustion Residual Surface Impoundment
14 Financial Assurance Fund is created as a special fund in the
15 State treasury. Any moneys forfeited to the State of Illinois
16 from any performance bond or other security required under
17 this Section shall be placed in the Coal Combustion Residual
18 Surface Impoundment Financial Assurance Fund and shall, upon
19 approval by the Governor and the Director, be used by the
20 Agency for the purposes for which such performance bond or
21 other security was issued. The Coal Combustion Residual
22 Surface Impoundment Financial Assurance Fund is not subject to
23 the provisions of subsection (c) of Section 5 of the State
24 Finance Act.

25 (m) The provisions of this Section shall apply, without
26 limitation, to all existing CCR surface impoundments and any

1 CCR surface impoundments constructed after July 30, 2019 (the
2 effective date of Public Act 101-171) ~~this amendatory Act of~~
3 ~~the 101st General Assembly~~, except to the extent prohibited by
4 the Illinois or United States Constitutions.

5 (Source: P.A. 101-171, eff. 7-30-19; revised 10-22-19.)

6 Section 90-60. The Illinois Worker Adjustment and
7 Retraining Notification Act is amended by changing Section 10
8 as follows:

9 (820 ILCS 65/10)

10 Sec. 10. Notice.

11 (a) An employer may not order a mass layoff, relocation,
12 or employment loss unless, 60 days before the order takes
13 effect, the employer gives written notice of the order to the
14 following:

15 (1) affected employees and representatives of affected
16 employees; and

17 (2) the Department of Commerce and Economic
18 Opportunity and the chief elected official of each
19 municipal and county government within which the
20 employment loss, relocation, or mass layoff occurs.

21 (a-5) An owner of an investor-owned electric generating
22 plant or coal mining operation may not order a mass layoff,
23 relocation, or employment loss unless, 2 years before the
24 order takes effect, the employer gives written notice of the

1 order to the following:

2 (1) affected employees and representatives of affected
3 employees; and

4 (2) the Department of Commerce and Economic
5 Opportunity and the chief elected official of each
6 municipal and county government within which the
7 employment loss, relocation, or mass layoff occurs.

8 (b) An employer required to give notice of any mass
9 layoff, relocation, or employment loss under this Act shall
10 include in its notice the elements required by the federal
11 Worker Adjustment and Retraining Notification Act (29 U.S.C.
12 2101 et seq.).

13 (c) Notwithstanding the requirements of subsection (a), an
14 employer is not required to provide notice if a mass layoff,
15 relocation, or employment loss is necessitated by a physical
16 calamity or an act of terrorism or war.

17 (d) The mailing of notice to an employee's last known
18 address or inclusion of notice in the employee's paycheck
19 shall be considered acceptable methods for fulfillment of the
20 employer's obligation to give notice to each affected employee
21 under this Act.

22 (e) In the case of a sale of part or all of an employer's
23 business, the seller shall be responsible for providing notice
24 for any plant closing or mass layoff in accordance with this
25 Section, up to and including the effective date of the sale.
26 After the effective date of the sale of part or all of an

1 employer's business, the purchaser shall be responsible for
2 providing notice for any plant closing or mass layoff in
3 accordance with this Section. Notwithstanding any other
4 provision of this Act, any person who is an employee of the
5 seller (other than a part-time employee) as of the effective
6 date of the sale shall be considered an employee of the
7 purchaser immediately after the effective date of the sale.

8 (f) An employer which is receiving State or local economic
9 development incentives for doing or continuing to do business
10 in this State may be required to provide additional notice
11 pursuant to Section 15 of the Business Economic Support Act.

12 (g) The rights and remedies provided to employees by this
13 Act are in addition to, and not in lieu of, any other
14 contractual or statutory rights and remedies of the employees,
15 and are not intended to alter or affect such rights and
16 remedies, except that the period of notification required by
17 this Act shall run concurrently with any period of
18 notification required by contract or by any other law.

19 (h) It is the sense of the General Assembly that an
20 employer who is not required to comply with the notice
21 requirements of this Section should, to the extent possible,
22 provide notice to its employees about a proposal to close a
23 plant or permanently reduce its workforce.

24 (Source: P.A. 93-915, eff. 1-1-05.)

1 Section 99-95. No acceleration or delay. Where this Act
2 makes changes in a statute that is represented in this Act by
3 text that is not yet or no longer in effect (for example, a
4 Section represented by multiple versions), the use of that
5 text does not accelerate or delay the taking effect of (i) the
6 changes made by this Act or (ii) provisions derived from any
7 other Public Act.

8 Section 99-97. Severability. The provisions of this Act
9 are severable under Section 1.31 of the Statute on Statutes.

10 Section 99-99. Effective date. This Act takes effect upon
11 becoming law.".