



LRB102 18632 AMC 27209 a

1 AMENDMENT TO SENATE BILL XXXX

2 AMENDMENT NO. _____. Amend Senate Bill XXXX 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 "Clean Energy Jobs" means jobs in the solar energy, wind
10 energy, energy efficiency, energy storage, solar thermal,
11 green hydrogen geothermal, electric vehicle industries, other
12 renewable energy industries, industries achieving emission
13 reductions, and other related sectors including related
14 industries that manufacture, develop, build, maintain, or
15 provide ancillary services to renewable energy resources or

1 energy efficiency products or services, including the
2 manufacture and installation of healthier building materials
3 that contain fewer hazardous chemicals. "Clean Energy Jobs"
4 include administrative, sales, and other support functions
5 within these industries and other related sector industries.

6 "Closure" means the permanent shutdown of an
7 investor-owned electric generating unit or coal mine.

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

15 "Community-based provider" means a not-for-profit
16 organization that has a history of serving low-wage,
17 low-skilled workers, or individuals from economically
18 disadvantaged communities.

19 "Department" means the Department of Commerce and Economic
20 Opportunity, unless the text solely specifies a particular
21 Department.

22 "Director" means the Director of Commerce and Economic
23 Opportunity.

24 "Displaced energy worker" means an energy worker who has
25 lost employment, or is anticipated by the Department to lose
26 employment within the next 2 years, due to the reduced

1 operation or closure of a fossil fuel power plant, nuclear
2 power plant, or coal mine.

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

6 "Energy Efficiency" has the meaning set forth in Section
7 1-10 of the Illinois Power Agency Act.

8 "Equity focused populations" means:

9 (1) low-income persons;

10 (2) persons residing in equity investment eligible
11 communities;

12 (3) persons who identify as Black, Indigenous, and
13 People of Color (BIPOC);

14 (4) justice-involved persons;

15 (5) persons who are or were in the child welfare
16 system;

17 (6) energy workers;

18 (7) dependents of displaced energy workers;

19 (8) women;

20 (9) LGBTQ+, transgender, or gender nonconforming
21 persons;

22 (10) persons with disabilities; and

23 (11) members of any of these groups who are also
24 youth.

25 "Equity investment eligible community" or "eligible
26 community" mean people living in geographic areas throughout

1 Illinois who will most benefit from equitable investments by
2 the State that are designed to combat historic inequities and
3 the effects of discrimination.

4 "Eligible community" includes census tracts that meet the
5 following characteristics:

6 (1) At least 15% of total population or at least 20% of
7 the population 18 or under fall below the federal poverty
8 level; and

9 (2) falls in the top 25th percentile in the State on
10 measured levels for one or more of the following
11 environmental indicators from the United States
12 Environmental Protection Agency's EJSCREEN screening tool:

13 (A) Diesel particulate matter level in air;

14 (B) Air toxics cancer risk;

15 (C) Air toxics respiratory hazard index;

16 (D) Indicator for major direct dischargers to
17 water;

18 (E) Proximity to National Priorities List (NPL)
19 sites;

20 (F) Proximity to Risk Management Plan (RMP)
21 facilities;

22 (G) Proximity to Treatment and Storage and
23 Disposal (TSDF) facilities;

24 (H) Ozone level in air; or

25 (I) PM2.5 (particulate matter with diameters that
26 are 2.5 micrometers and smaller) level in the air.

1 "Equity investment eligible persons" or "eligible persons"
2 means persons who would most benefit from equitable
3 investments by the State designed to combat discrimination,
4 specifically:

5 (1) persons whose primary residence is in an equity
6 investment eligible community;

7 (2) persons whose primary residence is in a
8 municipality or a county with a population under 100,000
9 where the closure of an electric generating unit or coal
10 mine has been publicly announced, or the electric
11 generating unit or coal mine is in the process of closing
12 or has closed within the last 5 years;

13 (3) persons who are graduates of or currently enrolled
14 in the foster care system; or

15 (4) persons who were formerly incarcerated.

16 "Plant owner" means the owners of an investor-owned
17 electric generating unit with a nameplate capacity of greater
18 than 300 megawatts.

19 Section 5-10. Findings. The General Assembly finds that
20 the clean energy sector is a growing area of the economy in the
21 State of Illinois. The General Assembly further finds that
22 State investment in the clean energy economy in Illinois can
23 be a vehicle for expanding equitable access to public health,
24 safety, a cleaner environment, quality jobs, and economic
25 opportunity.

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

1 Delivery Area, and one regional administrator selected for
2 coordination of the work in the Southern Illinois Program
3 Delivery Area.

4 (b) Each of the following programs shall be administered
5 by the 3 Regional Administrators selected under this Section
6 5-15:

7 (1) the Clean Jobs Workforce Hubs Network Program; and
8 (2) the Expanding Clean Energy Entrepreneurship and
9 Contractor Incubator Network Program.

10 (c) The regional administrators shall have: strong
11 capabilities, experience, and knowledge related to program
12 development and fiscal management; cultural and language
13 competency needed to be effective in their respective
14 communities to be served; expertise in working in and with
15 BIPOC and environmental justice communities; knowledge and
16 experience in working with employer or sectoral partnerships,
17 if applicable, in clean energy or related sectors; and
18 awareness of industry trends and activities, workforce
19 development best practices, regional workforce development
20 needs, regional and industry employers, and community
21 development. The regional administrators shall demonstrate a
22 track record of strong partnerships with community-based
23 organizations.

24 (d) The regional administrators shall work together to
25 coordinate the implementation of the Clean Jobs Workforce
26 Program.

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

2 (a) Subject to appropriation, the Department shall
3 develop, and through regional administrators administer, the
4 Clean Jobs Workforce Network Program ("Program") to create a
5 network of 16 Program delivery Hub Sites with program elements
6 delivered by community-based organizations and their
7 subcontractors geographically distributed across the State.

8 (1) The Clean Jobs Workforce Hubs Network shall be
9 made up of 16 Program delivery Hub Sites geographically
10 distributed across the State, including at least one Hub
11 Site located in or near each of the following areas:
12 Chicago (South Side), Chicago (Southwest and West Sides),
13 Waukegan, Rockford, Aurora, Joliet, Peoria, Champaign,
14 Danville, Decatur, Carbondale, East St. Louis, and Alton.

15 (2) Three additional Hub Sites shall be determined by
16 the Department. One of the additional sites shall be
17 located in the Northern Illinois Program Delivery Area
18 covering Northern Illinois, one of the additional sites
19 shall be located in the Central Illinois Program Delivery
20 Area covering Central Illinois, and one of the additional
21 sites shall be located in the Southern Illinois Program
22 Delivery Area covering Southern Illinois.

23 (b) The Program shall be available to members of one or
24 more of the population groups listed as equity focused
25 populations across the State to enter and complete the career

1 pipeline for clean energy jobs, with the goal of serving all of
2 the equity focused populations distributed across the network.

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

5 (1) in each Hub Site where the applicant pool allows,
6 dedicate at least one-third of program placements to
7 applicants who reside in eligible communities. Among
8 applicants that live in eligible communities,
9 preference shall be given to applicants who face barriers
10 to employment, including such as low educational
11 attainment, prior involvement with the criminal legal
12 system, and language barriers; and applicants that are
13 graduates of or currently enrolled in the foster care
14 system;

15 (2) in each Hub Site where the applicant pool allows,
16 dedicate at least two-thirds of program placements to
17 applicants that satisfy the criterion in paragraph (1) or
18 who reside in eligible communities. Among applicants who
19 live in eligible communities, preference shall be given to
20 applicants who face barriers to employment, such as low
21 educational attainment, prior involvement with the
22 criminal legal system, and language barriers; and
23 applicants that are graduates of or currently enrolled in
24 the foster care system; and

25 (3) prioritize the remaining program placements for
26 applicants who: are displaced energy workers as defined in

the Energy Community Reinvestment Act; persons that face barriers to employment, including low educational attainment, prior involvement with the criminal legal system, and language barriers; and applicants that are graduates of or currently enrolled in the foster care system, regardless of the applicants' area of residence.

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

Any person who applies to the program may elect not to share with the Department or Regional Administrators whether they are a graduate or currently enrolled in the foster-care system and whether they are justice-involved.

(d) Program elements for each Hub Site shall be provided by a community-based organization. The Department shall initially select a community-based organization in each Hub Site and shall subsequently select a community-based organization in each Hub Site every 3 years. Community-based organizations delivering program elements outlined in subsection (e) may provide all elements required or may

1 subcontract to other entities for provision of portions of
2 program elements, including, but not limited to,
3 administrative soft and hard skills for program participants,
4 delivery of specific training in the core curriculum, or
5 provision of other support functions for program delivery
6 compliance.

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

8 (1) coordinate with Energy Transition Navigators:

9 (A) to increase participation in the Clean Energy
10 Workforce Network and clean energy and related sector
11 workforce and training opportunities;

12 (B) coordinate recruitment, communications, and
13 ongoing engagement with potential employers,
14 including, but not limited to, activities such as job
15 matchmaking initiatives, hosting events such as job
16 fairs, and collaborating with other Hub Sites to
17 identify and implement best practices for employer
18 engagement;

19 (C) leverage community-based organizations,
20 educational institutions, and community-based and
21 labor-based training providers to ensure members of
22 equity focused populations across the State have
23 dedicated and sustained support, which may include
24 living-wage stipends and services such as childcare
25 and transportation assistance, to enter and complete
26 the career pipeline for clean energy and related

1 sector jobs; and

2 (D) develop formal partnerships, including formal
3 sector partnerships between community-based
4 organizations and (a) trades groups, (b) labor unions,
5 and (c) entities that provide clean energy jobs,
6 including businesses, nonprofit organizations, and
7 worker-owned cooperatives to ensure that Program
8 participants have priority access to high-quality
9 preapprenticeship, apprenticeship, and other
10 employment training and hiring opportunities.

11 (2) implement the Clean Jobs Curriculum, which may
12 include, but is not limited to, training,
13 preapprenticeship, certification preparation, job
14 readiness, and skill development, including soft skills,
15 math skills, technical skills, certification test
16 preparation, and other development needed, to Program
17 participant members of disadvantaged communities specified
18 in subsection (b) of this Section.

19 (f) Funding for the Program shall be made available from
20 the Energy Transition Assistance Fund, a special fund created
21 in the State treasury.

22 (g) The Department shall require submission of quarterly
23 reports including program performance metrics by each Hub Site
24 to the regional administrator of its Program Delivery Area.
25 Program performance measures include, but are not limited to:

26 (1) demographic data including: race, gender,

1 geographic location, residency in eligible communities,
2 foster care system participation, and justice-involvement
3 for applicants to the Program, and for persons accepted
4 into the Program;

5 (2) demographic data including: race, gender,
6 geographic location, residency in eligible communities,
7 foster care system participation, and justice-involvement
8 for trainees graduating the Program;

9 (3) demographic data including: race, gender,
10 geographic location, residency in eligible communities,
11 foster care system participation, and justice-involvement,
12 on Program trainees who are placed in employment,
13 including the percentages of trainees by race, gender, and
14 geographic categories in each individual job type or
15 category and whether employment is union, nonunion, or
16 nonunion via temp agency;

17 (4) trainee job acquisition and retention statistics,
18 including the duration of employment (start and end dates
19 of hires) by race, gender, geographic location, residency
20 in eligible communities, foster care system participation,
21 and justice-involvement;

22 (5) hourly wages, including hourly overtime pay rate,
23 and benefits of trainees placed into employment by race,
24 gender, geographic location, residency in eligible
25 communities, foster care system participation, and
26 justice-involvement; and

1 (6) percentage of jobs by race, gender, geographic
2 location, residency in eligible communities, foster care
3 system participation, and justice-involvement, held by
4 Program trainees or graduates that are full-time
5 equivalent positions, meaning that the position held is
6 full-time, direct, and permanent based on 2,080 hours
7 worked per year (paid directly by the employer, whose
8 activities, schedule, and manner of work the employer
9 controls, and receives pay and benefits in the same manner
10 as permanent employees).

11 (h) Within 3 years after the effective date of this Act,
12 the Department shall select an independent evaluator to review
13 and prepare a report on the performance of the Program and
14 regional administrators. The report shall be made available to
15 the public.

16 Section 5-25. Clean Jobs Curriculum.

17 (a) The Department shall convene a comprehensive
18 stakeholder process that includes representatives from the
19 Illinois State Board of Education, the Illinois Community
20 College Board, the Department of Labor, community-based
21 organizations, workforce development providers, labor unions,
22 building trades, educational institutions, residents of BIPOC
23 and low-income communities, residents of environmental justice
24 communities, clean energy businesses, nonprofit organizations,
25 worker-owned cooperatives, other groups that provide clean

1 energy jobs opportunities, and other participants to identify
2 the career pathways and training curriculum needed to prepare
3 workers to enter clean energy jobs and build careers. The
4 curriculum shall:

5 (1) identify the core training curricular competency
6 areas needed to prepare workers to enter clean energy and
7 related sector jobs, such as those included in, but not
8 limited to, the Multi-Craft Core Curriculum, U.S.
9 Department of Labor Employment and Training
10 Administration-sponsored CareerOneStop Renewable Energy
11 Competency Model, the Electric Vehicle Infrastructure
12 Training Program;

13 (2) identify a set of certifications for clean energy
14 and related sector job types to be included in respective
15 training programs and used to inform core training
16 Curricular competency areas, such as, but not limited to,
17 North American Board of Certified Energy Practitioners
18 (NABCEP) Board Certifications, Interstate Renewable Energy
19 Council (IREC) Accredited Certificate Programs, American
20 Society of Heating, Refrigerating and Air-Conditioning
21 Engineers (ASHRAE) ANSI/ISO accreditation standard
22 certifications, Electric Vehicle Infrastructure Training
23 Program Certifications, and UL Certification for EV
24 infrastructure;

25 (3) identify a set of required core cross-training
26 competencies provided in each training area for clean

1 energy jobs with the goal of enabling any trainee to
2 receive a standard set of skills common to multiple
3 training areas that would provide a foundation for
4 pursuing a career composed of multiple clean energy job
5 types;

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

11 (5) identify, directly or through references to
12 external resources, career pathways for clean energy jobs
13 types, such as, but not limited to, pathways identified
14 in: IREC Careers in Climate Control Technology Map, IREC
15 Solar Career Map for Workforce Training, NABCEP
16 Certification Career Map, and U.S. Department of Labor's
17 Bureau of Labor Statistics Green Jobs Initiative; and

18 (6) identify on-the-job training formats, where
19 relevant; and identify suggested trainer certification
20 standards, where relevant.

21 (b) The Department shall publish a report that includes
22 findings, recommendations, and core curriculum identified by
23 the stakeholder group and shall post a copy of the report on
24 its public website. The Department shall convene the process
25 described to update and modify the recommended curriculum
26 every 3 years to ensure the curriculum contents are current to

1 the evolving clean energy industries, practices, and
2 technologies.

3 (c) Organizations that receive funding to provide training
4 under the Clean Jobs Workforce Hubs Program, including, but
5 not limited to, community-based and labor-based training
6 providers, and educational institutions must use the core
7 curriculum that is developed under this Section.

8 Section 5-30. Energy Workforce Advisory Council.

9 (a) The Energy Workforce Advisory Council is hereby
10 created within the Department.

11 (b) The Council shall consist of the following voting
12 members, chosen to ensure diverse geographic representation:

13 (1) two members representing trade associations
14 representing companies active in the clean energy
15 industries;

16 (2) two members representing a labor union;

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

19 (4) two members representing higher education;

20 (5) two members representing economic development
21 organizations;

22 (6) two members representing local workforce
23 innovation boards;

24 (7) two residents of environmental justice
25 communities;

1 (8) three members from community-based organizations
2 in environmental justice communities and community-based
3 organizations serving low-income persons and families;

4 (9) two members who are policy or implementation
5 experts on small business development, contractor
6 incubation, or small business lending and financing needs;

7 (10) two members who are policy or implementation
8 experts on workforce development for populations and
9 individuals such as low-income persons and families,
10 environmental justice communities, BIPOC communities,
11 justice-involved persons, persons who are or were in the
12 child welfare system, energy workers, gender nonconforming
13 and transgender individuals, and youth; and

14 (11) two representatives of clean energy businesses,
15 nonprofit organizations, or other groups that provide
16 clean energy.

17 The President of the Senate, the Minority Leader of the
18 Senate, the Speaker of the House of Representatives, and the
19 Minority Leader of the House of Representatives shall each
20 appoint one non-voting member of the Council.

21 (c) The Council shall:

22 (1) coordinate and inform on worker and contractor
23 support priorities beyond current federal, State, local,
24 and private programs and resources;

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

1 (3) have other duties determined by the Council to
2 further the success of the workforce hubs, incubators, and
3 returning residents programs;

4 (4) review program performance metrics;

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

7 (i) the Clean Jobs Workforce Hubs Network Program;

8 (ii) the Expanding Clean Energy Entrepreneurship
9 and Contractor Incubator Network Program;

10 (iii) the Returning Residents Clean Jobs Training
11 Program; and

12 (iv) the Illinois Clean Energy Black, Indigenous,
13 and People of Color Primes Contractor Accelerator;

14 (6) recommend outreach opportunities to ensure that
15 program contracting, training, and other opportunities are
16 widely publicized;

17 (7) participate in independent program evaluations;

18 and

19 (8) assist the Department by providing insight into
20 how relevant state, local, and federal programs are viewed
21 by residents, businesses, and institutions within their
22 respective communities.

23 (d) The Council shall conduct its first meeting within 30
24 days after all members have been appointed. The Council shall
25 meet quarterly after its first meeting. Additional hearings
26 and public meetings are permitted at the discretion of the

1 members. The Council may meet in person or through video or
2 audio conference. Meeting times may be varied to accommodate
3 Council member schedules.

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

7 Section 5-35. Energy Transition Barrier Reduction Program.

8 (a) Subject to appropriation, the Department shall create
9 and administer an Energy Transition Barrier Reduction Program.
10 The Energy Transition Barrier Reduction Program shall be used
11 to provide supportive services for individuals impacted by the
12 energy transition. Services allowed are intended to help
13 equity focused populations overcome financial and other
14 barriers to participation in the Clean Jobs Workforce Hubs
15 Program.

16 (b) The Program shall be available to members of one or
17 more of the equity focused populations from communities in the
18 following order of priority: (i) communities that host
19 coal-fired power plants, or coal mines, or both; and (ii)
20 communities across the State.

21 (c) The Department shall determine appropriate allowable
22 program costs, elements and financial supports to reduce
23 barriers to successful participation in the Clean Jobs
24 Workforce Program for equity focused populations.

25 (d) Community-based organizations and other nonprofits

1 selected by the Department will be selected to provide
2 supportive services described in this Section to equity
3 focused populations participating in the Clean Jobs Workforce
4 Program.

5 (e) The community-based organizations that provide support
6 services under this Section shall coordinate with the Energy
7 Transition Navigators to ensure equity focused populations
8 have access to these services.

9 (f) Funding for the Program shall be made available from
10 the Energy Community Reinvestment Fund.

11 Section 5-40. Energy Transition Navigators.

12 (a) In order to engage equity focused populations to
13 participate in the Clean Jobs Workforce Program and utilize
14 the services offered under the Energy Transition Barrier
15 Reduction Program, the Department shall, subject to
16 appropriation, contract with community-based providers to
17 conduct education, outreach, and recruitment services to
18 equity focused populations to make sure they are aware of and
19 engaged in the statewide and local workforce development
20 systems. Additional strategies shall include recruitment
21 activities and events, among others.

22 (b) For members of equity focused populations who may be
23 interested in entrepreneurial pursuits, Energy Transition
24 Navigators shall connect these individuals with their area
25 Small Business Development Center, Procurement Technical

1 Assistance Centers, and economic development organization to
2 engage in services such as business consulting, business
3 planning, regulatory compliance, marketing, training,
4 accessing capital, government bid, certification assistance,
5 and others.

6 (c) Energy Transition Navigators shall build strong
7 relationships with equity focused populations, organizations
8 working with these populations, local workforce innovation
9 boards, and other stakeholders to coordinate outreach
10 initiatives promoting information about the programs and
11 services offered under the Clean Jobs Workforce Program and
12 Energy Transition Barrier Reduction Program, and support
13 clients applying for these services and programs.

14 (d) Community education, outreach, and recruitment about
15 the Clean Jobs Workforce Program and Energy Transition Barrier
16 Reduction Program shall be targeted to the equity focused
17 populations.

18 (e) Community-based providers will partner with
19 educational institutions or organizations working with equity
20 focused populations, local employers, labor unions, and others
21 to identify members of equity focused populations in eligible
22 communities who are unable to advance in their careers due to
23 inadequate skills. Community-based providers shall provide
24 information and consultation to equity focused populations on
25 various educational opportunities and supportive services
26 available to them.

1 (f) Community-based providers shall establish partnerships
2 with employers, educational institutions, local economic
3 development organizations, environmental justice
4 organizations, trades groups, labor unions, and entities that
5 provide jobs, including businesses and other nonprofit
6 organizations to target the skill needs of local industry. The
7 community-based provider shall work with local workforce
8 innovation boards and other relevant partners to develop skill
9 curriculum and career pathway support for disadvantaged
10 individuals in equity focused populations that meets local
11 employer's needs and establishes job placement opportunities
12 after training.

13 (g) Funding for the Program shall be made available from
14 the Energy Community Reinvestment Fund.

15 (h) Priority in awarding grants under this Section will be
16 given to organizations that also have experience serving
17 equity investment eligible communities.

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

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

26 (2) the number of individuals who apply to,

1 participate in, and complete programs offered through the
2 Energy Transition Workforce Program, broken down by race,
3 gender, age, and location; and

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

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

7 (a) Subject to appropriation, the Department shall
8 develop, and through the Regional Administrators, administer
9 the Clean Energy Contractor Incubator Program ("Program") to
10 create a network of 16 Program delivery Hub Sites with program
11 elements delivered by community-based organizations and their
12 subcontractors geographically distributed across the State.

13 (1) The Clean Jobs Workforce Hubs Network shall be
14 made up of 16 Program delivery Hub Sites geographically
15 distributed across the State, including at least one Hub
16 Site located in or near each of the following areas:
17 Chicago (South Side), Chicago (Southwest and West Sides),
18 Waukegan, Rockford, Aurora, Joliet, Peoria, Champaign,
19 Danville, Decatur, Carbondale, East St. Louis, and Alton.

20 (2) Three additional Hub Sites shall be determined by
21 the Department. One of the additional sites shall be
22 located in the Northern Illinois Program Delivery Area
23 covering Northern Illinois, one of the additional sites
24 shall be located in the Central Illinois Program Delivery
25 Area covering Central Illinois, and one of the additional

1 sites shall be located in the Southern Illinois Program
2 Delivery Area covering Southern Illinois.

3 (b) The Program shall be available to clean energy
4 contractor businesses and nonprofits, whose owners are members
5 of equity focused populations, across the State to develop and
6 grow and effectively compete for, gain, and execute clean
7 energy-related projects that create clean energy jobs.

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

10 (1) in each Hub Site where the applicant pool allows,
11 dedicate at least one-third of program placements to the
12 owners of clean energy contractor businesses and
13 nonprofits ("applicants") who reside in a geographic area
14 that is impacted by economic and environmental challenges,
15 defined as an area that is both (i) an R3 Area, as defined
16 pursuant to Section 10-40 of the Cannabis Regulation and
17 Tax Act, and (ii) an environmental justice community, as
18 defined by the Illinois Power Agency, excluding any racial
19 or ethnic indicators used by the agency unless and until
20 the constitutional basis for their inclusion in
21 determining program admissions is established. Among
22 applicants that satisfy this criterion, preference shall
23 be given to applicants who face barriers to employment,
24 including low educational attainment, prior involvement
25 with the criminal legal system, and language barriers; and
26 applicants that are graduates of or currently enrolled in

1 the foster care system;

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

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

1 system, regardless of the applicants' area of residence.

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

11 Any person who applies to the program may elect not to
12 share with the Department or Regional Administrators whether
13 they are a graduate or currently enrolled in the foster-care
14 system and whether they are justice-involved.

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

1 compliance.

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

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

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

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

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

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

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

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

4 (f) Funding for the Program shall be made available from
5 the Energy Transition Assistance Fund.

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

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

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

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

26 (4) changes in participant contractors' business

revenue, by race, gender, geographic location, R3 residency, Environmental Justice Community residency, foster care system participation, and justice-involvement for the owners of contractors;

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

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

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

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

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

(h) Within 3 years of the effective date, the Department shall select an independent evaluator to review and prepare a

1 report on the performance of the Program and regional
2 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 Program
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, non-profits, and
19 local governments; and

20 (3) has a history of serving inmate or
21 justice-involved 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 Administrator" means, for each Program Delivery
6 Area, the administrator selected by the Department pursuant to
7 paragraph (1) of subsection (g) of this Section.

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

12 (c) Returning Residents Clean Jobs Training Program.

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

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

22 (3) Connection to employers. The Program
23 Administrators shall, with assistance from the Regional
24 Administrators, connect Program graduates with potential
25 employers in the solar power and energy efficiency and
26 related industries.

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

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

(i) is within 36 months of expected release;

(ii) the person has consented in writing to participation in the program;

(iii) meets all Program and testing requirements;

(iv) is willing to follow all Program requirements;

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

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

(d) Program entry and testing requirements. To enter the Returning Residents Clean Jobs Training Program, committed persons must complete a simple application, undergo an interview and coaching session, and must score a minimum of a 6.0 or above on the Test for Adult Basic Education. The

1 Returning Residents Clean Jobs Training Program shall include
2 a one week "pre" program orientation that ensures the
3 candidates understand and are interested in continuing the
4 Program. Candidates that successfully complete the orientation
5 may continue to the full Program.

6 (e) Removal from the program. The Department of
7 Corrections may remove a committed person enrolled in the
8 Program for violation of institutional rules; failure to
9 participate or meet expectations of the program; failure of a
10 drug test; disruptive behavior; or for reasons of safety,
11 security, and order of the facility.

12 (f) Drug testing. A clean drug test is required to
13 complete the Returning Residents Clean Jobs Training Program.
14 A drug test shall be administered at least once prior to
15 graduation, The Department of Corrections shall be responsible
16 for the drug testing of applicants.

17 (g) Curriculum.

18 (1) The Department of Commerce and Economic
19 Opportunity shall design a curriculum for the Program that
20 is as similar as practical to the Clean Jobs Curriculum
21 and meets in-facility requirements. The curriculum shall
22 focus on preparing graduates for employment in the solar
23 power and energy efficiency industries. The Program shall
24 include structured hands-on activities in correctional
25 institutions or facilities, including classroom spaces and
26 outdoor spaces, to instruct participants in the core

1 curriculum established in this Act. The Department shall
2 consult with the Department of Corrections to ensure all
3 curriculum elements may be available within Department of
4 Corrections facilities.

5 (2) The Program Administrators shall collaborate to
6 create and publish a guidebook that allows for the
7 implementation of the curriculum and provides information
8 on all necessary and useful resources for program
9 participants and graduates.

10 (h) Program administration.

11 (1) The Department of Commerce and Economic
12 Opportunity shall establish and hire a Program
13 Administrator for each Program Delivery Area to administer
14 and coordinate the Program. The Program Administrators
15 shall have strong capabilities, experience, and knowledge
16 related to program development and economic management;
17 cultural and language competency needed to be effective in
18 the communities to be served; expertise in working in and
19 with BIPOC and environmental justice communities;
20 knowledge and experience in working with providers of
21 clean energy jobs; and awareness of solar power and energy
22 efficiency industry trends and activities, workforce
23 development best practices, and regional workforce
24 development needs, and community development. The Program
25 Administrators shall demonstrate a track record of strong
26 partnerships with community-based organizations.

1 The Program Administrator must pass a background
2 check administered by the Illinois Department of
3 Corrections and be approved by the Illinois Department
4 of Corrections to work within a secure facility prior
5 to being hired by the Department of Commerce and
6 Economic Opportunity for a program delivery area.

7 (2) The Program Administrators shall:

8 (i) coordinate with Regional Administrators and
9 the Clean Jobs Workforce Hubs Network Program to
10 ensure execution, performance, partnerships,
11 marketing, and program access across the State
12 consistent with respecting regional differences;

13 (ii) work with community-based organizations
14 approved to provide industry recognized credentials or
15 education institutions to deliver the Program;

16 (iii) collaborate to create and publish an
17 employer "Hiring Returning Residents" handbook that
18 includes benefits and expectations of hiring returning
19 residents, guidance on how to recruit, hire, and
20 retain returning residents, guidance on how to access
21 state and federal tax credits and incentives,
22 resources from federal and state, guidance on how to
23 update company policies to support hiring and
24 supporting returning residents, and an understanding
25 of the harm in one-size fits all policies toward
26 returning residents. The handbook shall be updated

1 every 5 years or more frequently if needed to ensure
2 its contents are accurate. The handbook shall be made
3 available on the Department's website;

4 (iv) work with potential employers to promote
5 company policies to support hiring and supporting
6 returning residents via employee/employer liability,
7 coverage, insurance, bonding, training, hiring
8 practices, and retention support;

9 (v) provide services such as job coaching and
10 financial coaching to Program graduates to support
11 employment longevity; and

12 (vi) identify clean energy job opportunities and
13 assist participants in achieving employment. The
14 Program shall include at least one job fair; include
15 job placement discussions with clean energy employers;
16 establish a partnership with Illinois solar energy
17 businesses and trade associations to identify solar
18 employers that support and hire returning residents,
19 and; involve the Department of Commerce and Economic
20 Opportunity, Regional Administrators, and the Advisory
21 Council in finding employment for participants and
22 graduates in the clean energy and related sector
23 industries.

24 (3) Program Administrators shall contract with local
25 community-based organizations to provide Program elements
26 at each facility. Contracts with local community-based

organizations shall be initially competitively selected and subsequently competitively selected by the Department of Commerce and Economic Opportunity. Community-based organizations delivering the Program elements outlined may provide all elements required or may subcontract to other entities for the provision of portions of Program elements. All contractors who have regular interactions with committed persons, regularly access a Department of Corrections facility, or regularly access a committed persons' personal identifying information or other data elements must pass a Department of Corrections background check prior to being approved to administer the program elements at a facility.

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

(5) The Program Administrators may establish shortened Returning Resident Clean Jobs Training Programs to prepare and place graduates in the Clean Jobs Workforce Hubs Network Program following release from commitment. Any graduate of these programs must be guaranteed placement in a Clean Jobs Workforce Hubs training program.

(6) The Director of Corrections shall:

(i) Ensure that the wardens or superintendents of all correctional institutions and facilities visibly

1 post information on the Program in an accessible
2 manner for committed individuals.

3 (ii) Identify the institutions and facilities
4 within the Department of Corrections that will offer
5 the Program. The determination of which facility will
6 offer the Program shall be based on available
7 programming space, staffing, population, facility
8 mission, security concerns, and any other relevant
9 factor in determining suitable locations for the
10 program.

11 (i) Performance Metrics.

12 (1) The Program Administrators shall collect data to
13 evaluate and ensure Program and participant success,
14 including:

15 (i) number of returning residents who enrolled in
16 the Program;

17 (ii) number of returning residents who completed
18 the Program;

19 (iii) total number of individuals discharged;

20 (iv) demographics of each entering and graduating
21 class;

22 (v) percentage of graduates employed at 6 and 12
23 months after release;

24 (vi) recidivism rate of Program participants at 3
25 and 5 years after release;

26 (vii) candidates interviewed and hiring status;

(viii) graduate employment status, such as hire date, pay rates, whether full-time, part-time, or seasonal, and separation date; and

(ix) continuing education and certifications gained by Program graduates.

(2) The Department of Commerce and Economic Opportunity shall publish an annual report containing these performance metrics. Data may be disaggregated by institution, discharge, or residence address of resident, and other factors.

(j) Funding. Funding for this Program shall be made available from the Energy Transition Assistance Fund and other sources.

(k) Access. The Program instructors and staff must pass a background check administered by the Department of Corrections prior to entering a Department of Corrections institution or facility. The Warden or Superintendent shall have the authority to deny a program instructor or staff member entry into an institution or facility for safety and security concerns or failure to follow all facility procedures or protocols. A program instructor or staff member administering the Program may be terminated or have their contract cancelled if the program instructor or staff member is denied entry into an institution or facility for safety and security concerns.

1 (a) As used in this Section:

2 "Approved Vendor" means the definition of that term used
3 and as may be updated by the Illinois Power Agency.

4 "Minority business" means a minority-owned business as
5 described in Section 2 of the Business Enterprise for
6 Minorities, Women, and Persons with Disabilities Act.

7 "Minority Business Enterprise certification" means the
8 certification or recognition certification affidavit from the
9 State of Illinois Department of Central Management Services
10 Business Enterprise Program or a program with equivalent
11 requirements.

12 "Returning Resident" is defined as in the Returning
13 Residents Clean Jobs Training Program.

14 (b) Subject to appropriation, the Department shall
15 develop, and through a Primes Program Administrator and
16 Regional Primes Program Leads described below, administer the
17 Clean Energy Primes Contractor Accelerator ("Program"). The
18 Program shall be administered in 3 program delivery areas: the
19 Northern Illinois Program Delivery Area covering Northern
20 Illinois, the Central Illinois Program Delivery Area covering
21 Central Illinois, and the Southern Illinois Program Delivery
22 Area covering Southern Illinois. Prior to developing the
23 Program, the Department shall solicit public comments, with a
24 30-day comment period, to gather input on Program
25 implementation and associated community outreach options.

26 (c) The Program shall be available to selected contractors

1 who best meet the following criteria:

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

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

5 (3) a substantial and demonstrated commitment of
6 investing in and partnering with individuals and
7 institutions in communities that are economically
8 underserved or overburdened by pollution.

9 The Department shall develop a scoring criteria to select
10 contractors for the program, which will consider:

11 (1) projected hiring and industry job creation,
12 including wage and benefit expectations;

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

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

17 (4) capacity the applicant is anticipated to bring to
18 project development;

19 (5) willingness to assume risk;

20 (6) anticipated revenues from future projects;

21 (7) history of commitment to advancing equity as
22 demonstrated by, among other things, employment of or
23 ownership by Equity Investment Eligible Persons and a
24 history of partnership with equity-focused community
25 organizations or government programs; and

26 (8) Business models that build wealth in the larger

1 underserved community.

2 Applicants for Program participation shall be allowed to
3 reapply for a future cohort if they are not selected, and the
4 Primes Program Administrator shall inform each applicant of
5 this option.

6 (d) The Department, in consultation with the Primes
7 Program Administrator and Regional Primes Program Leads, will
8 select a new cohort of participant contractors from each
9 Program Delivery Area every 18 months. Each regional cohort
10 will include between 3 and 5 participants. The Program shall
11 cap contractors in the energy efficiency sector at 50% of
12 available cohort spots and 50% of available grants and loans
13 if possible.

14 (e) The Department shall hire a Primes Program
15 Administrator with experience in leading a large
16 contractor-based business in Illinois; coaching and mentoring;
17 the Illinois clean energy industry; and working with diverse,
18 underserved, BIPOC and environmental justice communities and
19 businesses.

20 (f) The Department shall select with 3 Regional Primes
21 Program Leads who will report directly to the Primes Program
22 Administrator. The Regional Primes Program Leads shall be
23 located within their Program Delivery Area and have experience
24 in leading a large contractor-based business in Illinois;
25 coaching and mentoring; the Illinois clean energy industry;
26 developing relationships with companies in the Program

1 Delivery Area; and working with diverse, underserved, BIPOC
2 and environmental justice communities and businesses.

3 (g) The Department may determine how program elements will
4 be delivered or may contract with organizations with
5 experience delivery the program elements described in
6 paragraph (h) of this Section.

7 (h) The Clean Energy Primes Contractor Accelerator Program
8 shall provide participants with:

9 (1) a 5-year, 6-month progressive course of one-on-one
10 coaching to assist each participant in developing an
11 achievable 5-year business plan, including review of
12 monthly metrics, and advice on achieving participant's
13 goals;

14 (2) operational support grants not to exceed
15 \$1,000,000 annually to support the growth of minority
16 contractors with access to capital for upfront project
17 costs and pre-development funding, among others. The
18 amount of the grant shall be based on anticipated project
19 size and scopes;

20 (3) business coaching based on the participant's
21 needs;

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

24 (5) access to Clean Energy Contractor Incubator
25 Program services;

26 (6) assistance with applying for Minority Business

1 Enterprise certification and other relevant certifications
2 and Approved Vendor status for programs offered by
3 utilities or other entities;

4 (7) assistance with preparing bids and Request for
5 Proposal applications;

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

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

11 (10) opportunities to connect with funding
12 opportunities from the Illinois Power Agency's Adjustable
13 Block Program and Illinois Solar For All program and
14 utility programs; and

15 (11) financial development assistance programs such as
16 zero- and low-interest loans with the Climate Bank as
17 established by Article 850 or a comparable financing
18 mechanism. The Illinois Finance Authority shall retain
19 authority to determine loan repayment terms and
20 conditions.

21 (i) The Primes Program Administrator shall:

22 (1) collect and report performance metrics as
23 described in this Section;

24 (2) review and assess:

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

26 (ii) the mentorship program, including approved

1 Mentor Companies and their stipend awards;

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

5 (j) The Regional Primes Program Leads shall:

6 (1) Publicize the Program; the budget shall include
7 funds to pay community-based organizations with a track
8 record of working with diverse, underserved, and
9 environmental justice communities to complete this work;

10 (2) recruit qualified Program applicants;

11 (3) assist Program applicants with the application
12 process;

13 (4) introduce participants to the Program offerings;

14 (5) conduct entry and annual assessments with
15 participants to identify training, coaching, and other
16 Program service needs;

17 (6) assist participants in developing goals on entry
18 and annually, and assessing progress toward meeting the
19 goals;

20 (7) establish a metric reporting system with each
21 participant and track the metrics for progress against the
22 contractor's work plan and Program goals;

23 (8) assist participants in receiving their Minority
24 Business Enterprise certification and any other relevant
25 certifications and Approved Vendor statuses;

26 (9) match participants with Contractor Incubator

offerings and individualized expert coaching, including training on working with returning residents and companies that employ them;

(10) pair participants with a Mentor Company;

(11) facilitate connections between participants and potential subcontractors and employees;

(12) dispense participant's awarded operational grant funding;

(13) connect participants to zero- and low-interest loans from the Climate Bank as established by Article 850 or a comparable financing mechanism;

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

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

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

(17) other duties as required.

(k) Performance Metrics. The Primes Program Administrator and Regional Primes Program Leads shall collaborate to collect and report the following metrics quarterly to the Department and Advisory Council. Data should be anonymized where needed to protect participant privacy:

(1) Demographic information on cohort recruiting and formation, including racial, gender, geographic distribution data, and data on the number and percentage of R3 residents, Environmental Justice community residents, foster care alumni and justice-involved persons that are cohort applicants and admitted participants.

(2) participant contractor engagement in other Illinois clean energy programs such as the Adjustable Block Program, Illinois Solar for All, and the utility-run energy efficiency and electric vehicle programs; The Department shall make such reports publicly available on its website.

(3) retention of participants in each cohort;

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

(5) certifications issued;

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

(7) grants and loans distributed; and

(8) participant satisfaction with the Program.

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

(1) Mentorship Program.

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

(i) excellent standing with state clean energy programs;

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

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

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

(3) The Primes Program Administrator shall develop guidelines for Mentor Company-mentee profit sharing or purchased services agreements.

(4) The Regional Primes Program Leads shall:

(i) collaborate with Mentor Companies and participants to create a plan for ongoing contact such as on-the-job training, site walkthroughs, business process and structure walkthroughs, quality assurance and quality control reviews, and other relevant activities;

(ii) recommend the Mentor Company-mentee pairings and associated Mentor Company stipends for approval.

(iii) conduct an annual review of each Mentor Company-mentee pairing and recommend whether it continues for a second year and the level of stipend that is appropriate. The review will also ensure that any profit-sharing and purchased services agreements adhere to the guidelines established by the Primes Program Administrator.

(5) Contractors may request reassignment to a new Mentor Company.

(m) Disparity study. Within 3 months of the Program launch, the Program Administrator shall evaluate whether sufficient information is available to conduct a social scientific study that measures the presence and impact of racial discrimination on minority business and workers in the industry this Program serves and begin such a study as quickly as is feasible. If sufficient information is unavailable, the Program Administrator shall identify measures to develop or obtain such information. The Department shall begin conduct,

1 as soon as practical but no less than 18 months after program
2 launch, a social scientific study that measures the impact of
3 discrimination on minority businesses and workers and issue a
4 report of its findings and recommendations for remedies,
5 including, but not limited to, race-conscious remedies, to
6 rapidly eliminate discrimination on minority businesses and
7 workers in the industry this Program serves. Remedies shall be
8 developed through consultation with individuals, companies,
9 and organizations that have expertise on discrimination faced
10 in the market and potential remedies for addressing it.
11 Notwithstanding any other requirement of this Section, the
12 Program Administrator shall modify program participation
13 criteria or goals as soon as the report has been published, in
14 such a way as is consistent with state and federal law, to
15 rapidly eliminate discrimination on minority businesses and
16 workers in the industry this Program serves by setting
17 standards for Program participation. This study will be paid
18 for with funds from the Energy Transition Assistance Fund.

19 (n) Program budget.

20 (1) The Department shall allocate \$3,000,000 annually
21 to the Primes Program Administrator for each of the 3
22 regional budgets from the Energy Transition Assistance
23 Fund.

24 (2) The Primes Program Administrator shall work with
25 the Illinois Finance Authority and the Climate Bank as
26 established by Article 850 or comparable financing

1 institution so that loan loss reserves may be sufficient
2 to underwrite \$7,000,000 in low-interest loans in each of
3 the 3 Program Delivery Areas.

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

6 Section 5-60. Jobs and Environmental Justice Grant
7 Program.

8 (a) In order to provide upfront capital to support the
9 development of projects, businesses, community organizations,
10 and jobs creating opportunity for Black, Indigenous, and
11 People of Color, and to provide seed capital to support
12 community ownership of renewable energy projects, the Program
13 shall create and administer a Jobs and Environmental Justice
14 Grant Program. The grant program shall be designed to help
15 remove barriers to project, community, and business
16 development caused by a lack of capital.

17 (b) The grant program shall provide grant awards of up to
18 \$1,000,000 per application to support the development of
19 renewable energy resources as defined in Section 1-75 of the
20 Illinois Power Agency Act, and Energy Efficiency projects as
21 defined in Sections 8-103B and 8-104.1 of the Public Utilities
22 Act. The amount of a grant award shall be based on a project's
23 size and scope. Grants shall be provided upfront, in advance
24 of other incentives, to provide businesses, organizations, and
25 community groups with capital needed to plan, develop, and

1 execute a project. Grants shall be designed to coordinate with
2 and supplement existing incentive programs, such as the
3 Adjustable Block Program, the Illinois Solar for All Program,
4 the Community Renewable Generation Program, and renewable
5 energy procurements as described in the Illinois Power Agency
6 Act, as well as utility Energy Efficiency programs as
7 described in Sections 8-103B and 8-104.1 of the Public
8 Utilities Act.

9 (c) The grant program shall include 2 subprograms: one
10 subprogram titled the Equitable Energy Future Grant Program
11 and one subprogram titled the Community Solar Energy
12 Sovereignty Grant Program.

13 (d) The Equitable Energy Future Grant Program is designed
14 to provide seed funding and pre-development funding
15 opportunities for disadvantaged contractors and to projects
16 that earn Equity Eligible Future certification.

17 (1) The Equitable Energy Grant Program shall be
18 awarded to businesses and nonprofit organizations for
19 costs related to the following activities and project
20 needs:

21 (i) planning and project development, including
22 costs for professional services such as architecture,
23 design, engineering, auditing, consulting, and
24 developer services;

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

26 (iii) purchasing and leasing of land;

- (iv) permitting and zoning;
- (v) interconnection application costs and fees, studies, and expenses;
- (vi) equipment and supplies;
- (vii) community outreach, marketing, and engagement;
- (viii) staff and operations expenses.

(2) Grants shall be awarded to projects that most effectively provide opportunities for Equity Eligible Contractors and Equity Investment Eligible Communities, and should consider the following criteria:

(i) projects that provide community benefits, as defined by projects that have one or more of the following characteristics: (A) greater than 50% of the project's energy provided or saved benefits low-income residents, or (B) the project benefits not-for-profit organizations providing services to low-income households, affordable housing owners, or community-based limited liability companies providing services to low-income households;

(ii) projects that are located in Equity Investment Eligible Communities;

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

(iv) projects that contract with contractors who are participating or have participated in the Expanding Clean Energy Entrepreneurship and Contractor

1 Incubators Network Program, or similar programs; and
2 (v) projects employ a minimum of 51% of its
3 workforce from participants and graduates of the Clean
4 Jobs Workforce Hubs Network Program and Returning
5 Residents Clean Jobs Training Program as described in
6 this Act.

7 (3) Grants shall be awarded to applicants that meet
8 the following criteria:

9 (i) earn Equitable Energy Future certification per
10 the equity accountability systems described in
11 paragraph (7) of subsection (c) of Section 1-75 of the
12 Illinois Power Agency Act, or meet the equity building
13 criteria in paragraph (9.5) of subsection (g) of
14 Section 8-103B of the Public Utilities Act or in
15 paragraph (9.5) of subsection (j) of Section 8-104.1
16 of the Public Utilities Act; and

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

20 (e) The Community Solar Energy Sovereignty Grant Program
21 shall be designed to support the predevelopment and
22 development of community solar projects that promote community
23 ownership and energy sovereignty.

24 (1) Grants shall be awarded to applicants that best
25 demonstrate the ability and intent to create community
26 ownership and other local community benefits, including

1 local community wealth building via community renewable
2 generation projects. Grants shall be prioritized to
3 applicants for whom:

4 (i) proposed project is located in and supporting
5 an Equity Investment Eligible Community or
6 Communities;

7 (ii) proposed project provides additional benefits
8 for participating low-income households.

9 (2) Grant funds shall be awarded to support project
10 pre-development work and may also be awarded to support
11 the development of programs and entities to assist in the
12 long-term governance, management, and maintenance of
13 community-solar projects, such as community solar
14 cooperatives. For example, funds may be awarded for:

15 (i) early stage project planning;

16 (ii) project team organization;

17 (iii) site identification;

18 (iv) organizing a project business model and
19 securing financing;

20 (v) procurement and contracting;

21 (vi) customer outreach and enrollment;

22 (vii) preliminary site assessments;

23 (viii) development of cooperative or community
24 ownership model; and

25 (ix) development of project models that allocate
26 benefits to Equity Investment Eligible Communities.

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

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

(5) The amount of a grant shall be based on a projects' size and scope. Grants shall allow for a significant portion, or the entirety, of the grant value to be made upfront, in advance of other incentives, to ensure businesses and organizations have capital needed to plan, develop, and execute a project.

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

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

(h) The grant subprograms shall have a budget of \$20,000,000 per year, for a minimum of 4 years, and continued

1 after that until funds are no longer available or the program
2 is ended by the Department. No more than 25% of the allocated
3 budget shall go to the Community Solar Energy Sovereignty
4 Grant Program.

5 Section 5-65. The Illinois Finance Authority Act is
6 amended by changing Sections 801-1, 801-5, 801-10, and 801-40
7 and adding Article 850 as follows:

8 (20 ILCS 3501/801-1)

9 Sec. 801-1. Short Title. Articles 801 through 850 ~~845~~ of
10 this Act may be cited as the Illinois Finance Authority Act.
11 References to "this Act" in Articles 801 through 850 ~~845~~ are
12 references to the Illinois Finance Authority Act.

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

14 (20 ILCS 3501/801-5)

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

17 (a) that there are a number of existing State authorities
18 authorized to issue bonds to alleviate the conditions and
19 promote the objectives set forth below; and to provide a
20 stronger, better coordinated development effort, it is
21 determined to be in the interest of promoting the health,
22 safety, morals and general welfare of all the people of the
23 State to consolidate certain of such existing authorities into

1 one finance authority;

2 (b) that involuntary unemployment affects the health,
3 safety, morals and general welfare of the people of the State
4 of Illinois;

5 (c) that the economic burdens resulting from involuntary
6 unemployment fall in part upon the State in the form of public
7 assistance and reduced tax revenues, and in the event the
8 unemployed worker and his family migrate elsewhere to find
9 work, may also fall upon the municipalities and other taxing
10 districts within the areas of unemployment in the form of
11 reduced tax revenues, thereby endangering their financial
12 ability to support necessary governmental services for their
13 remaining inhabitants;

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

16 (e) that protection against involuntary unemployment, its
17 economic burdens and the spread of economic stagnation can
18 best be provided by promoting, attracting, stimulating and
19 revitalizing industry, manufacturing and commerce in the
20 State;

21 (f) that the State has a responsibility to help create a
22 favorable climate for new and improved job opportunities for
23 its citizens by encouraging the development of commercial
24 businesses and industrial and manufacturing plants within the
25 State;

26 (g) that increased availability of funds for construction

1 of new facilities and the expansion and improvement of
2 existing facilities for industrial, commercial and
3 manufacturing facilities will provide for new and continued
4 employment in the construction industry and alleviate the
5 burden of unemployment;

6 (h) that in the absence of direct governmental subsidies
7 the unaided operations of private enterprise do not provide
8 sufficient resources for residential construction,
9 rehabilitation, rental or purchase, and that support from
10 housing related commercial facilities is one means of
11 stimulating residential construction, rehabilitation, rental
12 and purchase;

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

22 (j) that it is in the public interest and the policy of
23 this State to the extent possible, to reduce the costs of
24 indebtedness to taxpayers and residents of this State and to
25 encourage continued investor interest in the purchase of bonds
26 or notes of governmental units as sound and preferred

1 securities for investment; and to encourage governmental units
2 to continue their independent undertakings of public
3 improvements and other governmental purposes and the financing
4 thereof, and to assist them in those activities by making
5 funds available at reduced interest costs for orderly
6 financing of those purposes, especially during periods of
7 restricted credit or money supply, and particularly for those
8 governmental units not otherwise able to borrow for those
9 purposes;

10 (k) that in this State the following conditions exist: (i)
11 an inadequate supply of funds at interest rates sufficiently
12 low to enable persons engaged in agriculture in this State to
13 pursue agricultural operations at present levels; (ii) that
14 such inability to pursue agricultural operations lessens the
15 supply of agricultural commodities available to fulfill the
16 needs of the citizens of this State; (iii) that such inability
17 to continue operations decreases available employment in the
18 agricultural sector of the State and results in unemployment
19 and its attendant problems; (iv) that such conditions prevent
20 the acquisition of an adequate capital stock of farm equipment
21 and machinery, much of which is manufactured in this State,
22 therefore impairing the productivity of agricultural land and,
23 further, causing unemployment or lack of appropriate increase
24 in employment in such manufacturing; (v) that such conditions
25 are conducive to consolidation of acreage of agricultural land
26 with fewer individuals living and farming on the traditional

1 family farm; (vi) that these conditions result in a loss in
2 population, unemployment and movement of persons from rural to
3 urban areas accompanied by added costs to communities for
4 creation of new public facilities and services; (vii) that
5 there have been recurrent shortages of funds for agricultural
6 purposes from private market sources at reasonable rates of
7 interest; (viii) that these shortages have made the sale and
8 purchase of agricultural land to family farmers a virtual
9 impossibility in many parts of the State; (ix) that the
10 ordinary operations of private enterprise have not in the past
11 corrected these conditions; and (x) that a stable supply of
12 adequate funds for agricultural financing is required to
13 encourage family farmers in an orderly and sustained manner
14 and to reduce the problems described above;

15 (1) that for the benefit of the people of the State of
16 Illinois, the conduct and increase of their commerce, the
17 protection and enhancement of their welfare, the development
18 of continued prosperity and the improvement of their health
19 and living conditions it is essential that all the people of
20 the State be given the fullest opportunity to learn and to
21 develop their intellectual and mental capacities and skills;
22 that to achieve these ends it is of the utmost importance that
23 private institutions of higher education within the State be
24 provided with appropriate additional means to assist the
25 people of the State in achieving the required levels of
26 learning and development of their intellectual and mental

1 capacities and skills and that cultural institutions within
2 the State be provided with appropriate additional means to
3 expand the services and resources which they offer for the
4 cultural, intellectual, scientific, educational and artistic
5 enrichment of the people of the State;

6 (m) that in order to foster civic and neighborhood pride,
7 citizens require access to facilities such as educational
8 institutions, recreation, parks and open spaces, entertainment
9 and sports, a reliable transportation network, cultural
10 facilities and theaters and other facilities as authorized by
11 this Act, and that it is in the best interests of the State to
12 lower the costs of all such facilities by providing financing
13 through the State;

14 (n) that to preserve and protect the health of the
15 citizens of the State, and lower the costs of health care, that
16 financing for health facilities should be provided through the
17 State; and it is hereby declared to be the policy of the State,
18 in the interest of promoting the health, safety, morals and
19 general welfare of all the people of the State, to address the
20 conditions noted above, to increase job opportunities and to
21 retain existing jobs in the State, by making available through
22 the Illinois Finance Authority, hereinafter created, funds for
23 the development, improvement and creation of industrial,
24 housing, local government, educational, health, public purpose
25 and other projects; to issue its bonds and notes to make funds
26 at reduced rates and on more favorable terms for borrowing by

1 local governmental units through the purchase of the bonds or
2 notes of the governmental units; and to make or acquire loans
3 for the acquisition and development of agricultural
4 facilities; to provide financing for private institutions of
5 higher education, cultural institutions, health facilities and
6 other facilities and projects as authorized by this Act; and
7 to grant broad powers to the Illinois Finance Authority to
8 accomplish and to carry out these policies of the State which
9 are in the public interest of the State and of its taxpayers
10 and residents;

11 (o) that providing financing alternatives for projects
12 that are located outside the State that are owned, operated,
13 leased, managed by, or otherwise affiliated with, institutions
14 located within the State would promote the economy of the
15 State for the benefit of the health, welfare, safety, trade,
16 commerce, industry, and economy of the people of the State by
17 creating employment opportunities in the State and lowering
18 the cost of accessing healthcare, private education, or
19 cultural institutions in the State by reducing the cost of
20 financing or operating those projects; and

21 (p) that the realization of the objectives of the
22 Authority identified in this Act including, without
23 limitation, those designed (1) to assist and enable veterans,
24 minorities, women and disabled individuals to own and operate
25 small businesses; (2) to assist in the delivery of
26 agricultural assistance; and (3) to aid, assist, and encourage

1 economic growth and development within this State, will be
2 enhanced by empowering the Authority to purchase loan
3 participations from participating lenders; -

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

6 (r) combating climate change is necessary to preserve and
7 enhance the health, welfare, and prosperity of all the
8 residents of the State;

9 (s) that the promotion of the development and
10 implementation of clean energy is necessary to combat climate
11 change and is hereby declared to be the policy of the State;
12 and

13 (t) that designating the Authority as the "Green Bank" to
14 aid in all respects with providing financial assistance,
15 programs, and products to finance and otherwise develop and
16 implement equitable clean energy opportunities in the State to
17 mitigate or adapt to the negative consequences of climate
18 change in an equitable manner will further the clean energy
19 policy of the State.

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

21 (20 ILCS 3501/801-10)

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

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

3 (b) The term "project" means an industrial project, clean
4 energy project, conservation project, housing project, public
5 purpose project, higher education project, health facility
6 project, cultural institution project, municipal bond program
7 project, PACE Project, agricultural facility or agribusiness,
8 and "project" may include any combination of one or more of the
9 foregoing undertaken jointly by any person with one or more
10 other persons.

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

1 (d) The term "industrial project" means the acquisition,
2 construction, refurbishment, creation, development or
3 redevelopment of any facility, equipment, machinery, real
4 property or personal property for use by any instrumentality
5 of the State or its political subdivisions, for use by any
6 person or institution, public or private, for profit or not
7 for profit, or for use in any trade or business, including, but
8 not limited to, any industrial, manufacturing, clean energy,
9 or commercial enterprise that is located within or outside the
10 State, provided that, with respect to a project involving
11 property located outside the State, the property must be
12 owned, operated, leased or managed by an entity located within
13 the State or an entity affiliated with an entity located
14 within the State, and which is (1) a capital project or clean
15 energy project, including, but not limited to: (i) land and
16 any rights therein, one or more buildings, structures or other
17 improvements, machinery and equipment, whether now existing or
18 hereafter acquired, and whether or not located on the same
19 site or sites; (ii) all appurtenances and facilities
20 incidental to the foregoing, including, but not limited to,
21 utilities, access roads, railroad sidings, track, docking and
22 similar facilities, parking facilities, dockage, wharfage,
23 railroad roadbed, track, trestle, depot, terminal, switching
24 and signaling or related equipment, site preparation and
25 landscaping; and (iii) all non-capital costs and expenses
26 relating thereto or (2) any addition to, renovation,

1 rehabilitation or improvement of a capital project or a clean
2 energy project, or (3) any activity or undertaking within or
3 outside the State, provided that, with respect to a project
4 involving property located outside the State, the property
5 must be owned, operated, leased or managed by an entity
6 located within the State or an entity affiliated with an
7 entity located within the State, which the Authority
8 determines will aid, assist or encourage economic growth,
9 development or redevelopment within the State or any area
10 thereof, will promote the expansion, retention or
11 diversification of employment opportunities within the State
12 or any area thereof or will aid in stabilizing or developing
13 any industry or economic sector of the State economy. The term
14 "industrial project" also means the production of motion
15 pictures.

16 (e) The term "bond" or "bonds" shall include bonds, notes
17 (including bond, grant or revenue anticipation notes),
18 certificates and/or other evidences of indebtedness
19 representing an obligation to pay money, including refunding
20 bonds.

21 (f) The terms "lease agreement" and "loan agreement" shall
22 mean: (i) an agreement whereby a project acquired by the
23 Authority by purchase, gift or lease is leased to any person,
24 corporation or unit of local government which will use or
25 cause the project to be used as a project as heretofore defined
26 upon terms providing for lease rental payments at least

1 sufficient to pay when due all principal of, interest and
2 premium, if any, on any bonds of the Authority issued with
3 respect to such project, providing for the maintenance,
4 insuring and operation of the project on terms satisfactory to
5 the Authority, providing for disposition of the project upon
6 termination of the lease term, including purchase options or
7 abandonment of the premises, and such other terms as may be
8 deemed desirable by the Authority, or (ii) any agreement
9 pursuant to which the Authority agrees to loan the proceeds of
10 its bonds issued with respect to a project or other funds of
11 the Authority to any person which will use or cause the project
12 to be used as a project as heretofore defined upon terms
13 providing for loan repayment installments at least sufficient
14 to pay when due all principal of, interest and premium, if any,
15 on any bonds of the Authority, if any, issued with respect to
16 the project, and providing for maintenance, insurance and
17 other matters as may be deemed desirable by the Authority.

18 (g) The term "financial aid" means the expenditure of
19 Authority funds or funds provided by the Authority through the
20 issuance of its bonds, notes or other evidences of
21 indebtedness or from other sources for the development,
22 construction, acquisition or improvement of a project.

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

1 (i) The term "unit of government" means the federal
2 government, the State or unit of local government, a school
3 district, or any agency or instrumentality, office, officer,
4 department, division, bureau, commission, college or
5 university thereof.

6 (j) The term "health facility" means: (a) any public or
7 private institution, place, building, or agency required to be
8 licensed under the Hospital Licensing Act; (b) any public or
9 private institution, place, building, or agency required to be
10 licensed under the Nursing Home Care Act, the Specialized
11 Mental Health Rehabilitation Act of 2013, the ID/DD Community
12 Care Act, or the MC/DD Act; (c) any public or licensed private
13 hospital as defined in the Mental Health and Developmental
14 Disabilities Code; (d) any such facility exempted from such
15 licensure when the Director of Public Health attests that such
16 exempted facility meets the statutory definition of a facility
17 subject to licensure; (e) any other public or private health
18 service institution, place, building, or agency which the
19 Director of Public Health attests is subject to certification
20 by the Secretary, U.S. Department of Health and Human Services
21 under the Social Security Act, as now or hereafter amended, or
22 which the Director of Public Health attests is subject to
23 standard-setting by a recognized public or voluntary
24 accrediting or standard-setting agency; (f) any public or
25 private institution, place, building or agency engaged in
26 providing one or more supporting services to a health

1 facility; (g) any public or private institution, place,
2 building or agency engaged in providing training in the
3 healing arts, including, but not limited to, schools of
4 medicine, dentistry, osteopathy, optometry, podiatry, pharmacy
5 or nursing, schools for the training of x-ray, laboratory or
6 other health care technicians and schools for the training of
7 para-professionals in the health care field; (h) any public or
8 private congregate, life or extended care or elderly housing
9 facility or any public or private home for the aged or infirm,
10 including, without limitation, any Facility as defined in the
11 Life Care Facilities Act; (i) any public or private mental,
12 emotional or physical rehabilitation facility or any public or
13 private educational, counseling, or rehabilitation facility or
14 home, for those persons with a developmental disability, those
15 who are physically ill or disabled, the emotionally disturbed,
16 those persons with a mental illness or persons with learning
17 or similar disabilities or problems; (j) any public or private
18 alcohol, drug or substance abuse diagnosis, counseling
19 treatment or rehabilitation facility, (k) any public or
20 private institution, place, building or agency licensed by the
21 Department of Children and Family Services or which is not so
22 licensed but which the Director of Children and Family
23 Services attests provides child care, child welfare or other
24 services of the type provided by facilities subject to such
25 licensure; (l) any public or private adoption agency or
26 facility; and (m) any public or private blood bank or blood

1 center. "Health facility" also means a public or private
2 structure or structures suitable primarily for use as a
3 laboratory, laundry, nurses or interns residence or other
4 housing or hotel facility used in whole or in part for staff,
5 employees or students and their families, patients or
6 relatives of patients admitted for treatment or care in a
7 health facility, or persons conducting business with a health
8 facility, physician's facility, surgicenter, administration
9 building, research facility, maintenance, storage or utility
10 facility and all structures or facilities related to any of
11 the foregoing or required or useful for the operation of a
12 health facility, including parking or other facilities or
13 other supporting service structures required or useful for the
14 orderly conduct of such health facility. "Health facility"
15 also means, with respect to a project located outside the
16 State, any public or private institution, place, building, or
17 agency which provides services similar to those described
18 above, provided that such project is owned, operated, leased
19 or managed by a participating health institution located
20 within the State, or a participating health institution
21 affiliated with an entity located within the State.

22 (k) The term "participating health institution" means (i)
23 a private corporation or association or (ii) a public entity
24 of this State, in either case authorized by the laws of this
25 State or the applicable state to provide or operate a health
26 facility as defined in this Act and which, pursuant to the

provisions of this Act, undertakes the financing, construction or acquisition of a project or undertakes the refunding or refinancing of obligations, loans, indebtedness or advances as provided in this Act.

(l) The term "health facility project", means a specific health facility work or improvement to be financed or refinanced (including without limitation through reimbursement of prior expenditures), acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, with funds provided in whole or in part hereunder, any accounts receivable, working capital, liability or insurance cost or operating expense financing or refinancing program of a health facility with or involving funds provided in whole or in part hereunder, or any combination thereof.

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

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

1 interest therein.

2 (o) The term "revenues" means, with respect to any
3 project, the rents, fees, charges, interest, principal
4 repayments, collections and other income or profit derived
5 therefrom.

6 (p) The term "higher education project" means, in the case
7 of a private institution of higher education, an educational
8 facility to be acquired, constructed, enlarged, remodeled,
9 renovated, improved, furnished, or equipped, or any
10 combination thereof.

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

15 (r) The term "educational facility" means any property
16 located within the State, or any property located outside the
17 State, provided that, if the property is located outside the
18 State, it must be owned, operated, leased or managed by an
19 entity located within the State or an entity affiliated with
20 an entity located within the State, in each case constructed
21 or acquired before or after the effective date of this Act,
22 which is or will be, in whole or in part, suitable for the
23 instruction, feeding, recreation or housing of students, the
24 conducting of research or other work of a private institution
25 of higher education, the use by a private institution of
26 higher education in connection with any educational, research

1 or related or incidental activities then being or to be
2 conducted by it, or any combination of the foregoing,
3 including, without limitation, any such property suitable for
4 use as or in connection with any one or more of the following:
5 an academic facility, administrative facility, agricultural
6 facility, assembly hall, athletic facility, auditorium,
7 boating facility, campus, communication facility, computer
8 facility, continuing education facility, classroom, dining
9 hall, dormitory, exhibition hall, fire fighting facility, fire
10 prevention facility, food service and preparation facility,
11 gymnasium, greenhouse, health care facility, hospital,
12 housing, instructional facility, laboratory, library,
13 maintenance facility, medical facility, museum, offices,
14 parking area, physical education facility, recreational
15 facility, research facility, stadium, storage facility,
16 student union, study facility, theatre or utility.

17 (s) The term "cultural facility" means any property
18 located within the State, or any property located outside the
19 State, provided that, if the property is located outside the
20 State, it must be owned, operated, leased or managed by an
21 entity located within the State or an entity affiliated with
22 an entity located within the State, in each case constructed
23 or acquired before or after the effective date of this Act,
24 which is or will be, in whole or in part, suitable for the
25 particular purposes or needs of a cultural institution,
26 including, without limitation, any such property suitable for

1 use as or in connection with any one or more of the following:
2 an administrative facility, aquarium, assembly hall,
3 auditorium, botanical garden, exhibition hall, gallery,
4 greenhouse, library, museum, scientific laboratory, theater or
5 zoological facility, and shall also include, without
6 limitation, books, works of art or music, animal, plant or
7 aquatic life or other items for display, exhibition or
8 performance. The term "cultural facility" includes buildings
9 on the National Register of Historic Places which are owned or
10 operated by nonprofit entities.

11 (t) "Private institution of higher education" means a
12 not-for-profit educational institution which is not owned by
13 the State or any political subdivision, agency,
14 instrumentality, district or municipality thereof, which is
15 authorized by law to provide a program of education beyond the
16 high school level and which:

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

20 (2) Provides an educational program for which it
21 awards a bachelor's degree, or provides an educational
22 program, admission into which is conditioned upon the
23 prior attainment of a bachelor's degree or its equivalent,
24 for which it awards a postgraduate degree, or provides not
25 less than a 2-year program which is acceptable for full
26 credit toward such a degree, or offers a 2-year program in

1 engineering, mathematics, or the physical or biological
2 sciences which is designed to prepare the student to work
3 as a technician and at a semiprofessional level in
4 engineering, scientific, or other technological fields
5 which require the understanding and application of basic
6 engineering, scientific, or mathematical principles or
7 knowledge;

8 (3) Is accredited by a nationally recognized
9 accrediting agency or association or, if not so
10 accredited, is an institution whose credits are accepted,
11 on transfer, by not less than 3 institutions which are so
12 accredited, for credit on the same basis as if transferred
13 from an institution so accredited, and holds an unrevoked
14 certificate of approval under the Private College Act from
15 the Board of Higher Education, or is qualified as a
16 "degree granting institution" under the Academic Degree
17 Act; and

18 (4) Does not discriminate in the admission of students
19 on the basis of race or color. "Private institution of
20 higher education" also includes any "academic
21 institution".

22 (u) The term "academic institution" means any
23 not-for-profit institution which is not owned by the State or
24 any political subdivision, agency, instrumentality, district
25 or municipality thereof, which institution engages in, or
26 facilitates academic, scientific, educational or professional

1 research or learning in a field or fields of study taught at a
2 private institution of higher education. Academic institutions
3 include, without limitation, libraries, archives, academic,
4 scientific, educational or professional societies,
5 institutions, associations or foundations having such
6 purposes.

7 (v) The term "cultural institution" means any
8 not-for-profit institution which is not owned by the State or
9 any political subdivision, agency, instrumentality, district
10 or municipality thereof, which institution engages in the
11 cultural, intellectual, scientific, educational or artistic
12 enrichment of the people of the State. Cultural institutions
13 include, without limitation, aquaria, botanical societies,
14 historical societies, libraries, museums, performing arts
15 associations or societies, scientific societies and zoological
16 societies.

17 (w) The term "affiliate" means, with respect to financing
18 of an agricultural facility or an agribusiness, any lender,
19 any person, firm or corporation controlled by, or under common
20 control with, such lender, and any person, firm or corporation
21 controlling such lender.

22 (x) The term "agricultural facility" means land, any
23 building or other improvement thereon or thereto, and any
24 personal properties deemed necessary or suitable for use,
25 whether or not now in existence, in farming, ranching, the
26 production of agricultural commodities (including, without

1 limitation, the products of aquaculture, hydroponics and
2 silviculture) or the treating, processing or storing of such
3 agricultural commodities when such activities are customarily
4 engaged in by farmers as a part of farming and which land,
5 building, improvement or personal property is located within
6 the State, or is located outside the State, provided that, if
7 such property is located outside the State, it must be owned,
8 operated, leased, or managed by an entity located within the
9 State or an entity affiliated with an entity located within
10 the State.

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

24 (z) The term "agribusiness" means any sole proprietorship,
25 limited partnership, co-partnership, joint venture,
26 corporation or cooperative which operates or will operate a

1 facility located within the State or outside the State,
2 provided that, if any facility is located outside the State,
3 it must be owned, operated, leased, or managed by an entity
4 located within the State or an entity affiliated with an
5 entity located within the State, that is related to the
6 processing of agricultural commodities (including, without
7 limitation, the products of aquaculture, hydroponics and
8 silviculture) or the manufacturing, production or construction
9 of agricultural buildings, structures, equipment, implements,
10 and supplies, or any other facilities or processes used in
11 agricultural production. Agribusiness includes but is not
12 limited to the following:

13 (1) grain handling and processing, including grain
14 storage, drying, treatment, conditioning, mailing and
15 packaging;

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

17 (3) fruit and vegetable processing, including
18 preparation, canning and packaging;

19 (4) processing of livestock and livestock products,
20 dairy products, poultry and poultry products, fish or
21 apriarian products, including slaughter, shearing,
22 collecting, preparation, canning and packaging;

23 (5) fertilizer and agricultural chemical
24 manufacturing, processing, application and supplying;

25 (6) farm machinery, equipment and implement
26 manufacturing and supplying;

1 (7) manufacturing and supplying of agricultural
2 commodity processing machinery and equipment, including
3 machinery and equipment used in slaughter, treatment,
4 handling, collecting, preparation, canning or packaging of
5 agricultural commodities;

6 (8) farm building and farm structure manufacturing,
7 construction and supplying;

8 (9) construction, manufacturing, implementation,
9 supplying or servicing of irrigation, drainage and soil
10 and water conservation devices or equipment;

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

13 (11) facilities and equipment for processing and
14 packaging agricultural commodities specifically for
15 export;

16 (12) facilities and equipment for forestry product
17 processing and supplying, including sawmilling operations,
18 wood chip operations, timber harvesting operations, and
19 manufacturing of prefabricated buildings, paper, furniture
20 or other goods from forestry products;

21 (13) facilities and equipment for research and
22 development of products, processes and equipment for the
23 production, processing, preparation or packaging of
24 agricultural commodities and byproducts.

25 (aa) The term "asset" with respect to financing of any
26 agricultural facility or any agribusiness, means, but is not

1 limited to the following: cash crops or feed on hand;
2 livestock held for sale; breeding stock; marketable bonds and
3 securities; securities not readily marketable; accounts
4 receivable; notes receivable; cash invested in growing crops;
5 net cash value of life insurance; machinery and equipment;
6 cars and trucks; farm and other real estate including life
7 estates and personal residence; value of beneficial interests
8 in trusts; government payments or grants; and any other
9 assets.

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

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

18 (dd) The term "housing project" means a specific work or
19 improvement located within the State or outside the State and
20 undertaken to provide residential dwelling accommodations,
21 including the acquisition, construction or rehabilitation of
22 lands, buildings and community facilities and in connection
23 therewith to provide nonhousing facilities which are part of
24 the housing project, including land, buildings, improvements,
25 equipment and all ancillary facilities for use for offices,
26 stores, retirement homes, hotels, financial institutions,

1 service, health care, education, recreation or research
2 establishments, or any other commercial purpose which are or
3 are to be related to a housing development, provided that any
4 work or improvement located outside the State is owned,
5 operated, leased or managed by an entity located within the
6 State, or any entity affiliated with an entity located within
7 the State.

8 (ee) The term "conservation project" means any project
9 including the acquisition, construction, rehabilitation,
10 maintenance, operation, or upgrade that is intended to create
11 or expand open space or to reduce energy usage through
12 efficiency measures. For the purpose of this definition, "open
13 space" has the definition set forth under Section 10 of the
14 Illinois Open Land Trust Act.

15 (ff) The term "significant presence" means the existence
16 within the State of the national or regional headquarters of
17 an entity or group or such other facility of an entity or group
18 of entities where a significant amount of the business
19 functions are performed for such entity or group of entities.

20 (gg) The term "municipal bond issuer" means the State or
21 any other state or commonwealth of the United States, or any
22 unit of local government, school district, agency or
23 instrumentality, office, department, division, bureau,
24 commission, college or university thereof located in the State
25 or any other state or commonwealth of the United States.

26 (hh) The term "municipal bond program project" means a

1 program for the funding of the purchase of bonds, notes or
2 other obligations issued by or on behalf of a municipal bond
3 issuer.

4 (ii) The term "participating lender" means any trust
5 company, bank, savings bank, credit union, merchant bank,
6 investment bank, broker, investment trust, pension fund,
7 building and loan association, savings and loan association,
8 insurance company, venture capital company, or other
9 institution approved by the Authority which provides a portion
10 of the financing for a project.

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

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

17 (ll) The term "clean energy" means energy generation that
18 is substantially free (90% or more) of carbon dioxide
19 emissions by design or operations, or which otherwise
20 contributes to the reduction in emissions of
21 environmentally-hazardous materials or reduces the volume of
22 environmentally-dangerous materials.

23 (mm) The term "clean energy project" means the
24 acquisition, construction, refurbishment, creation,
25 development or redevelopment of any facility, equipment,
26 machinery, real property or personal property for use by the

1 State or any unit of local government, school district, agency
2 or instrumentality, office, department, division, bureau,
3 commission, college or university of the State, for use by any
4 person or institution, public or private, for profit or not
5 for profit, or for use in any trade or business, which the
6 Authority determines will aid, assist or encourage the
7 development or implementation of clean energy in the State, or
8 as otherwise contemplated by Article 850.

9 (nn) The term "Green Bank" means the Authority in the
10 exercise of those powers conferred on it by this Act related to
11 clean energy or clean water, drinking water, or wastewater
12 treatment.

13 (oo) "Equity Investment Eligible Community" and "Eligible
14 Community" mean the geographic areas throughout Illinois which
15 would most benefit from equitable investments by the State
16 designed to combat discrimination. Specifically, the Eligible
17 Communities shall be defined as the following areas:

18 (1) areas where residents have been historically
19 excluded from economic opportunities, including
20 opportunities in the energy sector, as defined pursuant to
21 Section 10-40 of the Cannabis Regulation and Tax Act; and

22 (2) areas where residents have been historically
23 subject to disproportionate burdens of pollution,
24 including pollution from the energy sector, as established
25 by environmental justice communities as defined by the
26 Illinois Power Agency, excluding any racial or ethnic

1 indicators.

2 (pp) "Equity Investment Eligible Person" and "Eligible
3 Person" mean the persons who would most benefit from equitable
4 investments by the State designed to combat discrimination.
5 Specifically, Eligible Persons means the following people:

6 (1) persons whose primary residence is in an Equity
7 Investment Eligible Community;

8 (2) persons whose primary residence is in a
9 municipality or a county with a population under 100,000
10 where the closure of an electric generating unit or mine
11 has been publicly announced, or the electric generating
12 unit or mine is in the process of closing or closed within
13 the last 5 years;

14 (3) persons who are graduates of or currently enrolled
15 in the foster care system; or

16 (4) persons who were formerly incarcerated.

17 (qq) "Environmental justice community" means the
18 definition of that term based on existing methodologies and
19 findings used as may be updated by the Illinois Power Agency
20 and its program administrator in the Illinois Solar for All
21 Program.

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

23 (20 ILCS 3501/801-40)

24 Sec. 801-40. In addition to the powers otherwise
25 authorized by law and in addition to the foregoing general

1 corporate powers, the Authority shall also have the following
2 additional specific powers to be exercised in furtherance of
3 the purposes of this Act.

4 (a) The Authority shall have power (i) to accept grants,
5 loans or appropriations from the federal government or the
6 State, or any agency or instrumentality thereof, or, in the
7 case of clean energy projects, any not-for-profit
8 philanthropic or other charitable organization, public or
9 private, to be used for the operating expenses of the
10 Authority, or for any purposes of the Authority, including the
11 making of direct loans of such funds with respect to projects,
12 and (ii) to enter into any agreement with the federal
13 government or the State, or any agency or instrumentality
14 thereof, in relationship to such grants, loans or
15 appropriations.

16 (b) The Authority shall have power to procure and enter
17 into contracts for any type of insurance and indemnity
18 agreements covering loss or damage to property from any cause,
19 including loss of use and occupancy, or covering any other
20 insurable risk.

21 (c) The Authority shall have the continuing power to issue
22 bonds for its corporate purposes. Bonds may be issued by the
23 Authority in one or more series and may provide for the payment
24 of any interest deemed necessary on such bonds, of the costs of
25 issuance of such bonds, of any premium on any insurance, or of
26 the cost of any guarantees, letters of credit or other similar

1 documents, may provide for the funding of the reserves deemed
2 necessary in connection with such bonds, and may provide for
3 the refunding or advance refunding of any bonds or for
4 accounts deemed necessary in connection with any purpose of
5 the Authority. The bonds may bear interest payable at any time
6 or times and at any rate or rates, notwithstanding any other
7 provision of law to the contrary, and such rate or rates may be
8 established by an index or formula which may be implemented or
9 established by persons appointed or retained therefor by the
10 Authority, or may bear no interest or may bear interest
11 payable at maturity or upon redemption prior to maturity, may
12 bear such date or dates, may be payable at such time or times
13 and at such place or places, may mature at any time or times
14 not later than 40 years from the date of issuance, may be sold
15 at public or private sale at such time or times and at such
16 price or prices, may be secured by such pledges, reserves,
17 guarantees, letters of credit, insurance contracts or other
18 similar credit support or liquidity instruments, may be
19 executed in such manner, may be subject to redemption prior to
20 maturity, may provide for the registration of the bonds, and
21 may be subject to such other terms and conditions all as may be
22 provided by the resolution or indenture authorizing the
23 issuance of such bonds. The holder or holders of any bonds
24 issued by the Authority may bring suits at law or proceedings
25 in equity to compel the performance and observance by any
26 person or by the Authority or any of its agents or employees of

1 any contract or covenant made with the holders of such bonds
2 and to compel such person or the Authority and any of its
3 agents or employees to perform any duties required to be
4 performed for the benefit of the holders of any such bonds by
5 the provision of the resolution authorizing their issuance,
6 and to enjoin such person or the Authority and any of its
7 agents or employees from taking any action in conflict with
8 any such contract or covenant. Notwithstanding the form and
9 tenor of any such bonds and in the absence of any express
10 recital on the face thereof that it is non-negotiable, all
11 such bonds shall be negotiable instruments. Pending the
12 preparation and execution of any such bonds, temporary bonds
13 may be issued as provided by the resolution. The bonds shall be
14 sold by the Authority in such manner as it shall determine. The
15 bonds may be secured as provided in the authorizing resolution
16 by the receipts, revenues, income and other available funds of
17 the Authority and by any amounts derived by the Authority from
18 the loan agreement or lease agreement with respect to the
19 project or projects; and bonds may be issued as general
20 obligations of the Authority payable from such revenues, funds
21 and obligations of the Authority as the bond resolution shall
22 provide, or may be issued as limited obligations with a claim
23 for payment solely from such revenues, funds and obligations
24 as the bond resolution shall provide. The Authority may grant
25 a specific pledge or assignment of and lien on or security
26 interest in such rights, revenues, income, or amounts and may

1 grant a specific pledge or assignment of and lien on or
2 security interest in any reserves, funds or accounts
3 established in the resolution authorizing the issuance of
4 bonds. Any such pledge, assignment, lien or security interest
5 for the benefit of the holders of the Authority's bonds shall
6 be valid and binding from the time the bonds are issued without
7 any physical delivery or further act, and shall be valid and
8 binding as against and prior to the claims of all other parties
9 having claims against the Authority or any other person
10 irrespective of whether the other parties have notice of the
11 pledge, assignment, lien or security interest. As evidence of
12 such pledge, assignment, lien and security interest, the
13 Authority may execute and deliver a mortgage, trust agreement,
14 indenture or security agreement or an assignment thereof. A
15 remedy for any breach or default of the terms of any such
16 agreement by the Authority may be by mandamus proceedings in
17 any court of competent jurisdiction to compel the performance
18 and compliance therewith, but the agreement may prescribe by
19 whom or on whose behalf such action may be instituted. It is
20 expressly understood that the Authority may, but need not,
21 acquire title to any project with respect to which it
22 exercises its authority.

23 (d) With respect to the powers granted by this Act, the
24 Authority may adopt rules and regulations prescribing the
25 procedures by which persons may apply for assistance under
26 this Act. Nothing herein shall be deemed to preclude the

1 Authority, prior to the filing of any formal application, from
2 conducting preliminary discussions and investigations with
3 respect to the subject matter of any prospective application.

4 (e) The Authority shall have power to acquire by purchase,
5 lease, gift or otherwise any property or rights therein from
6 any person useful for its purposes, whether improved for the
7 purposes of any prospective project, or unimproved. The
8 Authority may also accept any donation of funds for its
9 purposes from any such source. The Authority shall have no
10 independent power of condemnation but may acquire any property
11 or rights therein obtained upon condemnation by any other
12 authority, governmental entity or unit of local government
13 with such power.

14 (f) The Authority shall have power to develop, construct
15 and improve either under its own direction, or through
16 collaboration with any approved applicant, or to acquire
17 through purchase or otherwise, any project, using for such
18 purpose the proceeds derived from the sale of its bonds or from
19 governmental loans or grants, and to hold title in the name of
20 the Authority to such projects.

21 (g) The Authority shall have power to lease pursuant to a
22 lease agreement any project so developed and constructed or
23 acquired to the approved tenant on such terms and conditions
24 as may be appropriate to further the purposes of this Act and
25 to maintain the credit of the Authority. Any such lease may
26 provide for either the Authority or the approved tenant to

1 assume initially, in whole or in part, the costs of
2 maintenance, repair and improvements during the leasehold
3 period. In no case, however, shall the total rentals from any
4 project during any initial leasehold period or the total loan
5 repayments to be made pursuant to any loan agreement, be less
6 than an amount necessary to return over such lease or loan
7 period (1) all costs incurred in connection with the
8 development, construction, acquisition or improvement of the
9 project and for repair, maintenance and improvements thereto
10 during the period of the lease or loan; provided, however,
11 that the rentals or loan repayments need not include costs met
12 through the use of funds other than those obtained by the
13 Authority through the issuance of its bonds or governmental
14 loans; (2) a reasonable percentage additive to be agreed upon
15 by the Authority and the borrower or tenant to cover a properly
16 allocable portion of the Authority's general expenses,
17 including, but not limited to, administrative expenses,
18 salaries and general insurance, and (3) an amount sufficient
19 to pay when due all principal of, interest and premium, if any
20 on, any bonds issued by the Authority with respect to the
21 project. The portion of total rentals payable under clause (3)
22 of this subsection (g) shall be deposited in such special
23 accounts, including all sinking funds, acquisition or
24 construction funds, debt service and other funds as provided
25 by any resolution, mortgage or trust agreement of the
26 Authority pursuant to which any bond is issued.

1 (h) The Authority has the power, upon the termination of
2 any leasehold period of any project, to sell or lease for a
3 further term or terms such project on such terms and
4 conditions as the Authority shall deem reasonable and
5 consistent with the purposes of the Act. The net proceeds from
6 all such sales and the revenues or income from such leases
7 shall be used to satisfy any indebtedness of the Authority
8 with respect to such project and any balance may be used to pay
9 any expenses of the Authority or be used for the further
10 development, construction, acquisition or improvement of
11 projects. In the event any project is vacated by a tenant prior
12 to the termination of the initial leasehold period, the
13 Authority shall sell or lease the facilities of the project on
14 the most advantageous terms available. The net proceeds of any
15 such disposition shall be treated in the same manner as the
16 proceeds from sales or the revenues or income from leases
17 subsequent to the termination of any initial leasehold period.

18 (i) The Authority shall have the power to make loans, or to
19 purchase loan participations in loans made, to persons to
20 finance a project, to enter into loan agreements or agreements
21 with participating lenders with respect thereto, and to accept
22 guarantees from persons of its loans or the resultant
23 evidences of obligations of the Authority.

24 (j) The Authority may fix, determine, charge and collect
25 any premiums, fees, charges, costs and expenses, including,
26 without limitation, any application fees, commitment fees,

1 program fees, financing charges or publication fees from any
2 person in connection with its activities under this Act.

3 (k) In addition to the funds established as provided
4 herein, the Authority shall have the power to create and
5 establish such reserve funds and accounts as may be necessary
6 or desirable to accomplish its purposes under this Act and to
7 deposit its available monies into the funds and accounts.

8 (l) At the request of the governing body of any unit of
9 local government, the Authority is authorized to market such
10 local government's revenue bond offerings by preparing bond
11 issues for sale, advertising for sealed bids, receiving bids
12 at its offices, making the award to the bidder that offers the
13 most favorable terms or arranging for negotiated placements or
14 underwritings of such securities. The Authority may, at its
15 discretion, offer for concurrent sale the revenue bonds of
16 several local governments. Sales by the Authority of revenue
17 bonds under this Section shall in no way imply State guarantee
18 of such debt issue. The Authority may require such financial
19 information from participating local governments as it deems
20 necessary in order to carry out the purposes of this
21 subsection (1).

22 (m) The Authority may make grants to any county to which
23 Division 5-37 of the Counties Code is applicable to assist in
24 the financing of capital development, construction and
25 renovation of new or existing facilities for hospitals and
26 health care facilities under that Act. Such grants may only be

1 made from funds appropriated for such purposes from the Build
2 Illinois Bond Fund.

3 (n) The Authority may establish an urban development
4 action grant program for the purpose of assisting
5 municipalities in Illinois which are experiencing severe
6 economic distress to help stimulate economic development
7 activities needed to aid in economic recovery. The Authority
8 shall determine the types of activities and projects for which
9 the urban development action grants may be used, provided that
10 such projects and activities are broadly defined to include
11 all reasonable projects and activities the primary objectives
12 of which are the development of viable urban communities,
13 including decent housing and a suitable living environment,
14 and expansion of economic opportunity, principally for persons
15 of low and moderate incomes. The Authority shall enter into
16 grant agreements from monies appropriated for such purposes
17 from the Build Illinois Bond Fund. The Authority shall monitor
18 the use of the grants, and shall provide for audits of the
19 funds as well as recovery by the Authority of any funds
20 determined to have been spent in violation of this subsection
21 (n) or any rule or regulation promulgated hereunder. The
22 Authority shall provide technical assistance with regard to
23 the effective use of the urban development action grants. The
24 Authority shall file an annual report to the General Assembly
25 concerning the progress of the grant program.

26 (o) The Authority may establish a Housing Partnership

1 Program whereby the Authority provides zero-interest loans to
2 municipalities for the purpose of assisting in the financing
3 of projects for the rehabilitation of affordable multi-family
4 housing for low and moderate income residents. The Authority
5 may provide such loans only upon a municipality's providing
6 evidence that it has obtained private funding for the
7 rehabilitation project. The Authority shall provide 3 State
8 dollars for every 7 dollars obtained by the municipality from
9 sources other than the State of Illinois. The loans shall be
10 made from monies appropriated for such purpose from the Build
11 Illinois Bond Fund. The total amount of loans available under
12 the Housing Partnership Program shall not exceed \$30,000,000.
13 State loan monies under this subsection shall be used only for
14 the acquisition and rehabilitation of existing buildings
15 containing 4 or more dwelling units. The terms of any loan made
16 by the municipality under this subsection shall require
17 repayment of the loan to the municipality upon any sale or
18 other transfer of the project. In addition, the Authority may
19 use any moneys appropriated for such purpose from the Build
20 Illinois Bond Fund, including funds loaned under this
21 subsection and repaid as principal or interest, and investment
22 income on such funds, to make the loans authorized by
23 subsection (z), without regard to any restrictions or
24 limitations provided in this subsection.

25 (p) The Authority may award grants to universities and
26 research institutions, research consortiums and other

1 not-for-profit entities for the purposes of: remodeling or
2 otherwise physically altering existing laboratory or research
3 facilities, expansion or physical additions to existing
4 laboratory or research facilities, construction of new
5 laboratory or research facilities or acquisition of modern
6 equipment to support laboratory or research operations
7 provided that such grants (i) be used solely in support of
8 project and equipment acquisitions which enhance technology
9 transfer, and (ii) not constitute more than 60 percent of the
10 total project or acquisition cost.

11 (q) Grants may be awarded by the Authority to units of
12 local government for the purpose of developing the appropriate
13 infrastructure or defraying other costs to the local
14 government in support of laboratory or research facilities
15 provided that such grants may not exceed 40% of the cost to the
16 unit of local government.

17 (r) In addition to the powers granted to the Authority
18 under subsection (i), and in all cases supplemental to it, the
19 Authority may establish a direct loan program to make loans
20 to, or may purchase participations in loans made by
21 participating lenders to, individuals, partnerships,
22 corporations, or other business entities for the purpose of
23 financing an industrial project, as defined in Section 801-10
24 of this Act. For the purposes of such program and not by way of
25 limitation on any other program of the Authority, including,
26 without limitation, programs established under subsection (i),

1 the Authority shall have the power to issue bonds, notes, or
2 other evidences of indebtedness including commercial paper for
3 purposes of providing a fund of capital from which it may make
4 such loans. The Authority shall have the power to use any
5 appropriations from the State made especially for the
6 Authority's direct loan program, or moneys at any time held by
7 the Authority under this Act outside the State treasury in the
8 custody of either the Treasurer of the Authority or a trustee
9 or depository appointed by the Authority, for additional
10 capital to make such loans or purchase such loan
11 participations, or for the purposes of reserve funds or
12 pledged funds which secure the Authority's obligations of
13 repayment of any bond, note or other form of indebtedness
14 established for the purpose of providing capital for which it
15 intends to make such loans or purchase such loan
16 participations. For the purpose of obtaining such capital, the
17 Authority may also enter into agreements with financial
18 institutions, participating lenders, and other persons for the
19 purpose of administering a loan participation program, selling
20 loans or developing a secondary market for such loans or loan
21 participations. Loans made under the direct loan program
22 specifically established under this subsection (r), including
23 loans under such program made by participating lenders in
24 which the Authority purchases a participation, may be in an
25 amount not to exceed \$600,000 and shall be made for a portion
26 of an industrial project which does not exceed 50% of the total

1 project. No loan may be made by the Authority unless approved
2 by the affirmative vote of at least 8 members of the board. The
3 Authority shall establish procedures and publish rules which
4 shall provide for the submission, review, and analysis of each
5 direct loan and loan participation application and which shall
6 preserve the ability of each board member and the Executive
7 Director, as applicable, to reach an individual business
8 judgment regarding the propriety of each direct loan or loan
9 participation. The collective discretion of the board to
10 approve or disapprove each loan shall be unencumbered. The
11 Authority may establish and collect such fees and charges,
12 determine and enforce such terms and conditions, and charge
13 such interest rates as it determines to be necessary and
14 appropriate to the successful administration of the direct
15 loan program, including purchasing loan participations. The
16 Authority may require such interests in collateral and such
17 guarantees as it determines are necessary to protect the
18 Authority's interest in the repayment of the principal and
19 interest of each loan and loan participation made under the
20 direct loan program. The restrictions established under this
21 subsection (r) shall not be applicable to any loan or loan
22 participation made under subsection (i) or to any loan or loan
23 participation made under any other Section of this Act.

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

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

4 (u) The Authority shall have the power to issue bonds,
5 notes or other evidences of indebtedness, which may be used to
6 make loans to units of local government which are authorized
7 to enter into loan agreements and other documents and to issue
8 bonds, notes and other evidences of indebtedness for the
9 purpose of financing the protection of storm sewer outfalls,
10 the construction of adequate storm sewer outfalls, and the
11 provision for flood protection of sanitary sewage treatment
12 plans, in counties that have established a stormwater
13 management planning committee in accordance with Section
14 5-1062 of the Counties Code. Any such loan shall be made by the
15 Authority pursuant to the provisions of Section 820-5 to
16 820-60 of this Act. The unit of local government shall pay back
17 to the Authority the principal amount of the loan, plus annual
18 interest as determined by the Authority. The Authority shall
19 have the power, subject to appropriations by the General
20 Assembly, to subsidize or buy down a portion of the interest on
21 such loans, up to 4% per annum.

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

25 (w) Moral Obligation. In the event that the Authority
26 determines that monies of the Authority will not be sufficient

1 for the payment of the principal of and interest on its bonds
2 during the next State fiscal year, the Chairperson, as soon as
3 practicable, shall certify to the Governor the amount required
4 by the Authority to enable it to pay such principal of and
5 interest on the bonds. The Governor shall submit the amount so
6 certified to the General Assembly as soon as practicable, but
7 no later than the end of the current State fiscal year. This
8 subsection shall apply only to any bonds or notes as to which
9 the Authority shall have determined, in the resolution
10 authorizing the issuance of the bonds or notes, that this
11 subsection shall apply. Whenever the Authority makes such a
12 determination, that fact shall be plainly stated on the face
13 of the bonds or notes and that fact shall also be reported to
14 the Governor. In the event of a withdrawal of moneys from a
15 reserve fund established with respect to any issue or issues
16 of bonds of the Authority to pay principal or interest on those
17 bonds, the Chairperson of the Authority, as soon as
18 practicable, shall certify to the Governor the amount required
19 to restore the reserve fund to the level required in the
20 resolution or indenture securing those bonds. The Governor
21 shall submit the amount so certified to the General Assembly
22 as soon as practicable, but no later than the end of the
23 current State fiscal year. The Authority shall obtain written
24 approval from the Governor for any bonds and notes to be issued
25 under this Section. In addition to any other bonds authorized
26 to be issued under Sections 825-60, 825-65(e), 830-25 and

1 845-5, the principal amount of Authority bonds outstanding
2 issued under this Section 801-40(w) or under 20 ILCS 3850/1-80
3 or 30 ILCS 360/2-6(c), which have been assumed by the
4 Authority, shall not exceed \$150,000,000. This subsection (w)
5 shall in no way be applied to any bonds issued by the Authority
6 on behalf of the Illinois Power Agency under Section 825-90 of
7 this Act.

8 (x) The Authority may enter into agreements or contracts
9 with any person necessary or appropriate to place the payment
10 obligations of the Authority under any of its bonds in whole or
11 in part on any interest rate basis, cash flow basis, or other
12 basis desired by the Authority, including without limitation
13 agreements or contracts commonly known as "interest rate swap
14 agreements", "forward payment conversion agreements", and
15 "futures", or agreements or contracts to exchange cash flows
16 or a series of payments, or agreements or contracts, including
17 without limitation agreements or contracts commonly known as
18 "options", "puts", or "calls", to hedge payment, rate spread,
19 or similar exposure; provided that any such agreement or
20 contract shall not constitute an obligation for borrowed money
21 and shall not be taken into account under Section 845-5 of this
22 Act or any other debt limit of the Authority or the State of
23 Illinois.

24 (y) The Authority shall publish summaries of projects and
25 actions approved by the members of the Authority on its
26 website. These summaries shall include, but not be limited to,

1 information regarding the:

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

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

20 (z) Consistent with the findings and declaration of policy
21 set forth in item (j) of Section 801-5 of this Act, the
22 Authority shall have the power to make loans to the Police
23 Officers' Pension Investment Fund authorized by Section
24 22B-120 of the Illinois Pension Code and to make loans to the
25 Firefighters' Pension Investment Fund authorized by Section
26 22C-120 of the Illinois Pension Code. Notwithstanding anything

1 in this Act to the contrary, loans authorized by Section
2 22B-120 and Section 22C-120 of the Illinois Pension Code may
3 be made from any of the Authority's funds, including, but not
4 limited to, funds in its Illinois Housing Partnership Program
5 Fund, its Industrial Project Insurance Fund, or its Illinois
6 Venture Investment Fund.

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

8 (20 ILCS 3501/Art. 850 heading new)

ARTICLE 850

GENERAL PROVISIONS

11 (20 ILCS 3501/850-5 new)

12 Sec. 850-5. Green Bank. The General Assembly designates
13 the Authority as the Green Bank to aid in all respects with
14 providing financial assistance, programs, and products to
15 finance and otherwise develop and facilitate equitable
16 opportunities to develop clean energy and provide clean water,
17 drinking water, and wastewater treatment in the State. Nothing
18 in this Section shall be deemed to supersede powers and
19 regulatory duties conferred to other State agencies or
20 governmental units.

21 (20 ILCS 3501/850-10 new)

22 Sec. 850-10. Powers and duties.

23 (a) The Authority shall have the powers enumerated in this

1 Act to assist in the equitable development and implementation
2 of clean energy in the State. The powers enumerated in this
3 Article shall be in addition to all other powers with respect
4 to clean energy and the provision of clean water, drinking
5 water, and wastewater treatment conferred elsewhere in the
6 Act.

7 (b) In its role as the Green Bank of the State, the
8 Authority shall have the power to: (i) finance and otherwise
9 support clean energy projects constructed by or providing
10 opportunities to eligible persons, (ii) support investment in
11 the clean energy and clean water, drinking water, and
12 wastewater treatment in eligible communities and environmental
13 justice communities, including support for residential,
14 municipal, and small business, (iii) support and otherwise
15 promote investment in clean energy projects to foster the
16 growth, development and commercialization of clean energy
17 projects and related enterprises owned by eligible persons or
18 constructed in eligible communities or environmental justice
19 communities, and (iv) stimulate demand for clean energy and
20 the development of clean energy projects constructed by
21 eligible persons or in eligible communities or environmental
22 justice communities.

23 (c) In addition to, and not in limitation of, any other
24 power of the Authority set forth in this Section or any other
25 provisions of the general statutes, the Authority shall have
26 and may exercise the following powers in furtherance of or in

1 carrying out its clean energy powers and purposes:

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

18 (2) To do all other acts and things necessary or
19 convenient to carry out the clean energy purposes and
20 powers of the Authority.

21 (3) To utilize funding sources, including, but not
22 limited to:

23 (A) funds repurposed from existing programs
24 providing financing support for clean energy projects,
25 provided any transfer of funds from such existing
26 programs shall be subject to approval by the General

1 Assembly and shall be used for expenses of financing,
2 grants and loans;

3 (B) any federal funds that can be used for clean
4 energy purposes;

5 (C) charitable gifts, grants and contributions as
6 well as loans from individuals, corporations,
7 university endowments and philanthropic foundations
8 for clean energy projects or for the provision of
9 clean water, drinking water, and wastewater treatment;

10 (D) earnings and interest derived from financing
11 support activities for clean energy projects financed
12 by the Authority; and

13 (E) if and to the extent that the Authority
14 qualifies as a Community Development Financial
15 Institution under Section 4702 of the United States
16 Code, funding from the Community Development Financial
17 Institution Fund administered by the United States
18 Department of Treasury, as well as loans from and
19 investments by depository institutions seeking to
20 comply with their obligations under the United States
21 Community Reinvestment Act of 1977.

22 (4) To enter into contracts with private sources to
23 raise capital.

24 (d) The Authority may finance working capital, refinance
25 outstanding indebtedness of any person, and otherwise assist
26 in the investment of equity from any source, public or

1 private, in connection with a clean energy project.

2 (e) The Authority may assess reasonable fees on its
3 financing activities to cover its reasonable costs and
4 expenses, as determined by it.

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

16 (20 ILCS 3501/850-15 new)

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

20 (1) the equitable distribution of the benefits of
21 clean energy;

22 (2) making clean energy accessible to all, especially
23 eligible persons, through financing opportunities and
24 grants for Minority Business Enterprises, as defined in
25 the Business Enterprise Act, and for low-income

1 communities, eligible communities, environmental justice
2 communities, and the businesses that serve these
3 communities; and

4 (3) accelerating the investment of private capital
5 into clean energy projects in an equitable fashion in
6 order to reflect the geographic, racial, ethnic, gender,
7 and income-level diversity of the State.

8 (20 ILCS 3501/850-20 new)

9 Sec. 850-20. Purposes; Climate Bank. In its role as the
10 Climate Bank for the State, the Authority shall consider the
11 following purposes:

12 (1) the equitable distribution of the benefits of
13 clean energy;

14 (2) making clean energy accessible to all through
15 financing opportunities and grants for Minority Business
16 Enterprises, as defined in the Business Enterprise Act,
17 participants in the Illinois Clean Energy Black,
18 Indigenous, and People of Color Primes Contractor
19 Accelerator, participants in the Expanding Clean Energy
20 Entrepreneurship and Contractor Incubator Network Program,
21 and for low-income communities, environmental justice
22 communities, and the businesses that serve these
23 communities; and

24 (3) accelerating the investment of private capital
25 into clean energy projects in an equitable fashion in

1 order to reflect the geographic, racial, ethnic, gender,
2 and income-level diversity of the State.

3 Article 10. Energy Community Reinvestment Act

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

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

16 The General Assembly finds and declares that the health,
17 safety, and welfare of the people of this State are dependent
18 upon a healthy economy and vibrant communities; that the
19 closure of fossil fuel power plants, nuclear power plants, and
20 coal mines across the State have a significant impact on their
21 surrounding communities; that the expansion of renewable
22 energy creates job growth and contributes to the health,
23 safety, and welfare of the people of this State; that the

1 continual encouragement, development, growth, and expansion of
2 renewable energy within the State requires a cooperative and
3 continuous partnership between government and the renewable
4 energy sector; and that there are certain areas in this State
5 that have lost, or will lose, jobs due to the closure of fossil
6 fuel power plants, nuclear power plants, and coal mines and
7 need the particular attention of government, labor, and the
8 residents of Illinois to help attract new investment into
9 these areas and directly aid the local community and its
10 residents.

11 Therefore, it is declared to be the purpose of this Act to
12 explore ways of stimulating the growth of new private
13 investment, including renewable energy investment, in this
14 State and to foster job growth in areas impacted by the closure
15 of coal energy plants, coal mines, and nuclear energy plants.

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

18 "Agencies" or "State agencies" has the same meaning as
19 "State agencies" under Section 1-7 of the Illinois State
20 Auditing Act.

21 "Board" means the Empowerment Zone Board created in
22 Section 10-20.

23 "Clean Energy Empowerment Zone" or "Empowerment Zones"
24 means an area of the State certified by the Department as a
25 Clean Energy Empowerment Zone under this Act.

1 "Commission" means the Energy Transition Workforce
2 Commission created in Section 10-45.

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

5 "Displaced energy worker" means an energy worker who has
6 lost employment, or is anticipated by the Department to lose
7 employment within the next 2 years, due to the reduced
8 operation or closure of a fossil fuel power plant, nuclear
9 power plant, or coal mine.

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

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

26 "Fossil fuel power plant" means an electric generating

1 facility powered by gas, coal, other fossil fuels, or a
2 combination thereof.

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

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

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

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

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

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

22 Section 10-15. Designation of Clean Energy Empowerment
23 Zones.

24 (a) Purpose. It is the intent of the General Assembly that
25 designation of a community as a Clean Energy Empowerment Zone

1 shall be reserved for communities that have experienced
2 economic or environmental hardship due to the transition to
3 clean and renewable energy, including closure of fossil fuel
4 power generation, reduction in coal mining and extraction, and
5 the failure to timely recognize the value of the clean
6 attributes of nuclear generation. The purpose of this Section
7 10-15 is to establish an efficient and equitable process by
8 which the Department and communities across the State may seek
9 the designation of Clean Energy Empowerment Zones. The process
10 conducted by the Department, the Board, and participating
11 units of local government shall be as transparent and
12 inclusive as is reasonably practical.

13 (b) Notification of local governments. Within 30 days
14 after the effective date of this Act, the Department shall
15 publish a notice on its website stating its intention to begin
16 the review of potential locations for Empowerment Zone
17 regional designations, and solicit information from the public
18 on this topic. Within 45 days after the effective date of this
19 Act, the Department shall submit a notice to the county board
20 of each jurisdiction in which a fossil fuel power plant, coal
21 mine, or nuclear power plant is, or was, within 30 years of the
22 effective date of this Act, located, informing the local
23 governments of their intention to develop a list of
24 Empowerment Zones, providing a basic explanation of the
25 benefits of designation as an Empowerment Zone, and informing
26 them of participation opportunities in the designation

1 process. The Department may notify other persons or local
2 government units of this process at any time.

3 (c) Proposed list of Empowerment Zones. Within 120 days
4 after the effective date of this Act, the Department shall
5 develop a proposed list of geographic regions in Illinois that
6 qualify as Empowerment Zones. The Department shall work with
7 the Illinois Environmental Protection Agency, the Commission
8 on Environmental Justice, the Department of Labor, the
9 Department of Natural Resources, and community organizations
10 to identify regions impacted by the decline of coal
11 generation, gas generation, nuclear generation, and coal
12 mining to develop the recommended list of regions that qualify
13 for Empowerment Zone designations. The Department shall
14 furnish maps that identify the proposed boundaries of proposed
15 Empowerment Zones, and include justification for the inclusion
16 or exclusion of certain locations or regions. The proposed
17 list shall be subject to the notice and comment process
18 established in subsection (e).

19 (d) Criteria for designation as an Empowerment Zone. A
20 region shall be proposed by the Department, and certified by
21 the Board as an Empowerment Zone if it meets all of the
22 following characteristics:

23 (1) the region is a contiguous area, provided that a
24 Zone area may exclude wholly surrounded territory within
25 its boundaries;

26 (2) the region satisfies any additional criteria

1 established by the Department consistent with the purposes
2 of this Act; and

3 (3) the region meets one or more of the following:

4 (A) the area contains a fossil fuel or nuclear
5 power plant that was retired from service or has
6 significantly reduced service within 10 years before
7 the application for designation or will be retired or
8 have service significantly reduced within 5 years
9 following the application for designation;

10 (B) the area contains a coal mine that was closed
11 or had operations significantly reduced within 10
12 years before the application for designation or is
13 anticipated to be closed or have operations
14 significantly reduced within 5 years following the
15 application for designation; or

16 (C) the area contains a nuclear power plant that
17 was decommissioned, but continued storing nuclear
18 waste before the effective date of this Act.

19 (e) Review and comment process. After developing the
20 proposed list of regions to be designated as Empowerment
21 Zones, or proposing additions to the list, the Department
22 shall conduct a 60-day public comment process, in partnership
23 with the other agencies, departments, and units of local
24 government where beneficial for the purposes of this Section.
25 The public comment process shall include, at a minimum, 2
26 public hearings that are accessible to working residents,

1 shall prioritize the solicitation of feedback from
2 environmental justice communities and communities directly
3 impacted by the Empowerment Zone designation, and shall
4 provide for the submission of written comments through the
5 Internet.

6 Within 30 days after concluding the public comment
7 process, the Department shall modify or finalize the proposed
8 list of geographic regions that qualify as Empowerment Zones
9 and submit the list to the Empowerment Zone Board for approval
10 or modification as described in Section 10-20.

11 (f) Local government self-designation. After the
12 Department submits its first list of proposed Empowerment
13 Zones to the Board, units of local government may, on an
14 ongoing basis, submit applications to the Department to
15 designate an area wholly or partially in their jurisdiction as
16 an Empowerment Zone if the Department has not proposed the
17 region as a potential Empowerment Zone to the Board. Multiple
18 units of local government may submit a joint application for
19 designation if the proposed region or regions fall partially
20 or wholly within their combined jurisdictions. A unit of local
21 government may submit an application to the Department if:

22 (1) the area meets the criteria for designation as an
23 Empowerment Zone established in subsection (d); and

24 (2) the unit of local government has conducted at
25 least one public hearing within the proposed Zone area
26 considering all of the following questions:

(A) whether to create the Zone;

(B) what local plans, tax incentives, and other programs should be established in connection with the zone; and

(C) what the boundaries of the Zone should be; public notice of the hearing shall be published in at least one newspaper of general circulation within the Zone area, not more than 21 days nor less than 7 days before the Hearing.

An application submitted under this subsection (f) shall include a certified copy of the ordinance designating the proposed Zone; a map of the proposed Empowerment Zone, showing existing streets and highways; an analysis, and any appropriate supporting documents and statistics, demonstrating that the proposed zone area is qualified in accordance with subsection (d); a statement detailing any tax, grant, and other financial incentives or benefits, and any programs, to be provided by the municipality or county to business enterprises within the Zone, which are not otherwise provided throughout the municipality or county; a statement setting forth the economic development and planning objectives for the Zone; an estimate of the economic impact of the Zone, considering all of the tax incentives, financial benefits and programs contemplated, upon the revenues of the municipality or county; a specific definition of the applicant's local labor market area; a transcript of all public hearings on the

1 Zone; and any additional information as the Department may by
2 rule require.

3 Within 60 days after receiving an application from a unit
4 of local government, the Department shall review the
5 application to determine whether the designated area qualifies
6 as an Empowerment Zone under this Section, and submit its
7 recommendation to the Empowerment Zone Board including all
8 necessary information and records for the Board to review, as
9 described in Section 10-20. Within 7 days after submitting the
10 recommendation to the Board, the Department shall provide a
11 copy of its recommendation to the applicant, including all
12 supporting documents and information submitted to the Board.

13 (g) Application process. The Department shall develop an
14 ongoing application process for Empowerment Zone applications
15 by units of local government. The application process shall be
16 open through January 1, 2050. The Department, or any
17 predecessor of the Department, may extend the application
18 process beyond that date if it deems it is necessary or prudent
19 to accomplish the purpose of this Act.

20 (h) Length of designation. An Empowerment Zone designation
21 lasts for 10 years from the effective date of the designation
22 and shall be subject to review by the Board after 10 years for
23 an additional 10-year designation beginning on the expiration
24 date of the Empowerment Zone. During the review process, the
25 Board shall consider the costs incurred by the State and units
26 of local government as a result of benefits received by the

1 Empowerment Zone.

2 (i) Emergency rulemaking. The Department has emergency
3 rulemaking authority for the purpose of implementation of this
4 Section until 12 months after the effective date of this Act as
5 provided under Section 5-45 of the Illinois Administrative
6 Procedure Act.

7 Section 10-20. Empowerment Zone Board.

8 (a) An Empowerment Zone Board is hereby created within the
9 Department.

10 (b) The Board shall consist of 11 voting members, one of
11 whom shall be the Director of the Department, or his or her
12 designee, who shall serve as chairperson; one of whom shall be
13 the Director of Revenue, or his or her designee; 5 of whom
14 shall be members appointed by the Governor, with the advice
15 and consent of the Senate; one of whom shall be appointed by
16 the Speaker of the House of Representatives; one of whom shall
17 be appointed by the President of the Senate; one of whom shall
18 be appointed by the Minority Leader of the House; and one of
19 whom shall be appointed by the Minority Leader of the Senate.
20 Designees shall be appointed within 60 days after a vacancy.
21 No fewer than 2 of the members shall consist of low-income
22 residents or residents of environmental justice communities.
23 At least 2 of the Board members shall be representatives of
24 organized labor. At least 2 of the Board members shall be
25 representatives of a community with a generation or mine

1 closure. At least one member shall be a representative of the
2 owner or operator of a coal plant that either closed in the
3 past 3 years or has announced a closure. At least one member
4 shall be a representative of the owner or operator of a nuclear
5 plant that either closed or has announced a closure. All
6 meetings shall be accessible, with rotating locations, call-in
7 options, and materials and agendas circulated well in advance,
8 and there shall also be opportunities for input outside of
9 meetings from those with limited capacity and ability to
10 attend, via one-on-one meetings, surveys, and calls.

11 Board members shall serve without compensation, but may be
12 reimbursed for necessary expenses incurred in the performance
13 of their duties from funds appropriated for that purpose. Each
14 member appointed shall have at least 5 years of experience in
15 business development, economic development, or workforce
16 training. The Department shall provide administrative support
17 to the Board, including the selection of a Department staff
18 member to serve as a Board Liaison between the Department and
19 the Advisory Board.

20 (c) All final actions by the Board pursuant to this
21 subsection (c) shall require approval by a simple majority of
22 the Board. The Board shall have the following duties:

23 (1) reviewing applications and extensions for
24 designation as a Clean Energy Empowerment Zone, including
25 Department recommendations, testimony from public
26 hearings, public comment, and supporting materials;

1 (2) voting to approve, disapprove, or modify
2 applications for designation and extensions as an
3 Empowerment Zone;

4 (3) the approval of tax credits under the Empowerment
5 Zone Tax Credit Act; and

6 (4) modifying applications for designation or
7 extensions as an Empowerment Zone before approval.

8 (d) Within 60 days after submission of applications or tax
9 credits, pursuant to subsection (c) of this Section, to the
10 Board by the Department, the Board shall approve, disapprove,
11 or modify applications for certification of regions as
12 Empowerment Zones. If the Board does not take final action on a
13 submission within 60 days after the submission, the
14 application submitted by the Department shall be considered
15 approved, and the regions proposed in the application shall be
16 certified as Clean Energy Empowerment Zones.

17 Section 10-25. State incentives regarding public services
18 and physical infrastructure.

19 (a) The State Treasurer is authorized and encouraged to
20 place deposits of State funds with financial institutions
21 doing business in an Empowerment Zone.

22 (b) This Act does not restrict tax incentive financing
23 under Division 74.4 of Article 11 of the Illinois Municipal
24 Code.

1 Section 10-30. Supporting impacted communities.

2 (a) No later than December 1, 2021, the Department shall
3 develop a process for accepting applications from units of
4 local government included in Clean Energy Empowerment Zones to
5 mitigate the impact of an annual reduction of 30% or more in
6 property tax revenue or other direct payments, or both, from
7 fossil fuel power plants, nuclear power plants, or coal mines
8 to local governments due to the retirement, or reduced
9 operation, of the power plant or mine that occurred after
10 January 1, 2016. In the case of reduced operation, the
11 proposal may only be accepted if the reduction in operation is
12 reasonably expected to be permanent. The Department shall
13 accept applications on an ongoing basis after beginning the
14 program. Local government units may submit applications
15 jointly.

16 (b) The Department shall use available funds from the
17 Energy Community Reinvestment Fund to provide payments to
18 communities for a period of no longer than 5 years from the
19 approval of their proposal, subject to the following
20 Restrictions:

21 (1) Payments shall be assessed based on need, taking
22 into consideration the net amount of any increase in
23 payments from any other State source, including, but not
24 limited to, funding provided based on an evidence-based
25 funding formula developed by the Illinois State Board of
26 Education.

(2) The highest annual payment to the unit of local government cannot exceed the lower value of either (i) the average annual sum of property tax and other direct payments from the fossil fuel power plant, nuclear power plant, or coal mine to the unit of local government from the most recent 3 taxable years before the reduction or cessation of operation of the power plant or coal mine, or (ii) the difference between projected local government revenue for the years for which assistance is requested (taking into account reasonably anticipated new revenue sources) and the average local government revenue from the most recent 3 taxable years before the reduction or cessation of power plant or coal mine operation. The Department may choose to consider budget information from prior years if doing so allows the Department to better measure the revenue impacts of the energy transition.

(3) The Department shall not provide funding under this Program that exceeds the amount specified in this paragraph (3) to any local government unit. Each unit of local government shall not be granted by the Department a total amount of funding over the lifetime of this Program, for each power plant or coal mine, that is greater than 5 times the average annual sum of property tax payments and other direct payments from the power plant or coal mine to the unit of local government, calculated based on the most recent 3 taxable years that occurred before the reduction

1 or cessation of operation of the power plant or coal mine.

2 (4) The Department may develop a payment schedule that
3 phases out support over time, based on its analysis of
4 available present and anticipated future funding in the
5 Energy Community Reinvestment Fund or other reasons
6 consistent with the purposes of this Act.

7 (5) If the total amount of qualified proposals exceeds
8 the available present and anticipated future funding in
9 the Energy Community Reinvestment Fund, the Department may
10 prorate payments to units of local government, or
11 prioritize communities for investment based on severity of
12 impact and environmental justice screens in coordination
13 with the Commission on Environmental Justice, and input
14 from stakeholders. The Department shall allocate funding
15 in an equitable and effective manner. Nothing in this Act
16 shall be interpreted to infer that units of local
17 government have a right to revenue replacement from the
18 State.

19 (6) Funding allocated under this program may not be
20 used to support fossil fuel power plants, nuclear power
21 plants, or coal mines in any form. Any local government
22 unit that uses funds provided under this Act to support
23 fossil fuel power plants, nuclear power plants, or coal
24 mines shall reimburse the State for all funding used for
25 that purpose. If requested, the Department shall provide
26 guidance to local government units on whether a proposed

1 use of funds is considered a violation of this
2 requirement.

3 (7) At least once every 2 years following the
4 allocation of funds for this program, the Department shall
5 publish a document available online detailing the
6 allocation of funds, including a map that shows the
7 geographic distribution of the funds and the locations of
8 Clean Energy Empowerment Zones.

9 (c) The Department shall contact all units of local
10 government in Clean Energy Empowerment Zones and provide
11 information on the application process for funding under this
12 Section and a reasonable estimate of total funding that will
13 be available for this program. The Department shall request
14 that applications for funding contain the information
15 necessary for the Department to evaluate the fiscal impact of
16 the energy transition on communities located in Clean Energy
17 Empowerment Zones; however the Department shall allow for
18 reasonable flexibility in the applications to accommodate
19 local government units that may have less resources available
20 to prepare an application. The Department shall, to the extent
21 practical, assist local government units in the application
22 process.

23 (d) The Department shall adopt rules to implement the
24 provisions of this Section.

25 Section 10-35. Clean Energy Empowerment Task Forces.

1 (a) The Department and the Board shall work with local
2 stakeholders in Clean Energy Empowerment Zones to support the
3 convening of local Clean Energy Empowerment Task Forces.

4 (b) Local Clean Energy Empowerment Task Forces shall
5 include a broad range of local stakeholders to inform
6 transition needs and include, at a minimum, elected
7 representatives from municipal and State governments,
8 operators of local power plants or mines, multiple
9 representatives from community-based organizations, local
10 environmental, fish, or wildlife groups, organized labor, and
11 the Illinois Environmental Protection Agency.

12 (c) The Board shall put forward requests for proposals for
13 third-party facilitators for Task Forces in prioritized Clean
14 Energy Empowerment Zones based on need and those facing recent
15 or near-term retirements of plants or mines.

16 (d) The Department shall work with local Task Forces to
17 develop local transition plans that identify economic,
18 workforce, and environmental health needs with strategies to
19 mitigate energy transition impacts and any accompanying
20 funding requests from the Energy Community Reinvestment Fund.

21 (e) As part of developing local transition plans, the
22 Department shall work with third-party facilitators and Task
23 Force members to gather and incorporate public comment and
24 feedback into a finalized transition plan.

25 (f) If the Department determines that a fossil fuel power
26 plant owner has failed to engage productively in stakeholder

1 meetings and with Clean Energy Empowerment Zone Task Forces,
2 the Department shall submit a notification to the Illinois
3 Environmental Protection Agency for enforcement actions and
4 the assessment of fees as described in Section 9.16 of the
5 Environmental Protection Act.

6 Section 10-40. Energy Transition Workforce Commission.

7 (a) The Energy Transition Workforce Commission is hereby
8 created within the Department of Commerce and Economic
9 Opportunity.

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

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

12 (2) the Director of Labor, or his or her designee, who
13 shall serve as chairperson; and

14 (3) 5 members appointed by the Governor, with the
15 advice and consent of the Senate, of which at least one
16 shall be a representative of a local labor organization,
17 at least one shall be a resident of an environmental
18 justice community, at least one shall be a representative
19 of a national labor organization, and at least one shall
20 be a representative of the administrator of workforce
21 training programs created by this amendatory Act of the
22 102nd General Assembly. Designees shall be appointed
23 within 60 days after a vacancy.

24 (c) Members of the Commission shall serve without
25 compensation, but may be reimbursed for necessary expenses

1 incurred in the performance of their duties from funds
2 appropriated for that purpose. The Department of Commerce and
3 Economic Opportunity shall provide administrative support to
4 the Commission.

5 (d) Within 240 days after the effective date of this Act,
6 the Commission shall produce an Energy Transition Workforce
7 Report regarding the anticipated impact of the energy
8 transition and a comprehensive set of recommendations to
9 address changes to the Illinois workforce during the period of
10 2020 through 2050, or a later year. The report shall contain
11 the following elements, designed to be used for the programs
12 created in this Act:

13 (1) Information related to the impact on current
14 workers, including:

15 (A) a comprehensive accounting of all employees
16 who currently work in fossil fuel energy generation,
17 nuclear energy generation, and coal mining in the
18 State; this shall include information on their
19 location, employer, salary ranges, full-time or
20 part-time status, nature of their work, educational
21 attainment, union status, and other factors the
22 Commission finds relevant; the Commission shall keep a
23 confidential list of these employees and the
24 information necessary to identify them for the purpose
25 of their eligibility to participate in programs
26 designed for their benefit;

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

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

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

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

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

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

(C) economic impacts of the energy transition, including, but not limited to, the supply chain

1 impacts of the energy transition shift toward new
2 energy sources across the State.

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

7 (e) Following the completion of each report, or if the
8 Department finds that it is prudent to begin before the
9 completion of a report, the Department shall coordinate with
10 the Commission to create a comprehensive draft plan for
11 designing, maintaining, and funding programs established under
12 this Act, including the Displaced Energy Workers Bill of
13 Rights provided under Section 10-60. The draft plan shall
14 include, at a minimum, the following information:

15 (1) A detailed accounting of the anticipated costs for
16 each program and the anticipated amount of funding that
17 will be provided for each program.

18 (2) Information on the locations at which each program
19 shall have services provided; if this information is not
20 yet known by the Department at the time of the plan's
21 drafting, the Department shall generally explain how they
22 intend to determine the program locations. Within 240 days
23 after the effective date of this Act, the Department shall
24 publish the draft plan online. The Department shall take
25 public comments on the draft plan for a period of no less
26 than 45 days and publish the final plan within 60 days

1 after the closing of the comment period.

2 (f) The Department shall periodically review its findings
3 in the developed reports and make modifications to the report
4 and programs based on new findings. The Department shall
5 conduct a comprehensive reevaluation of the report, and
6 publish a modified version along with a new draft plan, on each
7 of the following years following initial publication: 2023;
8 2027; 2030; 2035; 2040; and any year thereafter which the
9 Department determines is necessary or prudent.

10 Section 10-45. Energy Transition Community Grants.

11 (a) Subject to appropriation, the Department shall
12 establish an Energy Transition Community Grant Program to
13 award grants to promote economic development in eligible
14 communities.

15 (b) Funds shall be made available from the Energy
16 Community Reinvestment Fund to the Department to provide these
17 grants.

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

20 (1) the area is part of a designated Clean Energy
21 Empowerment Zone as designated under this Act;

22 (2) the area contains a fossil fuel or nuclear power
23 plant that was retired from service or has significantly
24 reduced service within 10 years before the application for
25 designation or will be retired or have service

1 significantly reduced within 5 years following the
2 application for designation;

3 (3) the area contains a coal mine that was closed or
4 had operations significantly reduced within 10 years
5 before the application for designation or is anticipated
6 to be closed or have operations; or

7 (4) the area contains a nuclear power plant that was
8 decommissioned, but continued storing nuclear waste before
9 the effective date of this Act.

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

15 (e) To receive grant funds, an eligible community must
16 submit an application to the Department, using a form
17 developed by the Department.

18 (f) For grants awarded to counties or other entities that
19 are not the city that hosts or has hosted the investor-owned
20 electric generating plant, a resolution of support for the
21 project from the city or cities that hosts or has hosted the
22 investor-owned electric generating plant is required to be
23 submitted with the application.

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

1 (h) Project applications should include community input
2 and consultation with a diverse set of stakeholders including,
3 but not limited to: Regional Planning Councils, where
4 applicable; economic development organizations; low-income or
5 environmental justice communities; educational institutions;
6 elected and appointed officials; organizations representing
7 workers; and other relevant organizations.

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

15 Section 10-50. Displaced Energy Workers Bill of Rights.

16 (a) The Department, in collaboration with the Illinois
17 Department of Employment Security, shall have the authority to
18 implement the Displaced Energy Workers Bill of Rights, and
19 shall be responsible for the implementation of the Displaced
20 Energy Workers Bill of Rights programs and rights created
21 under this Section. The Department shall provide the following
22 benefits to displaced energy workers listed in paragraphs (1)
23 through (4) of this subsection:

24 (1) Advance notice of power plant or coal mine
25 closure.

(A) The Department shall notify all energy workers of the upcoming closure of any qualifying facility as far in advance of the scheduled closing date as it can. The Department shall engage the employer and energy workers no later than within 30 days of a closure or deactivation notice being filed by the plant owner to the Regional Transmission Organization of jurisdiction, within 30 days of the announced closure of a coal mine, within 30 days of a WARN notice being filed with the Department, or within 30 days of an announcement or requirement of cessation of operations of a plant or mine from another authoritative source, whichever is first.

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

(2) The Department shall take reasonable steps to ensure that all displaced energy workers are educated on the various programs available through the Department to assist with the energy transition, including, but not limited to, the Illinois Dislocated Worker and Rapid Response programs. The Department will develop an outreach strategy, workforce toolkit and quick action plan to

1 deploy when closures are announced. This strategy will
2 include identifying any additional resources that may be
3 needed to aid worker transitions that would require
4 contracting services.

5 (3) Employment assistance and career services. The
6 Department shall provide displaced energy workers with
7 assistance in finding new sources of employment through
8 the Energy Workforce Development Program established in
9 this Act. The Department shall provide information and
10 consultation to displaced energy workers on various
11 employment and educational opportunities available to
12 them, supportive services, and advise workers on which
13 opportunities meet their skills, needs, and preferences.

14 (A) Available services will include reemployment
15 services, training services, work-based learning
16 services, and financial and retirement planning
17 Support.

18 (B) The Department will provide skills matching as
19 part of career counseling services to enable
20 assessment of the displaced energy worker's skills and
21 map those skills to emerging occupations in the region
22 or nationally, or both, depending on the displaced
23 worker's preferences.

24 (C) For energy workers who may be interested in
25 entrepreneurial pursuits, the Department will connect
26 these individuals with their area Small Business

1 Development Center, Procurement Technical Assistance
2 Centers, and economic development organization to
3 engage in services including, but not limited to,
4 business consulting, business planning, regulatory
5 compliance, marketing, training, accessing capital,
6 and government bid certification assistance.

7 (4) Financial Planning Services. Displaced energy
8 workers shall be entitled to services as described in the
9 energy worker Programs in this subsection, including
10 financial planning services.

11 (5) Insurance Alternatives. Displaced energy workers
12 shall be entitled to 24 months of insurance coverage that
13 (A) costs no more than the average monthly premium paid by
14 the worker over the last 12 months and (B) offers the same
15 level of benefits, including, but not limited to,
16 coverage, in-network providers, deductibles, and
17 copayments covered during the previous 12 months.
18 Displaced Energy Workers may purchase health insurance
19 plans from Illinois Health Benefits Exchanges which offer
20 a similar level of benefits, including, but not limited
21 to, coverage, in-network providers, deductibles, and
22 copayments covered during the previous 12 months of their
23 employment. The Department shall reimburse these workers
24 in full for these insurance plans for up to 12 months. The
25 reimbursement shall be paid from the Energy Transition
26 Assistance Fund.

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, the owners of
24 the power plant or mine shall provide a final closure
25 report to the Department that includes expected closure
26 date, number of employees and salaries, transition support

the company is providing to employee and timelines, including assistance for training opportunities, transportation support or childcare resources to attend training, career counseling, resume support, and others. The closure report will be made available to the chief elected official of each municipal and county government within which the employment loss, relocation, or mass layoff occurs. It shall not be made publicly available.

(5) The owners of the power plant or mine shall provide job descriptions for each employee at the plant or mine to the Department and the entity providing career and training counseling.

(6) The owners of the power plant or mine shall make available to the Department and the entity providing career and training counseling any industry related certifications and on-the-job training the employee earned to allow union training programs, Community Colleges, or other certification programs to award credit for life experiences in order to reduce the amount of time to complete training, certificates or degrees for the dislocated employee.

(7) maintain responsible retirement account portfolios; employees of qualifying facilities shall have their retirement funds backed by financial tools that are not economically dependent upon the success of their employer's business.

1 Section 10-55. Displaced Energy Worker Dependent
2 Transition Scholarship.

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

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

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

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

24 (e) Scholarships awarded under this Section may be used by
25 a child without regard to his or her age. The holder of a

1 Scholarship awarded under this Section shall be subject to all
2 examinations and academic standards, including the maintenance
3 of minimum grade levels, that are applicable generally to
4 other enrolled students at the Illinois institution of higher
5 learning where the Scholarship is being used.

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

8 (1) is the natural child, legally adopted child, or
9 step-child of an eligible dislocated energy worker; and

10 (2) in the absence of transition scholarship
11 assistance, will be deterred by financial considerations
12 from completing an educational program at the
13 state-supported Illinois institution of higher learning of
14 his or her choice.

15 (g) Funds shall be made available from the Energy
16 Community Reinvestment Fund to the Commission to provide these
17 Grants.

18 (h) The scholarship shall only cover tuition and fees at
19 the In-District/In-State rates but shall not exceed the cost
20 equivalent of one calendar year of full-time enrollment,
21 including summer terms, at the University of Illinois. The
22 Commission shall determine the grant amount for each student.

23 Section 10-60. Consideration of energy worker employment.

24 (a) All State departments and agencies shall conduct a
25 review of the Department of Commerce and Economic

1 Opportunity's registry of energy workers to determine whether
2 any qualified candidates are displaced energy workers before
3 making a final hiring decision for a position in State
4 Employment.

5 (b) The Department of Commerce and Economic Opportunity
6 shall inform all State agencies and departments of the
7 obligations created by this Section and take steps to ensure
8 Compliance.

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

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

14 Section 10-65. Energy Community Reinvestment Report.
15 Beginning 365 days after the effective date of this Act, and at
16 least once each calendar year thereafter, the Department shall
17 create or commission the creation of a report on the energy
18 worker and transition programs created in this Act and publish
19 the report on its website. The report shall, at a minimum,
20 contain information on program metrics, the demographics of
21 participants, program impact, and recommendations for future
22 modifications to the services provided by the Department under
23 these programs.

24 Section 10-70. Administrative review. All final

1 administrative decisions, including, but not limited to,
2 funding allocation and rules issued by the Department under
3 this Act are subject to judicial review under the
4 Administrative Review Law. No action may be commenced under
5 this Section prior to 60 days after the complainant has given
6 notice in writing of the action to the Department.

7 Article 15.

8 Section 15-5. The Illinois Governmental Ethics Act is
9 amended by adding Section 1-121 and by changing Sections
10 4A-102 and 4A-103 as follows:

11 (5 ILCS 420/1-121 new)

12 Sec. 1-121. Public utility. "Public utility" has the
13 meaning provided in Section 3-105 of the Public Utilities Act.

14 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

15 Sec. 4A-102. The statement of economic interests required
16 by this Article shall include the economic interests of the
17 person making the statement as provided in this Section. The
18 interest (if constructively controlled by the person making
19 the statement) of a spouse or any other party, shall be
20 considered to be the same as the interest of the person making
21 the statement. Campaign receipts shall not be included in this
22 statement.

1 (a) The following interests shall be listed by all
2 persons required to file:

3 (1) The name, address and type of practice of any
4 professional organization or individual professional
5 practice in which the person making the statement was
6 an officer, director, associate, partner or
7 proprietor, or served in any advisory capacity, from
8 which income in excess of \$1200 was derived during the
9 preceding calendar year;

10 (2) The nature of professional services (other
11 than services rendered to the unit or units of
12 government in relation to which the person is required
13 to file) and the nature of the entity to which they
14 were rendered if fees exceeding \$5,000 were received
15 during the preceding calendar year from the entity for
16 professional services rendered by the person making
17 the statement.

18 (3) The identity (including the address or legal
19 description of real estate) of any capital asset from
20 which a capital gain of \$5,000 or more was realized in
21 the preceding calendar year.

22 (4) The name of any unit of government which has
23 employed the person making the statement during the
24 preceding calendar year other than the unit or units
25 of government in relation to which the person is
26 required to file.

1 (5) The name of any entity from which a gift or
2 gifts, or honorarium or honoraria, valued singly or in
3 the aggregate in excess of \$500, was received during
4 the preceding calendar year.

5 (b) The following interests shall also be listed by
6 persons listed in items (a) through (f), item (l), item
7 (n), and item (p) of Section 4A-101:

8 (1) The name and instrument of ownership in any
9 entity doing business in the State of Illinois, in
10 which an ownership interest held by the person at the
11 date of filing is in excess of \$5,000 fair market value
12 or from which dividends of in excess of \$1,200 were
13 derived during the preceding calendar year. (In the
14 case of real estate, location thereof shall be listed
15 by street address, or if none, then by legal
16 description). No time or demand deposit in a financial
17 institution, nor any debt instrument need be listed;

18 (2) Except for professional service entities, the
19 name of any entity and any position held therein from
20 which income of in excess of \$1,200 was derived during
21 the preceding calendar year, if the entity does
22 business in the State of Illinois. No time or demand
23 deposit in a financial institution, nor any debt
24 instrument need be listed.

25 (3) The identity of any compensated lobbyist with
26 whom the person making the statement maintains a close

1 economic association, including the name of the
2 lobbyist and specifying the legislative matter or
3 matters which are the object of the lobbying activity,
4 and describing the general type of economic activity
5 of the client or principal on whose behalf that person
6 is lobbying.

7 (c) The following interests shall also be listed by
8 persons listed in items (a) through (c) and item (e) of
9 Section 4A-101.5:

10 (1) The name and instrument of ownership in any
11 entity doing business with a unit of local government
12 in relation to which the person is required to file if
13 the ownership interest of the person filing is greater
14 than \$5,000 fair market value as of the date of filing
15 or if dividends in excess of \$1,200 were received from
16 the entity during the preceding calendar year. (In the
17 case of real estate, location thereof shall be listed
18 by street address, or if none, then by legal
19 description). No time or demand deposit in a financial
20 institution, nor any debt instrument need be listed.

21 (2) Except for professional service entities, the
22 name of any entity and any position held therein from
23 which income in excess of \$1,200 was derived during
24 the preceding calendar year if the entity does
25 business with a unit of local government in relation
26 to which the person is required to file. No time or

1 demand deposit in a financial institution, nor any
2 debt instrument need be listed.

3 (3) The name of any entity and the nature of the
4 governmental action requested by any entity which has
5 applied to a unit of local government in relation to
6 which the person must file for any license, franchise
7 or permit for annexation, zoning or rezoning of real
8 estate during the preceding calendar year if the
9 ownership interest of the person filing is in excess
10 of \$5,000 fair market value at the time of filing or if
11 income or dividends in excess of \$1,200 were received
12 by the person filing from the entity during the
13 preceding calendar year.

14 (d) The following interest shall also be listed by
15 persons listed in items (a) through (f) of Section 4A-101:
16 the name of any spouse or immediate family member living
17 with such person employed by a public utility in this
18 State and the name of the public utility that employs such
19 person.

20 For the purposes of this Section, the unit of local
21 government in relation to which a person is required to file
22 under item (e) of Section 4A-101.5 shall be the unit of local
23 government that contributes to the pension fund of which such
24 person is a member of the board.

25 (Source: P.A. 101-221, eff. 8-9-19.)

(5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

Sec. 4A-103. The statement of economic interests required by this Article to be filed with the Secretary of State shall be filled in by typewriting or hand printing, shall be verified, dated, and signed by the person making the statement and shall contain substantially the following:

STATEMENT OF ECONOMIC INTEREST

(TYPE OR HAND PRINT)

(name)

(each office or position of employment for which this statement is filed)

(full mailing address)

GENERAL DIRECTIONS:

The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement.

Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is

1 in excess of \$5,000 fair market value or from which dividends
2 in excess of \$1,200 were derived during the preceding calendar
3 year. (In the case of real estate, location thereof shall be
4 listed by street address, or if none, then by legal
5 description.) No time or demand deposit in a financial
6 institution, nor any debt instrument need be listed.

8
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12 2. List the name, address and type of practice of any
13 professional organization in which the person making the
14 statement was an officer, director, associate, partner or
15 proprietor or served in any advisory capacity, from which
16 income in excess of \$1,200 was derived during the preceding
17 calendar year.

18	Name	Address	Type of Practice
19	.....	.....	.....
20	.....	.....	.....
21	.....	.....	.....

22 3. List the nature of professional services rendered
23 (other than to the State of Illinois) to each entity from which
24 income exceeding \$5,000 was received for professional services
25 rendered during the preceding calendar year by the person
26 making the statement.

1

2

3 4. List the identity (including the address or legal
4 description of real estate) of any capital asset from which a
5 capital gain of \$5,000 or more was realized during the
6 preceding calendar year.

7

8

9 5. List the identity of any compensated lobbyist with whom
10 the person making the statement maintains a close economic
11 association, including the name of the lobbyist and specifying
12 the legislative matter or matters which are the object of the
13 lobbying activity, and describing the general type of economic
14 activity of the client or principal on whose behalf that
15 person is lobbying.

16 Lobbyist Legislative Matter Client or Principal

17

18

19 6. List the name of any entity doing business in the State
20 of Illinois from which income in excess of \$1,200 was derived
21 during the preceding calendar year other than for professional
22 services and the title or description of any position held in
23 that entity. (In the case of real estate, location thereof
24 shall be listed by street address, or if none, then by legal
25 description). No time or demand deposit in a financial
26 institution nor any debt instrument need be listed.

1	Entity	Position Held
2	.....	.....
3	.....	.....
4	.....	.....
5	7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.	
9	.....	.....
10	.....	.....
11	8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500, was received during the preceding calendar year.	
15	.....	.....
16	<u>9. List the name of any spouse or immediate family member</u> <u>living with the person making this statement employed by a</u> <u>public utility in this State and the name of the public utility</u> <u>that employs the relative.</u>	
20	Name and relation	Public Utility
21	.....	.....
22	.....	.....
23	.....	.....

24 VERIFICATION:

25 "I declare that this statement of economic interests
26 (including any accompanying schedules and statements) has been

1 examined by me and to the best of my knowledge and belief is a
2 true, correct and complete statement of my economic interests
3 as required by the Illinois Governmental Ethics Act. I
4 understand that the penalty for willfully filing a false or
5 incomplete statement shall be a fine not to exceed \$1,000 or
6 imprisonment in a penal institution other than the
7 penitentiary not to exceed one year, or both fine and
8 imprisonment."

9

10 (date of filing) (signature of person making the statement)

11 (Source: P.A. 95-173, eff. 1-1-08.)

12 Section 15-10. The State Officials and Employees Ethics
13 Act is amended by changing Section 5-50 as follows:

14 (5 ILCS 430/5-50)

15 Sec. 5-50. Ex parte communications; special government
16 agents.

17 (a) This Section applies to ex parte communications made
18 to any agency listed in subsection (e).

19 (b) "Ex parte communication" means any written or oral
20 communication by any person that imparts or requests material
21 information or makes a material argument regarding potential
22 action concerning regulatory, quasi-adjudicatory, investment,
23 or licensing matters pending before or under consideration by
24 the agency. "Ex parte communication" does not include the

1 following: (i) statements by a person publicly made in a
2 public forum; (ii) statements regarding matters of procedure
3 and practice, such as format, the number of copies required,
4 the manner of filing, and the status of a matter; and (iii)
5 statements made by a State employee of the agency to the agency
6 head or other employees of that agency.

7 (b-5) An ex parte communication received by an agency,
8 agency head, or other agency employee from an interested party
9 or his or her official representative or attorney shall
10 promptly be memorialized and made a part of the record.

11 (c) An ex parte communication received by any agency,
12 agency head, or other agency employee, other than an ex parte
13 communication described in subsection (b-5), shall immediately
14 be reported to that agency's ethics officer by the recipient
15 of the communication and by any other employee of that agency
16 who responds to the communication. The ethics officer shall
17 require that the ex parte communication be promptly made a
18 part of the record. The ethics officer shall promptly file the
19 ex parte communication with the Executive Ethics Commission,
20 including all written communications, all written responses to
21 the communications, and a memorandum prepared by the ethics
22 officer stating the nature and substance of all oral
23 communications, the identity and job title of the person to
24 whom each communication was made, all responses made, the
25 identity and job title of the person making each response, the
26 identity of each person from whom the written or oral ex parte

1 communication was received, the individual or entity
2 represented by that person, any action the person requested or
3 recommended, and any other pertinent information. The
4 disclosure shall also contain the date of any ex parte
5 communication.

6 (d) "Interested party" means a person or entity whose
7 rights, privileges, or interests are the subject of or are
8 directly affected by a regulatory, quasi-adjudicatory,
9 investment, or licensing matter. For purposes of an ex parte
10 communication received by either the Illinois Commerce
11 Commission or the Illinois Power Agency, "interested party"
12 also includes: (1) an organization comprised of 2 or more
13 businesses, persons, non-profit entities, or any combination
14 thereof, that are working in concert to advance public policy
15 advocated by the organization, or (2) any party selling
16 renewable energy resources procured by the Illinois Power
17 Agency pursuant to Section 16-111.5 of the Public Utilities
18 Act and Section 1-75 of the Illinois Power Agency Act.

19 (e) This Section applies to the following agencies:
20 Executive Ethics Commission
21 Illinois Commerce Commission
22 Illinois Power Agency
23 Educational Labor Relations Board
24 State Board of Elections
25 Illinois Gaming Board
26 Health Facilities and Services Review Board

1 Illinois Workers' Compensation Commission
2 Illinois Labor Relations Board
3 Illinois Liquor Control Commission
4 Pollution Control Board
5 Property Tax Appeal Board
6 Illinois Racing Board
7 Illinois Purchased Care Review Board
8 Department of State Police Merit Board
9 Motor Vehicle Review Board
10 Prisoner Review Board
11 Civil Service Commission
12 Personnel Review Board for the Treasurer
13 Merit Commission for the Secretary of State
14 Merit Commission for the Office of the Comptroller
15 Court of Claims
16 Board of Review of the Department of Employment Security
17 Department of Insurance
18 Department of Professional Regulation and licensing boards
19 under the Department
20 Department of Public Health and licensing boards under the
21 Department
22 Office of Banks and Real Estate and licensing boards under
23 the Office
24 State Employees Retirement System Board of Trustees
25 Judges Retirement System Board of Trustees
26 General Assembly Retirement System Board of Trustees

1 Illinois Board of Investment

2 State Universities Retirement System Board of Trustees

3 Teachers Retirement System Officers Board of Trustees

4 (f) Any person who fails to (i) report an ex parte
5 communication to an ethics officer, (ii) make information part
6 of the record, or (iii) make a filing with the Executive Ethics
7 Commission as required by this Section or as required by
8 Section 5-165 of the Illinois Administrative Procedure Act
9 violates this Act.

10 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

11 Section 15-15. The Department of Commerce and Economic
12 Opportunity Law of the Civil Administrative Code of Illinois
13 is amended by adding Section 605-1065 as follows:

14 (20 ILCS 605/605-1065 new)

15 Sec. 605-1065. Energy Community Reinvestment Fund.

16 (a) The General Assembly hereby declares that management
17 of several economic development programs requires a
18 consolidated funding source to improve resource efficiency.
19 The General Assembly specifically recognizes that properly
20 serving communities and workers impacted by the energy
21 transition requires that the Department of Commerce and
22 Economic Opportunity have access to the resources required for
23 the execution of the programs for workforce and contractor
24 development, just transition investments and community

1 support, and the implementation and administration of energy
2 and justice efforts by the State.

3 (b) The Energy Community Reinvestment Fund is created as a
4 special fund in the State treasury to be used by the Department
5 of Commerce and Economic Opportunity for purposes authorized
6 under this Section. The Fund shall be used to fund programs
7 specified under subsection (c). The objective of the Fund is
8 to bring economic development to communities in this State in
9 a manner that equitably maximizes economic opportunity in all
10 communities by increasing efficiency of resource allocation
11 across the programs listed in subsection (c). The Department
12 shall include a description of its proposed approach to the
13 design, administration, implementation, and evaluation of the
14 Fund related to the implementation of the Energy Transition
15 Act and the Energy Community Reinvestment Act. Contracts that
16 will be paid with moneys in the Fund shall be executed by the
17 Department.

18 (c) The Department shall be responsible for the
19 administration of the Fund and shall allocate funding on the
20 basis of priorities established in this Section. Each year,
21 the Department shall determine the available amount of
22 resources in the Fund that can be allocated to the programs
23 identified in this Section, and allocate the funding
24 accordingly. The Department shall, to the extent practical,
25 consider both the short-term and long-term costs of the
26 programs and allocate, save, or invest 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 Hubs, up to \$21,000,000 annually;

7 (2) for costs related to the Clean Energy Contractor
8 Incubator Program, up to \$21,000,000 annually;

9 (3) for costs related to the Clean Energy Primes
10 Contractor Accelerator, up to \$9,000,000 annually;

11 (4) for costs related to the Barrier Reduction
12 Program, up to \$21,000,000 annually;

13 (5) for costs related to the Jobs and Environmental
14 Justice Grant Program, up to \$35,000,000 annually;

15 (6) for costs related to the Returning Residents Clean
16 Jobs Training Program, up to \$6,000,000 annually;

17 (7) for costs related to Energy Transition Navigators,
18 up to \$6,000,000 annually;

19 (8) for costs related to the Displaced Energy Worker
20 Bill of Rights, up to \$10,000,000 annually;

21 (9) for costs related to the Displaced Energy Workers
22 Bill of Rights, including all programs created by the
23 Energy Transition Workforce Commission, up to \$10,000,000
24 annually;

25 (10) for costs to support units of local government in
26 Clean Energy Empowerment Zones and for costs related to

1 Energy Transition Community Support Grants, for a total of
2 \$40,000,000 annually;

3 (11) for costs related to the Displaced Energy Worker
4 Dependent Scholarship, upon request by the Illinois
5 Student Assistance Commission, up to \$1,100,000 annually;

6 (12) for costs related to decommissioning of Prairie
7 State Energy Campus, up to \$2,000,000 annually;

8 (13) up to \$10,000,000 annually shall be transferred
9 to the Public Utilities Fund for use by the Illinois
10 Commerce Commission for costs of administering the changes
11 made to the Public Utilities Act by this amendatory Act of
12 the 102nd General Assembly;

13 (14) up to \$4,000,000 annually shall be transferred to
14 the Illinois Power Agency Operations Fund for use by the
15 Illinois Power Agency;

16 (15) up to \$7,000,000 annually shall be transferred to
17 the Energy Efficiency Trust Fund and the Clean Air Act
18 Permit Fund for use by the Illinois Environmental
19 Protection Agency for costs related to energy efficiency
20 and weatherization, and costs of implementation,
21 administration, and enforcement of the Clean Air Act;

22 (16) for costs related to the development of Stretch
23 Energy Codes and other standards at the Capital
24 Development Board, up to \$500,000 annually, at the request
25 of the Board; and

26 (17) for costs related to State fleet electrification

1 at the Department of Central Management Services, up to
2 \$10,000,000 annually, at the request of the Department.

3 (d) Notwithstanding any other law to the contrary, the
4 Energy Community Reinvestment Fund is not subject to sweeps,
5 administrative chargebacks, or any other fiscal or budgetary
6 maneuver that would in any way transfer any amounts from the
7 Energy Community Reinvestment Fund into any other fund of the
8 State.

9 (e) The Department is granted all powers necessary for the
10 implementation of this Section.

11 Section 15-20. The Electric Vehicle Act is amended by
12 changing Section 15 and by adding Sections 40, 45, 50, 55, and
13 60 as follows:

14 (20 ILCS 627/15)

15 Sec. 15. Electric Vehicle Coordinator. The Governor, with
16 the advice and consent of the Senate, shall appoint a person
17 within the Illinois Environmental Protection Agency Department
18 of Commerce and Economic Opportunity to serve as the Electric
19 Vehicle Coordinator for the State of Illinois. This person may
20 be an existing employee with other duties. The Coordinator
21 shall act as a point person for electric vehicle-related and
22 electric vehicle charging-related electric vehicle related
23
24 limited to, the issuance of electric vehicle rebates for

1 consumers and electric vehicle charging rebates for
2 organizations and companies.

3 (Source: P.A. 97-89, eff. 7-11-11.)

4 (20 ILCS 627/40 new)

5 Sec. 40. Plan updates. The utility shall file an update to
6 the plan on July 1, 2024 and every 3 years thereafter. This
7 update shall describe transportation investments made during
8 the prior plan period, investments planned for the following
9 24 months, and updates to the information required by this
10 Section. Within 35 days after the utility files its report,
11 the Commission shall, upon its own initiative, open an
12 investigation regarding the utility's plan update to
13 investigate whether the objectives described in this Section
14 are being achieved. 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.

21 The contents of a plan filed under this Section shall be
22 available for evidence in Commission proceedings. However,
23 omission from an approved plan shall not render any future
24 utility expenditure to be considered unreasonable or
25 imprudent. The Commission may, upon sufficient evidence, allow

1 expenditures that were not part of any particular distribution
2 plan.

3 (20 ILCS 627/45 new)

4 Sec. 45. Rulemaking; resources. The Agency shall adopt
5 rules as necessary and dedicate sufficient resources to
6 implement Sections 40, 50, 55, and 60.

7 (20 ILCS 627/50 new)

8 Sec. 50. Charging rebate program.

9 (a) In order to substantially offset the installation
10 costs of electric vehicle charging infrastructure, beginning
11 July 1, 2023, and continuing as long as funds are available,
12 the Agency shall issue rebates, consistent with the provisions
13 of this Act and Commission-approved Transportation
14 Electrification Plans in accordance with Section 35, to public
15 and private organizations and companies to install and
16 Maintain Level 2 or Level 3 charging stations at any of the
17 following locations:

18 (1) Public parking facilities.

19 (2) Workplaces.

20 (3) Multifamily apartment buildings.

21 (4) Public roads and highways.

22 (5) Ridesharing and taxi charging depots.

23 (b) The Agency shall award rebates that fund up to 90% of
24 the cost of the charging station, up to \$4,000 for Level 2

1 chargers and up to \$5,000 for Level 3 chargers. The Agency
2 shall award an additional \$500 per port for every charging
3 station installed in an eligible community and every charging
4 station located to support eligible persons. In order to be
5 eligible to receive a rebate, the organization or company must
6 submit an application to the Agency. The Agency shall by rule
7 provide application requirements. The Agency shall accept
8 applications on a rolling basis and shall award rebates within
9 60 days of each application.

10 (20 ILCS 627/55 new)

11 Sec. 55. Transportation Electrification Plans.

12 (u) An electric utility serving more than 500,000
13 customers as of January 1, 2009 shall prepare a Transportation
14 Electrification Plan that meets the requirements of this
15 Section and shall file said plan with the Commission no later
16 than July 1, 2022. Within 45 days after the filing of the
17 Transportation Electrification Plan, the Commission shall,
18 with reasonable notice, open an investigation to consider
19 whether the plan meets the objectives and contains the
20 information required by this Section. The Commission shall
21 approve, approve with modifications, or reject the plan within
22 270 days from the date of filing. The Commission may approve
23 the plan if it finds that the plan will achieve the goals
24 described in this Section and contains the information
25 described in this Section. Proceedings under this Section

1 shall proceed according to the rules provided by Article IX of
2 the Public Utilities Act. Information contained in the
3 approved plan shall be considered part of the record in any
4 Commission proceeding under Section 16-107.6 of the Public
5 Utilities Act, provided that a final order has not been
6 entered prior to the initial filing date. The Transportation
7 Electrification Plan shall specifically address, at minimum,
8 the following information:

9 (1) Investments and incentives to facilitate the rapid
10 deployment of charging equipment throughout the State
11 through programs that support make-ready infrastructure
12 and align infrastructure investments with Agency-issued
13 rebates for charging equipment, in accordance with Section
14 50.

15 (2) Investments and incentives to facilitate the rapid
16 deployment of charging equipment in eligible communities
17 in order to provide those communities with greater
18 economic investment, transportation opportunities, and a
19 cleaner environment so they can directly benefit from
20 transportation electrification efforts.

21 (3) Investments and incentives to facilitate the
22 electrification of public transit and other vehicle fleets
23 in the light-duty, medium-duty, and heavy-duty sectors.

24 (4) Whether to establish standards for charging plugs,
25 and if so, what standards.

26 (5) Additional rate designs to support public and

1 private electric vehicle charging.

2 (6) Financial and other challenges to electric vehicle
3 usage in low-income communities and strategies for
4 overcoming those challenges, particularly for people for
5 whom car ownership or electric car ownership is not an
6 option.

7 (7) Customer education, outreach, and incentive
8 programs that increase awareness of the programs and the
9 benefits of transportation electrification, including
10 direct outreach to eligible communities.

11 (8) Plans to increase access to Level 3 charging
12 infrastructure to serve vehicles that need quicker
13 charging times and vehicles of persons who have no other
14 access to charging infrastructure, regardless of whether
15 those projects participate in optimized charging programs.

16 (9) Methods of minimizing ratepayer impacts and
17 exempting or minimizing, to the extent possible,
18 low-income ratepayers from the costs associated with
19 facilitating the expansion of electric vehicle charging.

20 (10) Financial and other challenges to electric
21 vehicle usage in low-income communities and strategies for
22 overcoming those challenges.

23 (11) The development of optimized charging programs to
24 achieve savings identified, and new contracts and
25 compensation for services in those programs, through
26 signals that allow electric vehicle charging to respond to

1 local system conditions, manage critical peak periods,
2 serve as a demand response or peak resource, and maximize
3 renewable energy use and integration into the grid.

4 (12) Opportunities for coordination and alignment with
5 electric vehicle and electric vehicle charging equipment
6 incentives established by any agency, department, board,
7 or commission of the State of Illinois, any other unit of
8 government in the State, any national programs, or any
9 unit of the federal government.

10 (b) The Commission's investigation shall determine if each
11 proposed plan is in the public interest. When considering if
12 the plan is in the public interest and determining appropriate
13 levels of cost recovery for investments and expenditures
14 related to programs proposed by an electric utility, the
15 Commission shall consider whether the investments and other
16 expenditures are designed and reasonably expected to:

17 (1) increase access to charging equipment and
18 electricity as a transportation fuel throughout the State,
19 including in low-income, moderate-income, and eligible
20 communities;

21 (2) stimulate innovation, competition, private
22 investment, and increased consumer choices in electric
23 vehicle charging equipment and networks;

24 (3) contribute to meeting air quality standards,
25 including improving air quality in equity investment
26 eligible communities who disproportionately suffer from

1 emissions from the transportation sector, the
2 consideration of which shall include consultation with the
3 Agency;

4 (4) support the efficient and cost-effective use of
5 the electric grid in a manner that supports electric
6 vehicle charging operations; and

7 (5) provide resources to support private investment in
8 charging equipment for uses in public and private charging
9 applications, including residential, multi-family, fleet,
10 transit, community, and corridor applications.

11 (20 ILCS 627/60 new)

12 Sec. 60. Charging rebate program.

13 (a) In order to substantially offset the installation
14 costs of electric vehicle charging infrastructure, beginning
15 July 1, 2022, and continuing as long as funds are available,
16 the Agency shall issue rebates, consistent with the
17 Commission-approved Transportation Electrification Plans in
18 accordance with Section 35, to public and private
19 organizations and companies to install and maintain Level 2 or
20 Level 3 charging stations.

21 (b) The Agency shall award rebates or grants that fund up
22 to 80% of the cost of the installation of charging stations.
23 The Agency shall award additional incentives per port for
24 every charging station installed in an eligible community and
25 every charging station located to support eligible persons. In

1 order to be eligible to receive a rebate or grant, the
2 organization or company must submit an application to the
3 Agency. The Agency shall by rule provide application and other
4 programmatic details and requirements, including additional
5 incentives for eligible communities. The Agency may determine
6 per port and/or project caps based on a review of best
7 practices and stakeholder engagement. The Agency shall accept
8 applications on a rolling basis and shall award rebates or
9 grants within 60 days of each application.

10 Section 15-25. The Energy Efficient Building Act is
11 amended by changing Sections 10, 15, 20, 30, and 45 and by
12 adding Section 55 as follows:

13 (20 ILCS 3125/10)

14 Sec. 10. Definitions.

15 "Board" means the Capital Development Board.

16 "Building" includes both residential buildings and
17 commercial buildings.

18 "Code" means the latest published edition of the
19 International Code Council's International Energy Conservation
20 Code as adopted by the Board, including any published
21 supplements adopted by the Board and any amendments and
22 adaptations to the Code that are made by the Board.

23 "Commercial building" means any building except a building
24 that is a residential building, as defined in this Section.

1 "Department" means the Department of Commerce and Economic
2 Opportunity.

3 "Municipality" means any city, village, or incorporated
4 town.

5 "Residential building" means (i) a detached one-family or
6 2-family dwelling or (ii) any building that is 3 stories or
7 less in height above grade that contains multiple dwelling
8 units, in which the occupants reside on a primarily permanent
9 basis, such as a townhouse, a row house, an apartment house, a
10 convent, a monastery, a rectory, a fraternity or sorority
11 house, a dormitory, and a rooming house; provided, however,
12 that when applied to a building located within the boundaries
13 of a municipality having a population of 1,000,000 or more,
14 the term "residential building" means a building containing
15 one or more dwelling units, not exceeding 4 stories above
16 grade, where occupants are primarily permanent.

17 "Site energy index" means a scalar published by the
18 Pacific Northwest National Laboratories representing the ratio
19 of the site energy performance of an evaluated code compared
20 to the site energy performance of the 2006 International
21 Energy Conservation Code. A "site energy index" includes only
22 conservation measures and excludes net energy credit for any
23 on-site or off-site energy production.

24 (Source: P.A. 101-144, eff. 7-26-19.)

1 Sec. 15. Energy Efficient Building Code. The Board, in
2 consultation with the Department, shall adopt the Code as
3 minimum requirements for commercial buildings, applying to the
4 construction of, renovations to, and additions to all
5 commercial buildings in the State. The Board, in consultation
6 with the Department, shall also adopt the Code as the minimum
7 and maximum requirements for residential buildings, applying
8 to the construction of, renovations to, and additions to all
9 residential buildings in the State, except as provided for in
10 Section 45 of this Act. The Board may appropriately adapt the
11 International Energy Conservation Code to apply to the
12 particular economy, population distribution, geography, and
13 climate of the State and construction therein, consistent with
14 the public policy objectives of this Act.

15 (Source: P.A. 96-778, eff. 8-28-09.)

16 (20 ILCS 3125/20)

17 Sec. 20. Applicability.

18 (a) The Board shall review and adopt the Code within one
19 year after its publication. The Code shall take effect within
20 6 months after it is adopted by the Board, except that,
21 beginning January 1, 2012, the Code adopted in 2012 shall take
22 effect on January 1, 2013. Except as otherwise provided in
23 this Act, the Code shall apply to (i) any new building or
24 structure in this State for which a building permit
25 application is received by a municipality or county and (ii)

beginning on the effective date of this amendatory Act of the 100th General Assembly, each State facility specified in Section 4.01 of the Capital Development Board Act. In the case of any addition, alteration, renovation, or repair to an existing residential or commercial structure, the Code adopted under this Act applies only to the portions of that structure that are being added, altered, renovated, or repaired. The changes made to this Section by this amendatory Act of the 97th General Assembly shall in no way invalidate or otherwise affect contracts entered into on or before the effective date of this amendatory Act of the 97th General Assembly.

(b) The following buildings shall be exempt from the Code:

(1) Buildings otherwise exempt from the provisions of a locally adopted building code and buildings that do not contain a conditioned space.

(2) Buildings that do not use either electricity or fossil fuel for comfort conditioning. For purposes of determining whether this exemption applies, a building will be presumed to be heated by electricity, even in the absence of equipment used for electric comfort heating, whenever the building is provided with electrical service in excess of 100 amps, unless the code enforcement official determines that this electrical service is necessary for purposes other than providing electric comfort heating.

(3) Historic buildings. This exemption shall apply to

those buildings that are listed on the National Register of Historic Places or the Illinois Register of Historic Places, and to those buildings that have been designated as historically significant by a local governing body that is authorized to make such designations.

(4) (Blank).

(5) Other buildings specified as exempt by the International Energy Conservation Code.

(c) Additions, alterations, renovations, or repairs to an existing building, building system, or portion thereof shall conform to the provisions of the Code as they relate to new construction without requiring the unaltered portion of the existing building or building system to comply with the Code. The following need not comply with the Code, provided that the energy use of the building is not increased: (i) storm windows installed over existing fenestration, (ii) glass-only replacements in an existing sash and frame, (iii) existing ceiling, wall, or floor cavities exposed during construction, provided that these cavities are filled with insulation, and (iv) construction where the existing roof, wall, or floor is not exposed.

(d) A unit of local government that does not regulate energy efficient building standards is not required to adopt, enforce, or administer the Code; however, any energy efficient building standards adopted by a unit of local government must comply with this Act. If a unit of local government does not

1 regulate energy efficient building standards, any
2 construction, renovation, or addition to buildings or
3 structures is subject to the provisions contained in this Act.
4 (Source: P.A. 100-729, eff. 8-3-18.)

5 (20 ILCS 3125/30)

6 Sec. 30. Enforcement. The Board, in consultation with the
7 Department, shall determine procedures for compliance with the
8 Code. These procedures may include but need not be limited to
9 certification by a national, State, or local accredited energy
10 conservation program or inspections from private
11 Code-certified inspectors using the Code. For purposes of the
Illinois Stretch Energy Code under Section 55, the Board shall
allow and encourage, as an alternative compliance mechanism,
project certification by a nationally recognized nonprofit
certification organization specializing in high-performance
passive buildings and offering climate-specific building
energy standards that require equal or better energy
performance than the Illinois Stretch Energy Code.

19 (Source: P.A. 93-936, eff. 8-13-04.)

20 (20 ILCS 3125/45)

21 Sec. 45. Home rule.

22 (a) (Blank). No unit of local government, including any
home rule unit, may regulate energy efficient building
standards for commercial buildings in a manner that is less

1 ~~stringent than the provisions contained in this Act.~~

2 (b) No unit of local government, including any home rule
3 unit, may regulate energy efficient building standards for
4 residential buildings in a manner that is either less or more
5 stringent than the standards established pursuant to this Act;
6 provided, however, that the following entities may regulate
7 energy efficient building standards for residential or
8 commercial buildings in a manner that is more stringent than
9 the provisions contained in this Act: (i) a unit of local
10 government, including a home rule unit, that has, on or before
11 May 15, 2009, adopted or incorporated by reference energy
12 efficient building standards for residential or commercial
13 buildings that are equivalent to or more stringent than the
14 2006 International Energy Conservation Code, (ii) a unit of
15 local government, including a home rule unit, that has, on or
16 before May 15, 2009, provided to the Capital Development
17 Board, as required by Section 10.18 of the Capital Development
18 Board Act, an identification of an energy efficient building
19 code or amendment that is equivalent to or more stringent than
20 the 2006 International Energy Conservation Code, (ii-5) a
21 municipality that has adopted the Illinois Stretch Energy
22 Code, and (iii) a municipality with a population of 1,000,000
23 or more.

24 (c) No unit of local government, including any home rule
25 unit or unit of local government that is subject to State
26 regulation under the Code as provided in Section 15 of this

1 Act, may hereafter enact any annexation ordinance or
2 resolution, or require or enter into any annexation agreement,
3 that imposes energy efficient building standards for
4 residential or commercial buildings that are either less or
5 more stringent than the energy efficiency standards in effect,
6 at the time of construction, throughout the unit of local
7 government, except for the Illinois Stretch Energy Code.

8 (d) This Section is a denial and limitation of home rule
9 powers and functions under subsection (i) of Section 6 of
10 Article VII of the Illinois Constitution on the concurrent
11 exercise by home rule units of powers and functions exercised
12 by the State. Nothing in this Section, however, prevents a
13 unit of local government from adopting an energy efficiency
14 code or standards for commercial buildings that are more
15 stringent than the Code under this Act.

16 (Source: P.A. 99-639, eff. 7-28-16.)

17 (20 ILCS 3125/55 new)

18 Sec. 55. Illinois Stretch Energy Code.

19 (a) The Board, in consultation with the Department, shall
20 create and adopt the Illinois Stretch Energy Code, to allow
21 municipalities and projects authorized or funded by the Board
22 to achieve more energy efficiency in buildings than the
23 Illinois Energy Conservation Code through a consistent pathway
24 across the State. The Illinois Stretch Energy Code shall be
25 available for adoption by any municipality and shall set The

1 Illinois Stretch Energy Code shall be available for adoption
2 by any municipality and shall set minimum energy efficiency
3 requirements, taking the place of the Illinois Energy
4 Conservation Code within any municipality that adopts the
5 Illinois Stretch Energy Code.

6 (b) The Illinois Stretch Energy Code shall have separate
7 components for commercial and residential buildings, which may
8 be adopted by the municipality jointly or separately.

9 (c) The Illinois Stretch Energy Code shall apply to all
10 projects to which an energy conservation code is applicable
11 that are authorized or funded in any part by the Board after
12 January 1, 2023.

13 (d) Development of the Illinois Stretch Energy Code shall
14 be completed and available for adoption by municipalities by
15 December 31, 2022.

16 (e) Consistent with the requirements under paragraph (2.5)
17 of subsection (g) of Section 8-103B of the Public Utilities
18 Act and under paragraph (2) of subsection (j) of Section
19 8-104.1 of the Public Utilities Act, municipalities that adopt
20 the Illinois Stretch Energy Code may use utility programs to
21 support compliance with the Illinois Stretch Energy Code. The
22 amount of savings from such utility efforts that may be
23 counted toward achievement of their cumulative persisting
24 annual savings goals shall be based on reasonable estimates of
25 the increase in savings resulting from the utility efforts,
26 relative to reasonable approximations of what would have

1 occurred absent the utility involvement.

2 (f) The Illinois Stretch Energy Code's residential
3 components shall:

4 (1) apply to residential buildings as defined under
5 Section 10;

6 (2) set performance targets using a site energy index
7 with reductions relative to the 2006 International Energy
8 Conservation Code; and

9 (3) include stretch energy codes with site energy
10 index standards and adoption dates as follows: by no later
11 than December 31, 2022, the Board shall create and adopt a
12 stretch energy code with a site energy index no greater
13 than 0.50 of the 2006 International Energy Conservation
14 Code; by no later than December 31, 2025, the Board shall
15 create and adopt a stretch energy code with a site energy
16 index no greater than 0.40 of the 2006 International
17 Energy Conservation Code, unless the Board identifies
18 unanticipated burdens associated with the stretch energy
19 code adopted in 2022, in which case the Board may adopt a
20 stretch energy code with a site energy index no greater
21 than 0.42 of the 2006 International Energy Conservation
22 Code, provided that the more relaxed standard has a site
23 energy index that is at least 0.05 more restrictive than
24 the 2024 International Energy Conservation Code; by no
25 later than December 31, 2028, the Board shall create and
26 adopt a stretch energy code with a site energy index no

1 greater than 0.33 of the 2006 International Energy
2 Conservation Code, unless the Board identifies
3 unanticipated burdens associated with the stretch energy
4 code adopted in 2025, in which case the Board may adopt a
5 stretch energy code with a site energy index no greater
6 than 0.35 of the 2006 International Energy Conservation
7 Code, but only if that more relaxed standard has a site
8 energy index that is at least 0.05 more restrictive than
9 the 2027 International Energy Conservation Code; and by no
10 later than December 31, 2031, the Board shall create and
11 adopt a stretch energy code with a site energy index no
12 greater than 0.25 of the 2006 International Energy
13 Conservation Code.

14 (g) The Illinois Stretch Energy Code's commercial
15 components shall:

16 (1) apply to commercial buildings as defined under
17 Section 10;

18 (2) set performance targets using a site energy index
19 with reductions relative to the 2006 International Energy
20 Conservation Code; and

21 (3) include stretch energy codes with site energy
22 index standards and adoption dates as follows: by no later
23 than December 31, 2022, the Board shall create and adopt a
24 stretch energy code with a site energy index no greater
25 than 0.60 of the 2006 International Energy Conservation
26 Code; by no later than December 31, 2025, the Board shall

1 create and adopt a stretch energy code with a site energy
2 index no greater than 0.50 of the 2006 International
3 Energy Conservation Code; by no later than December 31,
4 2028, the Board shall create and adopt a stretch energy
5 code with a site energy index no greater than 0.44 of the
6 2006 International Energy Conservation Code; and by no
7 later than December 31, 2031, the Board shall create and
8 adopt a stretch energy code with a site energy index no
9 greater than 0.39 of the 2006 International Energy
10 Conservation Code.

11 (h) The process for the creation of the Illinois Stretch
12 Energy Code includes:

13 (1) within 60 days after the effective date of this
14 amendatory Act of the 102nd General Assembly, the Capital
15 Development Board shall establish an Illinois Stretch
16 Energy Code Task Force to advise and provide technical
17 assistance and recommendations to the Capital Development
18 Board for the Illinois Stretch Energy Code, which shall:

19 (A) advise the Capital Development Board on
20 creation of interim performance targets, code
21 requirements, and an implementation plan for the
22 Illinois Stretch Energy Code;

23 (B) recommend amendments to proposed rules issued
24 by the Capital Development Board;

25 (C) recommend complementary programs or policies;

26 (D) complete recommendations and development for

1 the Illinois Stretch Energy Code elements and
2 requirements by July 31, 2022;

3 (E) be composed of, but not limited to,
4 representatives, or their designees, from the
5 following entities:

6 (i) a representative from a group that
7 represents environmental justice;

8 (ii) a representative of a nonprofit or
9 professional association advocating for the
10 environment;

11 (iii) a representative of an organization
12 representing local governments in the metropolitan
13 Chicago region;

14 (iv) a representative of the City of Chicago;

15 (v) a representative of an organization
16 representing local governments outside the
17 metropolitan Chicago region;

18 (vi) a representative for the investor-owned
19 utilities of Illinois;

20 (vii) an energy-efficiency advocate with
21 technical expertise in single-family residential
22 buildings;

23 (viii) an energy-efficiency advocate with
24 technical expertise in commercial buildings;

25 (ix) an energy-efficiency advocate with
26 technical expertise in multifamily buildings, such

1 as an affordable housing developer;

2 (x) a representative from the architecture or
3 engineering industry;

4 (xi) a representative from a home builders
5 association;

6 (xii) a representative from the commercial
7 building industry;

8 (xiii) a representative of the enforcement
9 industry, such as a code official or energy rater;

10 (xiv) a representative of organized labor; and

11 (xv) other experts or organizations deemed
12 necessary by the Capital Development Board; and

13 (F) be co-chaired by:

14 (i) a representative of the environmental
15 community;

16 (ii) a representative of the environmental
17 justice community; and

18 (iii) a municipal representative.

19 (2) As part of its deliberations, the Illinois Stretch
20 Energy Code Task Force shall actively solicit input from
21 other energy code stakeholders and interested parties.

22 Section 15-30. The Illinois Power Agency Act is amended by
23 changing Sections 1-5, 1-10, 1-20, 1-35, 1-56, 1-70, 1-75,
24 1-92, and 1-125 and by adding Section 1-128 as follows:

1 (20 ILCS 3855/1-5)

2 Sec. 1-5. Legislative declarations and findings. The
3 General Assembly finds and declares:

4 (1) The health, welfare, and prosperity of all
5 Illinois residents ~~citizens~~ require the provision of
6 adequate, reliable, affordable, efficient, and
7 environmentally sustainable electric service at the lowest
8 total cost over time, taking into account any benefits of
9 price stability.

10 (1.5) To provide the highest quality of life for the
11 residents of Illinois and to provide for a clean and
12 healthy environment, it is the policy of this State to
13 rapidly transition to 100% clean energy by 2050.

14 (2) (Blank).

15 (3) (Blank).

16 (4) It is necessary to improve the process of
17 procuring electricity to serve Illinois residents, to
18 promote investment in energy efficiency and
19 demand-response measures, and to maintain and support
20 development of clean coal technologies, generation
21 resources that operate at all hours of the day and under
22 all weather conditions, zero emission facilities, and
23 renewable resources.

24 (5) Procuring a diverse electricity supply portfolio
25 will ensure the lowest total cost over time for adequate,
26 reliable, efficient, and environmentally sustainable

1 electric service.

2 (6) Including renewable resources and zero emission
3 credits from zero emission facilities in that portfolio
4 will reduce long-term direct and indirect costs to
5 consumers by decreasing environmental impacts and by
6 avoiding or delaying the need for new generation,
7 transmission, and distribution infrastructure. Developing
8 new renewable energy resources in Illinois, including
9 brownfield solar projects and community solar projects,
10 will help to diversify Illinois electricity supply, avoid
11 and reduce pollution, reduce peak demand, and enhance
12 public health and well-being of Illinois residents.

13 (7) Developing community solar projects in Illinois
14 will help to expand access to renewable energy resources
15 to more Illinois residents.

16 (8) Developing brownfield solar projects in Illinois
17 will help return blighted or contaminated land to
18 productive use while enhancing public health and the
19 well-being of Illinois residents, including those in
20 environmental justice communities.

21 (9) Energy efficiency, demand-response measures, zero
22 emission energy, and renewable energy are resources
23 currently underused in Illinois. These resources should be
24 used, when cost effective, to reduce costs to consumers,
25 improve reliability, and improve environmental quality and
26 public health.

1 (10) The State should encourage the use of advanced
2 clean coal technologies that capture and sequester carbon
3 dioxide emissions to advance environmental protection
4 goals and to demonstrate the viability of coal and
5 coal-derived fuels in a carbon-constrained economy.

6 (11) The General Assembly enacted Public Act 96-0795
7 to reform the State's purchasing processes, recognizing
8 that government procurement is susceptible to abuse if
9 structural and procedural safeguards are not in place to
10 ensure independence, insulation, oversight, and
11 transparency.

12 (12) The principles that underlie the procurement
13 reform legislation apply also in the context of power
14 purchasing.

15 (13) To ensure that the benefits of installing
16 renewable resources are available to all Illinois
17 residents and located across the State, subject to
18 appropriation, it is necessary for the Agency to provide
19 public information and educational resources on how
20 residents can benefit from the expansion of renewable
21 energy in Illinois and participate in the Illinois Solar
22 for All program established in Section 1-56, the
23 Adjustable Block Program established in Section 1-75, the
24 job training programs established by paragraph (1) of
25 subsection (a) of Section 16-108.12 of the Public
26 Utilities Act, and the programs and resources established

1 by the Clean Jobs Workforce and Contractor Equity Act.

2 The General Assembly therefore finds that it is necessary
3 to create the Illinois Power Agency and that the goals and
4 objectives of that Agency are to accomplish each of the
5 following:

6 (A) Develop electricity procurement plans to ensure
7 adequate, reliable, affordable, efficient, and
8 environmentally sustainable electric service at the lowest
9 total cost over time, taking into account any benefits of
10 price stability, for electric utilities that on December
11 31, 2005 provided electric service to at least 100,000
12 customers in Illinois and for small multi-jurisdictional
13 electric utilities that (i) on December 31, 2005 served
14 less than 100,000 customers in Illinois and (ii) request a
15 procurement plan for their Illinois jurisdictional load.
16 The procurement plan shall be updated on an annual basis
17 and shall include renewable energy resources and,
18 beginning with the delivery year commencing June 1, 2017,
19 zero emission credits from zero emission facilities
20 sufficient to achieve the standards specified in this Act.

21 (B) Conduct the competitive procurement processes
22 identified in this Act.

23 (C) Develop electric generation and co-generation
24 facilities that use indigenous coal or renewable
25 resources, or both, financed with bonds issued by the
26 Illinois Finance Authority.

1 (D) Supply electricity from the Agency's facilities at
2 cost to one or more of the following: municipal electric
3 systems, governmental aggregators, or rural electric
4 cooperatives in Illinois.

5 (E) Ensure that the process of power procurement is
6 conducted in an ethical and transparent fashion, immune
7 from improper influence.

8 (F) Continue to review its policies and practices to
9 determine how best to meet its mission of providing the
10 lowest cost power to the greatest number of people, at any
11 given point in time, in accordance with applicable law.

12 (G) Operate in a structurally insulated, independent,
13 and transparent fashion so that nothing impedes the
14 Agency's mission to secure power at the best prices the
15 market will bear, provided that the Agency meets all
16 applicable legal requirements.

17 (H) Implement renewable energy procurement and
18 training programs throughout the State to diversify
19 Illinois electricity supply, improve reliability, avoid
20 and reduce pollution, reduce peak demand, and enhance
21 public health and well-being of Illinois residents,
22 including low-income residents.

23 (Source: P.A. 99-906, eff. 6-1-17.)

24 (20 ILCS 3855/1-10)

25 Sec. 1-10. Definitions.

1 "Agency" means the Illinois Power Agency.

2 "Agency loan agreement" means any agreement pursuant to
3 which the Illinois Finance Authority agrees to loan the
4 proceeds of revenue bonds issued with respect to a project to
5 the Agency upon terms providing for loan repayment
6 installments at least sufficient to pay when due all principal
7 of, interest and premium, if any, on those revenue bonds, and
8 providing for maintenance, insurance, and other matters in
9 respect of the project.

10 "Authority" means the Illinois Finance Authority.

11 "Brownfield site photovoltaic project" means photovoltaics
12 that are either:

13 (1) interconnected to an electric utility as defined
14 in this Section, a municipal utility as defined in this
15 Section, a public utility as defined in Section 3-105 of
16 the Public Utilities Act, or an electric cooperative~~s~~ as
17 defined in Section 3-119 of the Public Utilities Act~~s~~ and
18 ~~(2)~~ located at a site that is regulated by any of the
19 following entities under the following programs:

20 (A) the United States Environmental Protection
21 Agency under the federal Comprehensive Environmental
22 Response, Compensation, and Liability Act of 1980, as
23 amended;

24 (B) the United States Environmental Protection
25 Agency under the Corrective Action Program of the
26 federal Resource Conservation and Recovery Act, as

1 amended;

2 (C) the Illinois Environmental Protection Agency
3 under the Illinois Site Remediation Program; or

4 (D) the Illinois Environmental Protection Agency
5 under the Illinois Solid Waste Program; or-

6 (2) located at the site of a coal mine that has
7 permanently ceased coal production.

8 "Clean coal facility" means an electric generating
9 facility that uses primarily coal as a feedstock and that
10 captures and sequesters carbon dioxide emissions at the
11 following levels: at least 50% of the total carbon dioxide
12 emissions that the facility would otherwise emit if, at the
13 time construction commences, the facility is scheduled to
14 commence operation before 2016, at least 70% of the total
15 carbon dioxide emissions that the facility would otherwise
16 emit if, at the time construction commences, the facility is
17 scheduled to commence operation during 2016 or 2017, and at
18 least 90% of the total carbon dioxide emissions that the
19 facility would otherwise emit if, at the time construction
20 commences, the facility is scheduled to commence operation
21 after 2017. The power block of the clean coal facility shall
22 not exceed allowable emission rates for sulfur dioxide,
23 nitrogen oxides, carbon monoxide, particulates and mercury for
24 a natural gas-fired combined-cycle facility the same size as
25 and in the same location as the clean coal facility at the time
26 the clean coal facility obtains an approved air permit. All

1 coal used by a clean coal facility shall have high volatile
2 bituminous rank and greater than 1.7 pounds of sulfur per
3 million btu content, unless the clean coal facility does not
4 use gasification technology and was operating as a
5 conventional coal-fired electric generating facility on June
6 1, 2009 (the effective date of Public Act 95-1027).

7 "Clean coal SNG brownfield facility" means a facility that
8 (1) has commenced construction by July 1, 2015 on an urban
9 brownfield site in a municipality with at least 1,000,000
10 residents; (2) uses a gasification process to produce
11 substitute natural gas; (3) uses coal as at least 50% of the
12 total feedstock over the term of any sourcing agreement with a
13 utility and the remainder of the feedstock may be either
14 petroleum coke or coal, with all such coal having a high
15 bituminous rank and greater than 1.7 pounds of sulfur per
16 million Btu content unless the facility reasonably determines
17 that it is necessary to use additional petroleum coke to
18 deliver additional consumer savings, in which case the
19 facility shall use coal for at least 35% of the total feedstock
20 over the term of any sourcing agreement; and (4) captures and
21 sequesters at least 85% of the total carbon dioxide emissions
22 that the facility would otherwise emit.

23 "Clean coal SNG facility" means a facility that uses a
24 gasification process to produce substitute natural gas, that
25 sequesters at least 90% of the total carbon dioxide emissions
26 that the facility would otherwise emit, that uses at least 90%

1 coal as a feedstock, with all such coal having a high
2 bituminous rank and greater than 1.7 pounds of sulfur per
3 million btu content, and that has a valid and effective permit
4 to construct emission sources and air pollution control
5 equipment and approval with respect to the federal regulations
6 for Prevention of Significant Deterioration of Air Quality
7 (PSD) for the plant pursuant to the federal Clean Air Act;
8 provided, however, a clean coal SNG brownfield facility shall
9 not be a clean coal SNG facility.

10 "Clean energy" means energy generation that is 90% or
11 greater free of carbon dioxide emissions.

12 "Commission" means the Illinois Commerce Commission.

13 "Community renewable generation project" means an electric
14 generating facility that:

15 (1) is powered by wind, solar thermal energy,
16 photovoltaic cells or panels, biodiesel, crops and
17 untreated and unadulterated organic waste biomass, ~~tree~~
18 ~~waste,~~ and hydropower that does not involve new
19 construction or significant expansion of hydropower dams;

20 (2) is interconnected at the distribution system level
21 of an electric utility as defined in this Section, a
22 municipal utility as defined in this Section that owns or
23 operates electric distribution facilities, a public
24 utility as defined in Section 3-105 of the Public
25 Utilities Act, or an electric cooperative, as defined in
26 Section 3-119 of the Public Utilities Act;

1 (3) credits the value of electricity generated by the
2 facility to the subscribers of the facility; and

3 (4) is limited in nameplate capacity to less than or
4 equal to 5,000 ~~2,000~~ kilowatts.

5 "Costs incurred in connection with the development and
6 construction of a facility" means:

7 (1) the cost of acquisition of all real property,
8 fixtures, and improvements in connection therewith and
9 equipment, personal property, and other property, rights,
10 and easements acquired that are deemed necessary for the
11 operation and maintenance of the facility;

12 (2) financing costs with respect to bonds, notes, and
13 other evidences of indebtedness of the Agency;

14 (3) all origination, commitment, utilization,
15 facility, placement, underwriting, syndication, credit
16 enhancement, and rating agency fees;

17 (4) engineering, design, procurement, consulting,
18 legal, accounting, title insurance, survey, appraisal,
19 escrow, trustee, collateral agency, interest rate hedging,
20 interest rate swap, capitalized interest, contingency, as
21 required by lenders, and other financing costs, and other
22 expenses for professional services; and

23 (5) the costs of plans, specifications, site study and
24 investigation, installation, surveys, other Agency costs
25 and estimates of costs, and other expenses necessary or
26 incidental to determining the feasibility of any project,

1 together with such other expenses as may be necessary or
2 incidental to the financing, insuring, acquisition, and
3 construction of a specific project and starting up,
4 commissioning, and placing that project in operation.

5 "Delivery services" has the same definition as found in
6 Section 16-102 of the Public Utilities Act.

7 "Delivery year" means the consecutive 12-month period
8 beginning June 1 of a given year and ending May 31 of the
9 following year.

10 "Department" means the Department of Commerce and Economic
11 Opportunity.

12 "Director" means the Director of the Illinois Power
13 Agency.

14 "Demand-response" means measures that decrease peak
15 electricity demand or shift demand from peak to off-peak
16 periods.

17 "Distributed renewable energy generation device" means a
18 device that is:

19 (1) powered by wind, solar thermal energy,
20 photovoltaic cells or panels, biodiesel, crops and
21 untreated and unadulterated organic waste biomass, tree
22 waste, and hydropower that does not involve new
23 construction or significant expansion of hydropower dams,
24 waste heat to power systems, or qualified combined heat
25 and power systems;

26 (2) interconnected at the distribution system level of

either an electric utility as defined in this Section, a municipal utility as defined in this Section that owns or operates electric distribution facilities, or a rural electric cooperative as defined in Section 3-119 of the Public Utilities Act; and

(3) located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load.~~7~~ and

(4) (blank). ~~limited in nameplate capacity to less than or equal to 2,000 kilowatts.~~

"Energy efficiency" means measures that reduce the amount of electricity or natural gas consumed in order to achieve a given end use. "Energy efficiency" includes voltage optimization measures that optimize the voltage at points on the electric distribution voltage system and thereby reduce electricity consumption by electric customers' end use devices. "Energy efficiency" also includes measures that reduce the total Btus of electricity, natural gas, and other fuels needed to meet the end use or uses.

"Electric utility" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Facility" means an electric generating unit or a co-generating unit that produces electricity along with related equipment necessary to connect the facility to an electric transmission or distribution system.

"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 "Index price" means the real-time settlement price at the
9 applicable Illinois trading hub, such as PJM-NIHUB or MISO-IL,
10 for a given settlement period.

11 "Indexed renewable energy credit" means a tradable credit
12 that represents the environmental attributes of one megawatt
13 hour of energy produced from a renewable energy resource, the
14 value of which shall be calculated by subtracting the strike
15 price offered by a new utility-scale wind project or a new
16 utility-scale photovoltaic project from the index price in a
17 given settlement period.

18 "Indexed renewable energy credit counterparty" has the
19 same meaning as "public utility" as defined in Section 3-105
20 of the Public Utilities Act.

21 "Local government" means a unit of local government as
22 defined in Section 1 of Article VII of the Illinois
23 Constitution.

24 " Municipality" means a city, village, or incorporated
25 town.

26 " Municipal utility" means a public utility owned and

1 operated by any subdivision or municipal corporation of this
2 State.

3 "Nameplate capacity" means the aggregate inverter
4 nameplate capacity in kilowatts AC.

5 "Person" means any natural person, firm, partnership,
6 corporation, either domestic or foreign, company, association,
7 limited liability company, joint stock company, or association
8 and includes any trustee, receiver, assignee, or personal
9 representative thereof.

10 "Project" means the planning, bidding, and construction of
11 a facility.

12 "Project labor agreement" means a pre-hire collective
13 bargaining agreement that covers all terms and conditions of
14 employment on a specific construction project and must include
15 the following:

16 (1) provisions establishing the minimum hourly wage
17 for each class of labor organization employee;

18 (2) provisions establishing the benefits and other
19 compensation for each class of labor organization
20 employee;

21 (3) provisions establishing that no strike or disputes
22 will be engaged in by the labor organization employees;

23 (4) provisions establishing that no lockout or
24 disputes will be engaged in by the general contractor
25 building the project; and

26 (5) provisions for minorities and women, as defined

1 under the Business Enterprise for Minorities, Women, and
2 Persons with Disabilities Act, setting forth goals for
3 apprenticeship hours to be performed by minorities and
4 women and setting forth goals for total hours to be
5 performed by underrepresented minorities and women.

6 A labor organization and the general contractor building
7 the project shall have the authority to include other terms
8 and conditions as they deem necessary.

9 "Public utility" has the same definition as found in
10 Section 3-105 of the Public Utilities Act.

11 "Real property" means any interest in land together with
12 all structures, fixtures, and improvements thereon, including
13 lands under water and riparian rights, any easements,
14 covenants, licenses, leases, rights-of-way, uses, and other
15 interests, together with any liens, judgments, mortgages, or
16 other claims or security interests related to real property.

17 "Renewable energy credit" means a tradable credit that
18 represents the environmental attributes of one megawatt hour
19 of energy produced from a renewable energy resource.

20 "Renewable energy resources" includes energy and its
21 associated renewable energy credit or renewable energy credits
22 from wind, solar thermal energy, photovoltaic cells and
23 panels, biodiesel, anaerobic digestion, crops and untreated
24 and unadulterated organic waste biomass, ~~tree waste~~, and
25 hydropower that does not involve new construction or
26 significant expansion of hydropower dams. For purposes of this

1 Act, landfill gas produced in the State is considered a
2 renewable energy resource. "Renewable energy resources" does
3 not include the incineration or burning of tires, garbage,
4 general household, institutional, and commercial waste,
5 industrial lunchroom or office waste, landscape waste ~~other~~
6 ~~than tree waste~~, railroad crossties, utility poles, or
7 construction or demolition debris, other than untreated and
8 unadulterated waste wood.

9 "Retail customer" has the same definition as found in
10 Section 16-102 of the Public Utilities Act.

11 "Revenue bond" means any bond, note, or other evidence of
12 indebtedness issued by the Authority, the principal and
13 interest of which is payable solely from revenues or income
14 derived from any project or activity of the Agency.

15 "Seller" means the supplier of a renewable energy credit
16 produced from a new utility-scale wind project or a new
17 utility-scale photovoltaic project.

18 "Sequester" means permanent storage of carbon dioxide by
19 injecting it into a saline aquifer, a depleted gas reservoir,
20 or an oil reservoir, directly or through an enhanced oil
21 recovery process that may involve intermediate storage,
22 regardless of whether these activities are conducted by a
23 clean coal facility, a clean coal SNG facility, a clean coal
24 SNG brownfield facility, or a party with which a clean coal
25 facility, clean coal SNG facility, or clean coal SNG
26 brownfield facility has contracted for such purposes.

1 "Service area" has the same definition as found in Section
2 16-102 of the Public Utilities Act.

3 "Settlement period" means the period of time utilized by
4 MISO and PJM and their successor organizations as the basis
5 for settlement calculations in the real-time market.

6 "Sourcing agreement" means (i) in the case of an electric
7 utility, an agreement between the owner of a clean coal
8 facility and such electric utility, which agreement shall have
9 terms and conditions meeting the requirements of paragraph (3)
10 of subsection (d) of Section 1-75, (ii) in the case of an
11 alternative retail electric supplier, an agreement between the
12 owner of a clean coal facility and such alternative retail
13 electric supplier, which agreement shall have terms and
14 conditions meeting the requirements of Section 16-115(d)(5) of
15 the Public Utilities Act, and (iii) in case of a gas utility,
16 an agreement between the owner of a clean coal SNG brownfield
17 facility and the gas utility, which agreement shall have the
18 terms and conditions meeting the requirements of subsection
19 (h-1) of Section 9-220 of the Public Utilities Act.

20 "Strike price" means a contract price for energy and
21 renewable energy credits from a new utility-scale wind project
22 or a new utility-scale photovoltaic project.

23 "Subscriber" means a person who (i) takes delivery service
24 from an electric utility, and (ii) has a subscription of no
25 less than 200 watts to a community renewable generation
26 project that is located in the electric utility's service

1 area. No subscriber's subscriptions may total more than 40% of
2 the nameplate capacity of an individual community renewable
3 generation project. Entities that are affiliated by virtue of
4 a common parent shall not represent multiple subscriptions
5 that total more than 40% of the nameplate capacity of an
6 individual community renewable generation project.

7 "Subscription" means an interest in a community renewable
8 generation project expressed in kilowatts, which is sized
9 primarily to offset part or all of the subscriber's
10 electricity usage.

11 "Substitute natural gas" or "SNG" means a gas manufactured
12 by gasification of hydrocarbon feedstock, which is
13 substantially interchangeable in use and distribution with
14 conventional natural gas.

15 "Total resource cost test" or "TRC test" means a standard
16 that is met if, for an investment in energy efficiency or
17 demand-response measures, the benefit-cost ratio is greater
18 than one. The benefit-cost ratio is the ratio of the net
19 present value of the total benefits of the program to the net
20 present value of the total costs as calculated over the
21 lifetime of the measures. A total resource cost test compares
22 the sum of avoided electric utility costs, representing the
23 benefits that accrue to the system and the participant in the
24 delivery of those efficiency measures and including avoided
25 costs associated with reduced use of natural gas or other
26 fuels, avoided costs associated with reduced water

1 consumption, and avoided costs associated with reduced
2 operation and maintenance costs, as well as other quantifiable
3 societal benefits, to the sum of all incremental costs of
4 end-use measures that are implemented due to the program
5 (including both utility and participant contributions), plus
6 costs to administer, deliver, and evaluate each demand-side
7 program, to quantify the net savings obtained by substituting
8 the demand-side program for supply resources. In calculating
9 avoided costs of power and energy that an electric utility
10 would otherwise have had to acquire, reasonable estimates
11 shall be included of financial costs likely to be imposed by
12 future regulations and legislation on emissions of greenhouse
13 gases. In discounting future societal costs and benefits for
14 the purpose of calculating net present values, a societal
15 discount rate based on actual, long-term Treasury bond yields
16 should be used. Notwithstanding anything to the contrary, the
17 TRC test shall not include or take into account a calculation
18 of market price suppression effects or demand reduction
19 induced price effects.

20 "Utility-scale solar project" means an electric generating
21 facility that:

22 (1) generates electricity using photovoltaic cells;
23 and

24 (2) has a nameplate capacity that is greater than
25 5,000 ~~2,000~~ kilowatts.

26 "Utility-scale wind project" means an electric generating

1 facility that:

- 2 (1) generates electricity using wind; and
3 (2) has a nameplate capacity that is greater than
4 2,000 kilowatts.

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.

10 (1.5) Develop a long-term renewable resources
11 procurement plan in accordance with subsection (c) of
12 Section 1-75 of this Act for renewable energy credits in
13 amounts sufficient to achieve the standards specified in
14 this Act for delivery years commencing June 1, 2017 and
15 for the programs and renewable energy credits specified in
16 Section 1-56 of this Act. Electricity procurement plans
17 for delivery years commencing after May 31, 2017, shall
18 not include procurement of renewable energy resources,
19 except as required under item (vii) of paragraph (3) of
20 subsection (b) of Section 16-111.5 of the Public Utilities
21 Act.

22 (2) Conduct competitive procurement processes to
23 procure the supply resources identified in the electricity
24 procurement plan, pursuant to Section 16-111.5 of the
25 Public Utilities Act, and, for the delivery year
26 commencing June 1, 2017, conduct procurement processes to

1 procure zero emission credits from zero emission
2 facilities, under subsection (d-5) of Section 1-75 of this
3 Act.

4 (2.5) Beginning with the procurement for the 2017
5 delivery year, conduct competitive procurement processes
6 and implement programs to procure renewable energy credits
7 identified in the long-term renewable resources
8 procurement plan developed and approved under subsection
9 (c) of Section 1-75 of this Act and Section 16-111.5 of the
10 Public Utilities Act.

11 (2.10) Oversee the procurement by electric utilities
12 that served more than 300,000 customers in this State as
13 of January 1, 2019 of renewable energy credits from new
14 renewable energy resources to be installed, along with
15 energy storage resources, at or adjacent to the sites of
16 electric generating facilities that burned coal as their
17 primary fuel source as of January 1, 2016 in accordance
18 with subsection (c-5) of Section 1-75 of this Act.

19 (3) Develop electric generation and co-generation
20 facilities that use indigenous coal or renewable
21 resources, or both, financed with bonds issued by the
22 Illinois Finance Authority.

23 (4) Supply electricity from the Agency's facilities at
24 cost to one or more of the following: municipal electric
25 systems, governmental aggregators, or rural electric
26 cooperatives in Illinois.

1 (b) Except as otherwise limited by this Act, the Agency
2 has all of the powers necessary or convenient to carry out the
3 purposes and provisions of this Act, including without
4 limitation, each of the following:

5 (1) To have a corporate seal, and to alter that seal at
6 pleasure, and to use it by causing it or a facsimile to be
7 affixed or impressed or reproduced in any other manner.

8 (2) To use the services of the Illinois Finance
9 Authority necessary to carry out the Agency's purposes.

10 (3) To negotiate and enter into loan agreements and
11 other agreements with the Illinois Finance Authority.

12 (4) To obtain and employ personnel and hire
13 consultants that are necessary to fulfill the Agency's
14 purposes, and to make expenditures for that purpose within
15 the appropriations for that purpose.

16 (5) To purchase, receive, take by grant, gift, devise,
17 bequest, or otherwise, lease, or otherwise acquire, own,
18 hold, improve, employ, use, and otherwise deal in and
19 with, real or personal property whether tangible or
20 intangible, or any interest therein, within the State.

21 (6) To acquire real or personal property, whether
22 tangible or intangible, including without limitation
23 property rights, interests in property, franchises,
24 obligations, contracts, and debt and equity securities,
25 and to do so by the exercise of the power of eminent domain
26 in accordance with Section 1-21; except that any real

1 property acquired by the exercise of the power of eminent
2 domain must be located within the State.

3 (7) To sell, convey, lease, exchange, transfer,
4 abandon, or otherwise dispose of, or mortgage, pledge, or
5 create a security interest in, any of its assets,
6 properties, or any interest therein, wherever situated.

7 (8) To purchase, take, receive, subscribe for, or
8 otherwise acquire, hold, make a tender offer for, vote,
9 employ, sell, lend, lease, exchange, transfer, or
10 otherwise dispose of, mortgage, pledge, or grant a
11 security interest in, use, and otherwise deal in and with,
12 bonds and other obligations, shares, or other securities
13 (or interests therein) issued by others, whether engaged
14 in a similar or different business or activity.

15 (9) To make and execute agreements, contracts, and
16 other instruments necessary or convenient in the exercise
17 of the powers and functions of the Agency under this Act,
18 including contracts with any person, including personal
19 service contracts, or with any local government, State
20 agency, or other entity; and all State agencies and all
21 local governments are authorized to enter into and do all
22 things necessary to perform any such agreement, contract,
23 or other instrument with the Agency. No such agreement,
24 contract, or other instrument shall exceed 40 years.

25 (10) To lend money, invest and reinvest its funds in
26 accordance with the Public Funds Investment Act, and take

1 and hold real and personal property as security for the
2 payment of funds loaned or invested.

3 (11) To borrow money at such rate or rates of interest
4 as the Agency may determine, issue its notes, bonds, or
5 other obligations to evidence that indebtedness, and
6 secure any of its obligations by mortgage or pledge of its
7 real or personal property, machinery, equipment,
8 structures, fixtures, inventories, revenues, grants, and
9 other funds as provided or any interest therein, wherever
10 situated.

11 (12) To enter into agreements with the Illinois
12 Finance Authority to issue bonds whether or not the income
13 therefrom is exempt from federal taxation.

14 (13) To procure insurance against any loss in
15 connection with its properties or operations in such
16 amount or amounts and from such insurers, including the
17 federal government, as it may deem necessary or desirable,
18 and to pay any premiums therefor.

19 (14) To negotiate and enter into agreements with
20 trustees or receivers appointed by United States
21 bankruptcy courts or federal district courts or in other
22 proceedings involving adjustment of debts and authorize
23 proceedings involving adjustment of debts and authorize
24 legal counsel for the Agency to appear in any such
25 proceedings.

26 (15) To file a petition under Chapter 9 of Title 11 of

1 the United States Bankruptcy Code or take other similar
2 action for the adjustment of its debts.

3 (16) To enter into management agreements for the
4 operation of any of the property or facilities owned by
5 the Agency.

6 (17) To enter into an agreement to transfer and to
7 transfer any land, facilities, fixtures, or equipment of
8 the Agency to one or more municipal electric systems,
9 governmental aggregators, or rural electric agencies or
10 cooperatives, for such consideration and upon such terms
11 as the Agency may determine to be in the best interest of
12 the citizens of Illinois.

13 (18) To enter upon any lands and within any building
14 whenever in its judgment it may be necessary for the
15 purpose of making surveys and examinations to accomplish
16 any purpose authorized by this Act.

17 (19) To maintain an office or offices at such place or
18 places in the State as it may determine.

19 (20) To request information, and to make any inquiry,
20 investigation, survey, or study that the Agency may deem
21 necessary to enable it effectively to carry out the
22 provisions of this Act.

23 (21) To accept and expend appropriations.

24 (22) To engage in any activity or operation that is
25 incidental to and in furtherance of efficient operation to
26 accomplish the Agency's purposes, including hiring

1 employees that the Director deems essential for the
2 operations of the Agency.

3 (23) To adopt, revise, amend, and repeal rules with
4 respect to its operations, properties, and facilities as
5 may be necessary or convenient to carry out the purposes
6 of this Act, subject to the provisions of the Illinois
7 Administrative Procedure Act and Sections 1-22 and 1-35 of
8 this Act.

9 (24) To establish and collect charges and fees as
10 described in this Act.

11 (25) To conduct competitive gasification feedstock
12 procurement processes to procure the feedstocks for the
13 clean coal SNG brownfield facility in accordance with the
14 requirements of Section 1-78 of this Act.

15 (26) To review, revise, and approve sourcing
16 agreements and mediate and resolve disputes between gas
17 utilities and the clean coal SNG brownfield facility
18 pursuant to subsection (h-1) of Section 9-220 of the
19 Public Utilities Act.

20 (27) To request, review and accept proposals, execute
21 contracts, purchase renewable energy credits and otherwise
22 dedicate funds from the Illinois Power Agency Renewable
23 Energy Resources Fund to create and carry out the
24 objectives of the Illinois Solar for All program in
25 accordance with Section 1-56 of this Act.

26 (c) In conducting the procurement of electricity or other

products, the Agency shall not procure any products or services from persons or organizations that are in violation of the Displaced Energy Workers Bill of Rights, as provided under the Energy Community Reinvestment Act at the time of the procurement event or fail to comply the labor standards established in subparagraph (Q) of paragraph (1) of subsection (c) of Section 1-75.

(Source: P.A. 99-906, eff. 6-1-17.)

(20 ILCS 3855/1-35)

Sec. 1-35. Agency rules. The Agency shall adopt rules as may be necessary and appropriate for the operation of the Agency. In addition to other rules relevant to the operation of the Agency, the Agency shall adopt rules that accomplish each of the following:

(1) If deemed necessary by the Agency, establish
~~Establish~~ procedures for monitoring the administration of
any contract administered directly or indirectly by the
Agency; except that the procedures shall not extend to
executed contracts between electric utilities and their
suppliers.

(2) Establish procedures for the recovery of costs incurred in connection with the development and construction of a facility should the Agency cancel a project, provided that no such costs shall be passed on to public utilities or their customers or paid from the

1 Illinois Power Agency Operations Fund.

2 (3) Implement accounting rules and a system of
3 accounts, in accordance with State law, permitting all
4 reporting (i) required by the State, (ii) required under
5 this Act, (iii) required by the Authority, or (iv)
6 required under the Public Utilities Act.

7 The Agency shall not adopt any rules that infringe upon
8 the authority granted to the Commission.

9 (Source: P.A. 95-481, eff. 8-28-07.)

10 (20 ILCS 3855/1-56)

11 Sec. 1-56. Illinois Power Agency Renewable Energy
12 Resources Fund; Illinois Solar for All Program.

13 (a) The Illinois Power Agency Renewable Energy Resources
14 Fund is created as a special fund in the State treasury.

15 (b) The Illinois Power Agency Renewable Energy Resources
16 Fund shall be administered by the Agency as described in this
17 subsection (b), provided that the changes to this subsection
18 (b) made by this amendatory Act of the 99th General Assembly
19 shall not interfere with existing contracts under this
20 Section.

21 (1) The Illinois Power Agency Renewable Energy
22 Resources Fund shall be used to purchase renewable energy
23 credits according to any approved procurement plan
24 developed by the Agency prior to June 1, 2017.

25 (2) The Illinois Power Agency Renewable Energy

1 Resources Fund shall also be used to create the Illinois
2 Solar for All Program, which provides shall include
3 incentives for low-income distributed generation and
4 community solar projects, and other associated approved
5 expenditures. The objectives of the Illinois Solar for All
6 Program are to bring photovoltaics to low-income
7 communities in this State in a manner that maximizes the
8 development of new photovoltaic generating facilities, to
9 create a long-term, low-income solar marketplace
10 throughout this State, to integrate, through interaction
11 with stakeholders, with existing energy efficiency
12 initiatives, and to minimize administrative costs. The
13 Agency shall strive to ensure that renewable energy
14 credits procured through the Illinois Solar for All
15 Program and each of its subprograms are purchased from
16 projects across the breadth of low-income and
17 environmental justice communities in Illinois, including
18 both urban and rural communities, are not concentrated in
19 a few communities, and do not exclude particular
20 low-income or environmental justice communities. The
21 Agency shall include a description of its proposed
22 approach to the design, administration, implementation and
23 evaluation of the Illinois Solar for All Program, as part
24 of the long-term renewable resources procurement plan
25 authorized by subsection (c) of Section 1-75 of this Act,
26 and the program shall be designed to grow the low-income

1 solar market. The Agency or utility, as applicable, shall
2 purchase renewable energy credits from the (i)
3 photovoltaic distributed renewable energy generation
4 projects and (ii) community solar projects that are
5 procured under procurement processes authorized by the
6 long-term renewable resources procurement plans approved
7 by the Commission.

8 The Illinois Solar for All Program shall include the
9 program offerings described in subparagraphs (A) through
10 (E) ~~(D)~~ of this paragraph (2), which the Agency shall
11 implement through contracts with third-party providers
12 and, subject to appropriation, pay the approximate amounts
13 identified using monies available in the Illinois Power
14 Agency Renewable Energy Resources Fund. Each contract that
15 provides for the installation of solar facilities shall
16 provide that the solar facilities will produce energy and
17 economic benefits, at a level determined by the Agency to
18 be reasonable, for the participating low income customers.
19 The monies available in the Illinois Power Agency
20 Renewable Energy Resources Fund and not otherwise
21 committed to contracts executed under subsection (i) of
22 this Section shall be allocated among the programs
23 described in this paragraph (2), as follows: 22.5% of
24 these funds shall be allocated to programs described in
25 subparagraphs subparagraph (A) and (E) of this paragraph
26 (2), 37.5% of these funds shall be allocated to programs

described in subparagraph (B) of this paragraph (2), 15% of these funds shall be allocated to programs described in subparagraph (C) of this paragraph (2), and 25% of these funds, but in no event more than \$50,000,000, shall be allocated to programs described in subparagraph (D) of this paragraph (2). The allocation of funds among subparagraphs (A), (B), ~~or~~ (C), and (E) of this paragraph (2) may be changed if the Agency or administrator, through delegated authority, determines incentives in subparagraphs (A), (B), ~~or~~ (C), and (E) of this paragraph (2) have not been adequately subscribed to fully utilize the Illinois Power Agency Renewable Energy Resources Fund. The determination of reallocation shall include consideration of input obtained through a stakeholder process. The program offerings described in subparagraphs (A) through (D) of this paragraph (2) shall also be implemented through contracts funded from such additional amounts as are allocated to one or more of the programs in the long-term renewable resources procurement plans as specified in subsection (c) of Section 1-75 of this Act and subparagraph (O) of paragraph (1) of such subsection (c).

Contracts that will be paid with funds in the Illinois Power Agency Renewable Energy Resources Fund shall be executed by the Agency. Contracts that will be paid with funds collected by an electric utility shall be executed

1 by the electric utility.

2 Contracts under the Illinois Solar for All Program
3 shall include an approach, as set forth in the long-term
4 renewable resources procurement plans, to ensure the
5 wholesale market value of the energy is credited to
6 participating low-income customers or organizations and to
7 ensure tangible economic benefits flow directly to program
8 participants, except in the case of low-income
9 multi-family housing where the low-income customer does
10 not directly pay for energy. Priority shall be given to
11 projects that demonstrate meaningful involvement of
12 low-income community members in designing the initial
13 proposals. Acceptable proposals to implement projects must
14 demonstrate the applicant's ability to conduct initial
15 community outreach, education, and recruitment of
16 low-income participants in the community. Projects must
17 include job training opportunities if available, and shall
18 endeavor to coordinate with the job training programs
19 described in paragraph (1) of subsection (a) of Section
20 16-108.12 of the Public Utilities Act.

21 The Agency shall make every effort to ensure that
22 small and emerging businesses, particularly those located
23 in low-income and environmental justice communities, are
24 able to participate in the Illinois Solar for All Program.
25 These efforts may include, but shall not be limited to,
26 proactive support from the program administrator,

1 different or preferred access to subprograms and
2 administrator-identified customers or grassroots
3 education provider-identified customers, and different
4 incentive levels. The Agency shall report on progress and
5 barriers to participation of small and emerging businesses
6 in the Illinois Solar for All Program at least once a year.
7 The report shall be made available on the Agency's website
8 and, in years when the Agency is updating its long-term
9 renewable resources procurement plan, included in that
10 Plan.

11 (A) Low-income single-family and small multifamily
12 solar distributed generation incentive. This program
13 will provide incentives to low-income customers,
14 either directly or through solar providers, to
15 increase the participation of low-income households in
16 photovoltaic on-site distributed generation at
17 residential buildings containing one to 4 units.
18 Companies participating in this program that install
19 solar panels shall commit to hiring job trainees for a
20 portion of their low-income installations, and an
21 administrator shall facilitate partnering the
22 companies that install solar panels with entities that
23 provide solar panel installation job training. It is a
24 goal of this program that a minimum of 25% of the
25 incentives for this program be allocated to projects
26 located within environmental justice communities. The

1 Agency shall reserve a portion of this program for
2 projects that promote energy sovereignty through
3 ownership of projects by low-income households,
4 not-for-profit organizations providing services to
5 low-income households, affordable housing owners, or
6 community-based limited liability companies providing
7 services to low-income households. To count as
8 promoting energy sovereignty, 49% of the ownership
9 interest of the project must be held by low-income
10 households, not-for-profit organizations providing
11 direct services to low-income households, affordable
12 housing owners, or community-based limited liability
13 companies providing services to low-income households,
14 by no later than 6 years after the device is
15 interconnected at the distribution system level of the
16 utility and energized. Incentives for projects that
17 promote energy sovereignty may be higher than
18 incentives for equivalent projects that do not promote
19 energy sovereignty under this same program. Contracts
20 entered into under this paragraph may be entered into
21 with an entity that will develop and administer the
22 program and shall also include contracts for renewable
23 energy credits from the photovoltaic distributed
24 generation that is the subject of the program, as set
25 forth in the long-term renewable resources procurement
26 plan.

(B) Low-Income Community Solar Project Initiative.

Incentives shall be offered to low-income customers, either directly or through developers, to increase the participation of low-income subscribers of community solar projects. The developer of each project shall identify its partnership with community stakeholders regarding the location, development, and participation in the project, provided that nothing shall preclude a project from including an anchor tenant that does not qualify as low-income. Companies participating in this program that develop or install solar projects shall commit to hiring job trainees for a portion of their low-income installations, and an administrator shall facilitate partnering the companies that install solar projects with entities that provide solar installation and related job training. Incentives should also be offered to community solar projects that are 100% low income subscriber owned, which includes low income households, not for profit organizations, and affordable housing owners. It is a goal of this program that a minimum of 25% of the incentives for this program be allocated to community photovoltaic projects in environmental justice communities. The Agency shall reserve a portion of this program for projects that promote energy sovereignty through ownership of projects by low-income households,

1 not-for-profit organizations providing services to
2 low-income households, affordable housing owners, or
3 community-based limited liability companies providing
4 services to low-income households. To count as
5 promoting energy sovereignty, 49% of the ownership
6 interest of the project must be held by low-income
7 subscribers, not-for-profit organizations providing
8 direct services to low-income households, affordable
9 housing owners, or community-based limited liability
10 companies providing services to low-income households,
11 by no later than 6 years after the device is
12 interconnected at the distribution system level of the
13 utility and energized. Incentives for projects that
14 promote energy sovereignty may be higher than
15 incentives for equivalent projects that do not promote
16 energy sovereignty under this same program. Contracts
17 entered into under this paragraph may be entered into
18 with developers and shall also include contracts for
19 renewable energy credits related to the program.

20 (C) Incentives for non-profits and public
21 facilities. Under this program funds shall be used to
22 support on-site photovoltaic distributed renewable
23 energy generation devices to serve the load associated
24 with not-for-profit customers and to support
25 photovoltaic distributed renewable energy generation
26 that uses photovoltaic technology to serve the load

1 associated with public sector customers taking service
2 at public buildings. Companies participating in this
3 program that develop or install solar projects shall
4 commit to hiring job trainees for a portion of their
5 low-income installations, and an administrator shall
6 facilitate partnering the companies that install solar
7 projects with entities that provide solar installation
8 and related job training. It is a goal of this program
9 that at least 25% of the incentives for this program be
10 allocated to projects located in environmental justice
11 communities. Contracts entered into under this
12 paragraph may be entered into with an entity that will
13 develop and administer the program or with developers
14 and shall also include contracts for renewable energy
15 credits related to the program.

16 (D) Low-Income Community Solar Pilot Projects.
17 Under this program, persons, including, but not
18 limited to, electric utilities, shall propose pilot
19 community solar projects. Community solar projects
20 proposed under this subparagraph (D) may exceed 5,000
21 ~~2,000~~ kilowatts in nameplate capacity, but the amount
22 paid per project under this program may not exceed
23 \$20,000,000. Pilot projects must result in economic
24 benefits for the members of the community in which the
25 project will be located. The proposed pilot project
26 must include a partnership with at least one

1 community-based organization. Approved pilot projects
2 shall be competitively bid by the Agency, subject to
3 fair and equitable guidelines developed by the Agency.
4 Funding available under this subparagraph (D) may not
5 be distributed solely to a utility, and at least some
6 funds under this subparagraph (D) must include a
7 project partnership that includes community ownership
8 by the project subscribers. Contracts entered into
9 under this paragraph may be entered into with an
10 entity that will develop and administer the program or
11 with developers and shall also include contracts for
12 renewable energy credits related to the program. A
13 project proposed by a utility that is implemented
14 under this subparagraph (D) shall not be included in
15 the utility's ratebase.

16 (E) Low-income large multifamily solar incentive.
17 This program shall provide incentives to low-income
18 customers, either directly or through solar providers,
19 to increase the participation of low-income households
20 in photovoltaic on-site distributed generation at
21 residential buildings with 5 or more units. Companies
22 participating in this program that develop or install
23 solar projects shall commit to hiring job trainees for
24 a portion of their low-income installations, and an
25 administrator shall facilitate partnering the
26 companies that install solar projects with entities

1 that provide solar installation and related job
2 training. It is a goal of this program that a minimum
3 of 25% of the incentives for this program be allocated
4 to projects located within environmental justice
5 communities. The Agency shall reserve a portion of
6 this program for projects that promote energy
7 sovereignty through ownership of projects by
8 low-income households, not-for-profit organizations
9 providing services to low-income households,
10 affordable housing owners, or community-based limited
11 liability companies providing services to low-income
12 households. To count as promoting energy sovereignty,
13 49% of the ownership interest of the project must be
14 held by low-income households, not-for-profit
15 organizations providing direct services to low-income
16 households, affordable housing owners, or
17 community-based limited liability companies providing
18 services to low-income households, by no later than 6
19 years after the device is interconnected at the
20 distribution system level of the utility and
21 energized. Incentives for projects that promote energy
22 sovereignty may be higher than incentives for
23 equivalent projects that do not promote energy
24 sovereignty under this same program. Contracts entered
25 into under this paragraph may be entered into with an
26 entity that will develop and administer the program

1 and shall include contracts for renewable energy
2 credits from the photovoltaic distributed generation
3 that is the subject of the program, as set forth in the
4 long-term renewable resources procurement plan.

5 The requirement that a qualified person, as defined in
6 paragraph (1) of subsection (i) of this Section, install
7 photovoltaic devices does not apply to the Illinois Solar
8 for All Program described in this subsection (b).

9 (3) Costs associated with the Illinois Solar for All
10 Program and its components described in paragraph (2) of
11 this subsection (b), including, but not limited to, costs
12 associated with procuring experts, consultants, and the
13 program administrator referenced in this subsection (b)
14 and related incremental costs, costs related to income
15 verification and facilitating customer participation in
16 the program, and costs related to the evaluation of the
17 Illinois Solar for All Program, may be paid for using
18 monies in the Illinois Power Agency Renewable Energy
19 Resources Fund, but the Agency or program administrator
20 shall strive to minimize costs in the implementation of
21 the program. The Agency shall purchase renewable energy
22 credits from generation that is the subject of a contract
23 under subparagraphs (A) through (E) ~~(D)~~ of ~~this~~ paragraph
24 (2) of this subsection (b), and may pay for such renewable
25 energy credits through an upfront payment per installed
26 kilowatt of nameplate capacity paid once the device is

interconnected at the distribution system level of the utility and is energized. The payment shall be in exchange for an assignment of all renewable energy credits generated by the system during the first 15 years of operation and shall be structured to overcome barriers to participation in the solar market by the low-income community. The incentives provided for in this Section may be implemented through the pricing of renewable energy credits where the prices paid for the credits are higher than the prices from programs offered under subsection (c) of Section 1-75 of this Act to account for the incentives. The Agency shall ensure collaboration with community agencies, and allocate up to 5% of the funds available under the Illinois Solar for All Program to community-based groups to assist in grassroots education efforts related to the Illinois Solar for All Program. The Agency shall retire any renewable energy credits purchased from this program and the credits shall count towards the obligation under subsection (c) of Section 1-75 of this Act for the electric utility to which the project is interconnected.

The Agency may combine the funding for the Adjustable Block Program established in subparagraph (K) of paragraph (1) of subsection (c) of Section 1-75 and the Illinois Solar for All Program to purchase renewable energy credits from new photovoltaic projects that would be eligible for

either program so long as: the annual ratepayer funds collected to purchase renewable resources pursuant to subsection (c) of Section 1-75 is at least double the amount collected in the 2019-2020 delivery year, no more than 20% of any individual block within the Adjustable Block Program is allocated to Solar for All-eligible projects, and the funding sources for both programs are the same for projects so funded. Any renewable energy credits purchased from this program in combination with the Adjustable Block Program shall count toward the obligation for new photovoltaic projects under subparagraph (C) of paragraph (1) of subsection (c) of Section 1-75 of this Act. Any photovoltaic projects selected for this program in combination with the Adjustable Block Program are subject to the requirements of the Illinois Solar for All Program and may receive Illinois Solar for All Program pricing, with the Illinois Solar for All Program budget covering the difference between the renewable energy credit price from the currently open block of the Adjustable Block Program and the Solar for All renewable energy credit price. Illinois Solar for All subprograms providing funding for installation of distributed renewable energy generation devices shall use funding in this manner from Adjustable Block Program distributed renewable energy generation device blocks. The Illinois Solar for All Low-Income

Community Solar subprogram shall use funding in this manner from the Adjustable Block Program community renewable generation project blocks, if such blocks are legally authorized. If no Adjustable Block Program community renewable generation project block is currently legally authorized and if a competitively procured Community Solar Program is legally authorized under Section 1-75 of this Act, then (i) a portion of the utility-held renewable resources budget allocated by the Agency to such competitive Community Solar Program each year shall be reserved for the Solar for All Low-Income Community Solar subprogram as if such budget came from an Adjustable Block Program block for purposes of this paragraph (3) and (ii) the average renewable energy credit price of Community Solar Program selected projects from the prior delivery year (or a shorter period, if a full delivery year of the Community Solar Program has not been completed) shall be used for allocating funding to the Solar for All Low-Income Community Solar subprogram in lieu of the Adjustable Block Program renewable energy credit block price mentioned earlier in this paragraph (3). The Agency shall try to manage program capacities and budgets to make the fullest use of this option to accommodate Solar for All project applications.

(4) The Agency shall, consistent with the requirements of this subsection (b), propose the Illinois Solar for All

1 Program terms, conditions, and requirements, including the
2 prices to be paid for renewable energy credits, and which
3 prices may be determined through a formula, through the
4 development, review, and approval of the Agency's
5 long-term renewable resources procurement plan described
6 in subsection (c) of Section 1-75 of this Act and Section
7 16-111.5 of the Public Utilities Act. In the course of the
8 Commission proceeding initiated to review and approve the
9 plan, including the Illinois Solar for All Program
10 proposed by the Agency, a party may propose an additional
11 low-income solar or solar incentive program, or
12 modifications to the programs proposed by the Agency, and
13 the Commission may approve an additional program, or
14 modifications to the Agency's proposed program, if the
15 additional or modified program more effectively maximizes
16 the benefits to low-income customers after taking into
17 account all relevant factors, including, but not limited
18 to, the extent to which a competitive market for
19 low-income solar has developed. Following the Commission's
20 approval of the Illinois Solar for All Program, the Agency
21 or a party may propose adjustments to the program terms,
22 conditions, and requirements, including the price offered
23 to new systems, to ensure the long-term viability and
24 success of the program. The Commission shall review and
25 approve any modifications to the program through the plan
26 revision process described in Section 16-111.5 of the

1 Public Utilities Act.

2 (5) The Agency shall issue a request for
3 qualifications for a third-party program administrator or
4 administrators to administer all or a portion of the
5 Illinois Solar for All Program. The third-party program
6 administrator shall be chosen through a competitive bid
7 process based on selection criteria and requirements
8 developed by the Agency, including, but not limited to,
9 experience in administering low-income energy programs and
10 overseeing statewide clean energy or energy efficiency
11 services. If the Agency retains a program administrator or
12 administrators to implement all or a portion of the
13 Illinois Solar for All Program, each administrator shall
14 periodically submit reports to the Agency and Commission
15 for each program that it administers, at appropriate
16 intervals to be identified by the Agency in its long-term
17 renewable resources procurement plan, provided that the
18 reporting interval is at least quarterly. Administration
19 of the Illinois Solar for All Program shall include
20 facilitation of the partnering of companies that develop
21 or install solar projects through this program or any
22 other Illinois program with graduates of Illinois-based
23 job training programs, particularly graduates who reside
24 in environmental justice communities.

25 (6) The long-term renewable resources procurement plan
26 shall also provide for an independent evaluation of the

1 Illinois Solar for All Program. At least every 2 years,
2 the Agency shall select an independent evaluator to review
3 and report on the Illinois Solar for All Program and the
4 performance of the third-party program administrator of
5 the Illinois Solar for All Program. The evaluation shall
6 be based on objective criteria developed through a public
7 stakeholder process. The process shall include feedback
8 and participation from Illinois Solar for All Program
9 stakeholders, including participants and organizations in
10 environmental justice and historically underserved
11 communities. The report shall include a summary of the
12 evaluation of the Illinois Solar for All Program based on
13 the stakeholder developed objective criteria. The report
14 shall include the number of projects installed; the total
15 installed capacity in kilowatts; the average cost per
16 kilowatt of installed capacity to the extent reasonably
17 obtainable by the Agency; the number of jobs or job
18 opportunities created; economic, social, and environmental
19 benefits created; and the total administrative costs
20 expended by the Agency and program administrator to
21 implement and evaluate the program. The report shall be
22 delivered to the Commission and posted on the Agency's
23 website, and shall be used, as needed, to revise the
24 Illinois Solar for All Program. The Commission shall also
25 consider the results of the evaluation as part of its
26 review of the long-term renewable resources procurement

1 plan under subsection (c) of Section 1-75 of this Act.

2 (7) If additional funding for the programs described
3 in this subsection (b) is available under subsection (k)
4 of Section 16-108 of the Public Utilities Act, then the
5 Agency shall submit a procurement plan to the Commission
6 no later than September 1, 2018, that proposes how the
7 Agency will procure programs on behalf of the applicable
8 utility. After notice and hearing, the Commission shall
9 approve, or approve with modification, the plan no later
10 than November 1, 2018.

11 (8) As part of the development and update of the
12 long-term renewable resources procurement plan authorized
13 by subsection (c) of Section 1-75 of this Act, the Agency
14 shall plan for: (A) actions to refer customers from the
15 Illinois Solar for All Program to electric and natural gas
16 income-qualified energy efficiency programs, and vice
17 versa, with the goal of increasing participation in both
18 of these programs; (B) effective procedures for data
19 sharing, as needed, to effectuate referrals between the
20 Illinois Solar for All Program and both electric and
21 natural gas income-qualified energy efficiency programs,
22 including sharing customer information directly with the
23 utilities, as needed and appropriate; and (C) efforts to
24 identify any existing deferred maintenance programs for
25 which prospective Solar for All customers may be eligible
26 and connect prospective customers for whom deferred

1 maintenance is or may be a barrier to solar installation
2 to those programs.

3 As used in this subsection (b), "low-income households"
4 means persons and families whose income does not exceed 80% of
5 area median income, adjusted for family size and revised every
6 5 years.

7 For the purposes of this subsection (b), the Agency shall
8 define "environmental justice community" based on the
9 methodologies and findings established by the Agency and the
10 Administrator for the Illinois Solar for All program in its
11 initial long-term renewable resources procurement plan and as
12 updated by the Agency and the Administrator for the Illinois
13 Solar for All Program as part of the long-term renewable
14 resources procurement plan update development, to ensure, to
15 the extent practicable, compatibility with other agencies'
16 definitions and may, for guidance, look to the definitions
17 used by federal, state, or local governments.

18 (b-5) After the receipt of all payments required by
19 Section 16-115D of the Public Utilities Act, no additional
20 funds shall be deposited into the Illinois Power Agency
21 Renewable Energy Resources Fund unless directed by order of
22 the Commission.

23 (b-10) After the receipt of all payments required by
24 Section 16-115D of the Public Utilities Act and payment in
25 full of all contracts executed by the Agency under subsections
26 (b) and (i) of this Section, if the balance of the Illinois

1 Power Agency Renewable Energy Resources Fund is under \$5,000,
2 then the Fund shall be inoperative and any remaining funds and
3 any funds submitted to the Fund after that date, shall be
4 transferred to the Supplemental Low-Income Energy Assistance
5 Fund for use in the Low-Income Home Energy Assistance Program,
6 as authorized by the Energy Assistance Act.

7 (c) (Blank).

8 (d) (Blank).

9 (e) All renewable energy credits procured using monies
10 from the Illinois Power Agency Renewable Energy Resources Fund
11 shall be permanently retired.

12 (f) The selection of one or more third-party program
13 managers or administrators, the selection of the independent
14 evaluator, and the procurement processes described in this
15 Section are exempt from the requirements of the Illinois
16 Procurement Code, under Section 20-10 of that Code.

17 (g) All disbursements from the Illinois Power Agency
18 Renewable Energy Resources Fund shall be made only upon
19 warrants of the Comptroller drawn upon the Treasurer as
20 custodian of the Fund upon vouchers signed by the Director or
21 by the person or persons designated by the Director for that
22 purpose. The Comptroller is authorized to draw the warrant
23 upon vouchers so signed. The Treasurer shall accept all
24 warrants so signed and shall be released from liability for
25 all payments made on those warrants.

26 (h) The Illinois Power Agency Renewable Energy Resources

1 Fund shall not be subject to sweeps, administrative charges,
2 or chargebacks, including, but not limited to, those
3 authorized under Section 8h of the State Finance Act, that
4 would in any way result in the transfer of any funds from this
5 Fund to any other fund of this State or in having any such
6 funds utilized for any purpose other than the express purposes
7 set forth in this Section.

8 (h-5) The Agency may assess fees to each bidder to recover
9 the costs incurred in connection with a procurement process
10 held under this Section. Fees collected from bidders shall be
11 deposited into the Renewable Energy Resources Fund.

12 (i) Supplemental procurement process.

13 (1) Within 90 days after the effective date of this
14 amendatory Act of the 98th General Assembly, the Agency
15 shall develop a one-time supplemental procurement plan
16 limited to the procurement of renewable energy credits, if
17 available, from new or existing photovoltaics, including,
18 but not limited to, distributed photovoltaic generation.
19 Nothing in this subsection (i) requires procurement of
20 wind generation through the supplemental procurement.

21 Renewable energy credits procured from new
22 photovoltaics, including, but not limited to, distributed
23 photovoltaic generation, under this subsection (i) must be
24 procured from devices installed by a qualified person. In
25 its supplemental procurement plan, the Agency shall
26 establish contractually enforceable mechanisms for

1 ensuring that the installation of new photovoltaics is
2 performed by a qualified person.

3 For the purposes of this paragraph (1), "qualified
4 person" means a person who performs installations of
5 photovoltaics, including, but not limited to, distributed
6 photovoltaic generation, and who: (A) has completed an
7 apprenticeship as a journeyman electrician from a United
8 States Department of Labor registered electrical
9 apprenticeship and training program and received a
10 certification of satisfactory completion; or (B) does not
11 currently meet the criteria under clause (A) of this
12 paragraph (1), but is enrolled in a United States
13 Department of Labor registered electrical apprenticeship
14 program, provided that the person is directly supervised
15 by a person who meets the criteria under clause (A) of this
16 paragraph (1); or (C) has obtained one of the following
17 credentials in addition to attesting to satisfactory
18 completion of at least 5 years or 8,000 hours of
19 documented hands-on electrical experience: (i) a North
20 American Board of Certified Energy Practitioners (NABCEP)
21 Installer Certificate for Solar PV; (ii) an Underwriters
22 Laboratories (UL) PV Systems Installer Certificate; (iii)
23 an Electronics Technicians Association, International
24 (ETAI) Level 3 PV Installer Certificate; or (iv) an
25 Associate in Applied Science degree from an Illinois
26 Community College Board approved community college program

1 in renewable energy or a distributed generation
2 technology.

3 For the purposes of this paragraph (1), "directly
4 supervised" means that there is a qualified person who
5 meets the qualifications under clause (A) of this
6 paragraph (1) and who is available for supervision and
7 consultation regarding the work performed by persons under
8 clause (B) of this paragraph (1), including a final
9 inspection of the installation work that has been directly
10 supervised to ensure safety and conformity with applicable
11 codes.

12 For the purposes of this paragraph (1), "install"
13 means the major activities and actions required to
14 connect, in accordance with applicable building and
15 electrical codes, the conductors, connectors, and all
16 associated fittings, devices, power outlets, or
17 apparatuses mounted at the premises that are directly
18 involved in delivering energy to the premises' electrical
19 wiring from the photovoltaics, including, but not limited
20 to, to distributed photovoltaic generation.

21 The renewable energy credits procured pursuant to the
22 supplemental procurement plan shall be procured using up
23 to \$30,000,000 from the Illinois Power Agency Renewable
24 Energy Resources Fund. The Agency shall not plan to use
25 funds from the Illinois Power Agency Renewable Energy
26 Resources Fund in excess of the monies on deposit in such

1 fund or projected to be deposited into such fund. The
2 supplemental procurement plan shall ensure adequate,
3 reliable, affordable, efficient, and environmentally
4 sustainable renewable energy resources (including credits)
5 at the lowest total cost over time, taking into account
6 any benefits of price stability.

7 To the extent available, 50% of the renewable energy
8 credits procured from distributed renewable energy
9 generation shall come from devices of less than 25
10 kilowatts in nameplate capacity. Procurement of renewable
11 energy credits from distributed renewable energy
12 generation devices shall be done through multi-year
13 contracts of no less than 5 years. The Agency shall create
14 credit requirements for counterparties. In order to
15 minimize the administrative burden on contracting
16 entities, the Agency shall solicit the use of third
17 parties to aggregate distributed renewable energy. These
18 third parties shall enter into and administer contracts
19 with individual distributed renewable energy generation
20 device owners. An individual distributed renewable energy
21 generation device owner shall have the ability to measure
22 the output of his or her distributed renewable energy
23 generation device.

24 In developing the supplemental procurement plan, the
25 Agency shall hold at least one workshop open to the public
26 within 90 days after the effective date of this amendatory

Act of the 98th General Assembly and shall consider any comments made by stakeholders or the public. Upon development of the supplemental procurement plan within this 90-day period, copies of the supplemental procurement plan shall be posted and made publicly available on the Agency's and Commission's websites. All interested parties shall have 14 days following the date of posting to provide comment to the Agency on the supplemental procurement plan. All comments submitted to the Agency shall be specific, supported by data or other detailed analyses, and, if objecting to all or a portion of the supplemental procurement plan, accompanied by specific alternative wording or proposals. All comments shall be posted on the Agency's and Commission's websites. Within 14 days following the end of the 14-day review period, the Agency shall revise the supplemental procurement plan as necessary based on the comments received and file its revised supplemental procurement plan with the Commission for approval.

(2) Within 5 days after the filing of the supplemental procurement plan at the Commission, any person objecting to the supplemental procurement plan shall file an objection with the Commission. Within 10 days after the filing, the Commission shall determine whether a hearing is necessary. The Commission shall enter its order confirming or modifying the supplemental procurement plan

1 within 90 days after the filing of the supplemental
2 procurement plan by the Agency.

3 (3) The Commission shall approve the supplemental
4 procurement plan of renewable energy credits to be
5 procured from new or existing photovoltaics, including,
6 but not limited to, distributed photovoltaic generation,
7 if the Commission determines that it will ensure adequate,
8 reliable, affordable, efficient, and environmentally
9 sustainable electric service in the form of renewable
10 energy credits at the lowest total cost over time, taking
11 into account any benefits of price stability.

12 (4) The supplemental procurement process under this
13 subsection (i) shall include each of the following
14 components:

15 (A) Procurement administrator. The Agency may
16 retain a procurement administrator in the manner set
17 forth in item (2) of subsection (a) of Section 1-75 of
18 this Act to conduct the supplemental procurement or
19 may elect to use the same procurement administrator
20 administering the Agency's annual procurement under
21 Section 1-75.

22 (B) Procurement monitor. The procurement monitor
23 retained by the Commission pursuant to Section
24 16-111.5 of the Public Utilities Act shall:

25 (i) monitor interactions among the procurement
26 administrator and bidders and suppliers;

(ii) monitor and report to the Commission on the progress of the supplemental procurement process;

(iii) provide an independent confidential report to the Commission regarding the results of the procurement events;

(iv) assess compliance with the procurement plan approved by the Commission for the supplemental procurement process;

(v) preserve the confidentiality of supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs;

(vi) provide expert advice to the Commission and consult with the procurement administrator regarding issues related to procurement process design, rules, protocols, and policy-related matters;

(vii) consult with the procurement administrator regarding the development and use of benchmark criteria, standard form contracts, credit policies, and bid documents; and

(viii) perform, with respect to the supplemental procurement process, any other procurement monitor duties specifically delineated within subsection (i) of this Section.

(C) Solicitation, pre-qualification, and
registration of bidders. The procurement administrator
shall disseminate information to potential bidders to
promote a procurement event, notify potential bidders
that the procurement administrator may enter into a
post-bid price negotiation with bidders that meet the
applicable benchmarks, provide supply requirements,
and otherwise explain the competitive procurement
process. In addition to such other publication as the
procurement administrator determines is appropriate,
this information shall be posted on the Agency's and
the Commission's websites. The procurement
administrator shall also administer the
prequalification process, including evaluation of
credit worthiness, compliance with procurement rules,
and agreement to the standard form contract developed
pursuant to item (D) of this paragraph (4). The
procurement administrator shall then identify and
register bidders to participate in the procurement
event.

(D) Standard contract forms and credit terms and instruments. The procurement administrator, in consultation with the Agency, the Commission, and other interested parties and subject to Commission oversight, shall develop and provide standard contract forms for the supplier contracts that meet generally

1 accepted industry practices as well as include any
2 applicable State of Illinois terms and conditions that
3 are required for contracts entered into by an agency
4 of the State of Illinois. Standard credit terms and
5 instruments that meet generally accepted industry
6 practices shall be similarly developed. Contracts for
7 new photovoltaics shall include a provision attesting
8 that the supplier will use a qualified person for the
9 installation of the device pursuant to paragraph (1)
10 of subsection (i) of this Section. The procurement
11 administrator shall make available to the Commission
12 all written comments it receives on the contract
13 forms, credit terms, or instruments. If the
14 procurement administrator cannot reach agreement with
15 the parties as to the contract terms and conditions,
16 the procurement administrator must notify the
17 Commission of any disputed terms and the Commission
18 shall resolve the dispute. The terms of the contracts
19 shall not be subject to negotiation by winning
20 bidders, and the bidders must agree to the terms of the
21 contract in advance so that winning bids are selected
22 solely on the basis of price.

23 (E) Requests for proposals; competitive
24 procurement process. The procurement administrator
25 shall design and issue requests for proposals to
26 supply renewable energy credits in accordance with the

1 supplemental procurement plan, as approved by the
2 Commission. The requests for proposals shall set forth
3 a procedure for sealed, binding commitment bidding
4 with pay-as-bid settlement, and provision for
5 selection of bids on the basis of price, provided,
6 however, that no bid shall be accepted if it exceeds
7 the benchmark developed pursuant to item (F) of this
8 paragraph (4).

9 (F) Benchmarks. Benchmarks for each product to be
10 procured shall be developed by the procurement
11 administrator in consultation with Commission staff,
12 the Agency, and the procurement monitor for use in
13 this supplemental procurement.

14 (G) A plan for implementing contingencies in the
15 event of supplier default, Commission rejection of
16 results, or any other cause.

17 (5) Within 2 business days after opening the sealed
18 bids, the procurement administrator shall submit a
19 confidential report to the Commission. The report shall
20 contain the results of the bidding for each of the
21 products along with the procurement administrator's
22 recommendation for the acceptance and rejection of bids
23 based on the price benchmark criteria and other factors
24 observed in the process. The procurement monitor also
25 shall submit a confidential report to the Commission
26 within 2 business days after opening the sealed bids. The

1 report shall contain the procurement monitor's assessment
2 of bidder behavior in the process as well as an assessment
3 of the procurement administrator's compliance with the
4 procurement process and rules. The Commission shall review
5 the confidential reports submitted by the procurement
6 administrator and procurement monitor and shall accept or
7 reject the recommendations of the procurement
8 administrator within 2 business days after receipt of the
9 reports.

10 (6) Within 3 business days after the Commission
11 decision approving the results of a procurement event, the
12 Agency shall enter into binding contractual arrangements
13 with the winning suppliers using the standard form
14 contracts.

15 (7) The names of the successful bidders and the
16 average of the winning bid prices for each contract type
17 and for each contract term shall be made available to the
18 public within 2 days after the supplemental procurement
19 event. The Commission, the procurement monitor, the
20 procurement administrator, the Agency, and all
21 participants in the procurement process shall maintain the
22 confidentiality of all other supplier and bidding
23 information in a manner consistent with all applicable
24 laws, rules, regulations, and tariffs. Confidential
25 information, including the confidential reports submitted
26 by the procurement administrator and procurement monitor

1 pursuant to this Section, shall not be made publicly
2 available and shall not be discoverable by any party in
3 any proceeding, absent a compelling demonstration of need,
4 nor shall those reports be admissible in any proceeding
5 other than one for law enforcement purposes.

6 (8) The supplemental procurement provided in this
7 subsection (i) shall not be subject to the requirements
8 and limitations of subsections (c) and (d) of this
9 Section.

10 (9) Expenses incurred in connection with the
11 procurement process held pursuant to this Section,
12 including, but not limited to, the cost of developing the
13 supplemental procurement plan, the procurement
14 administrator, procurement monitor, and the cost of the
15 retirement of renewable energy credits purchased pursuant
16 to the supplemental procurement shall be paid for from the
17 Illinois Power Agency Renewable Energy Resources Fund. The
18 Agency shall enter into an interagency agreement with the
19 Commission to reimburse the Commission for its costs
20 associated with the procurement monitor for the
21 supplemental procurement process.

22 (Source: P.A. 98-672, eff. 6-30-14; 99-906, eff. 6-1-17.)

23 (20 ILCS 3855/1-70)

24 Sec. 1-70. Agency officials.

25 (a) The Agency shall have a Director who meets the

1 qualifications specified in Section 5-222 of the Civil
2 Administrative Code of Illinois.

3 (b) Within the Illinois Power Agency, the Agency shall
4 establish a Planning and Procurement Bureau and may establish
5 a Resource Development Bureau. Each Bureau shall report to the
6 Director.

7 (c) The Chief of the Planning and Procurement Bureau shall
8 be appointed by the Director, at the Director's sole
9 discretion, and (i) shall have at least 5 years of direct
10 experience in electricity supply planning and procurement and
11 (ii) shall also hold an advanced degree in risk management,
12 law, business, or a related field.

13 (d) The Chief of the Resource Development Bureau may be
14 appointed by the Director and (i) shall have at least 5 years
15 of direct experience in electric generating project
16 development and (ii) shall also hold an advanced degree in
17 economics, engineering, law, business, or a related field.

18 (e) For terms ending before December 31, 2019, the
19 Director shall receive an annual salary of \$100,000 or as set
20 by the Executive Ethics Commission based on a review of
21 comparable State agency director salaries, whichever is
22 higher. Compensation Review Board, whichever is higher. For
23 ~~terms ending before December 31, 2019, the Bureau Chiefs shall~~
24 ~~each receive an annual salary of \$85,000 or as set by the~~
25 ~~Compensation Review Board, whichever is higher. For terms~~
26 ~~beginning after the effective date of this amendatory Act of~~

1 the 100th General Assembly, the annual salaries for the
2 Director and the Bureau Chiefs shall be an amount equal to 15%
3 more than the respective position's annual salary as of
4 December 31, 2018. The calculation of the 2018 salary base for
5 this adjustment shall not include any cost of living
6 adjustments, as authorized by Senate Joint Resolution 192 of
7 the 86th General Assembly, for the period beginning July 1,
8 2009 to June 30, 2019. Beginning July 1, 2019 and each July 1
9 thereafter, the Director and the Bureau Chiefs shall receive
10 an increase in salary based on a cost of living adjustment as
11 authorized by Senate Joint Resolution 192 of the 86th General
12 Assembly.

13 (f) The Director and Bureau Chiefs shall not, for 2 years
14 prior to appointment or for 2 years after he or she leaves his
15 or her position, be employed by an electric utility,
16 independent power producer, power marketer, or alternative
17 retail electric supplier regulated by the Commission or the
18 Federal Energy Regulatory Commission.

19 (g) The Director and Bureau Chiefs are prohibited from:
20 (i) owning, directly or indirectly, 5% or more of the voting
21 capital stock of an electric utility, independent power
22 producer, power marketer, or alternative retail electric
23 supplier; (ii) being in any chain of successive ownership of
24 5% or more of the voting capital stock of any electric utility,
25 independent power producer, power marketer, or alternative
26 retail electric supplier; (iii) receiving any form of

1 compensation, fee, payment, or other consideration from an
2 electric utility, independent power producer, power marketer,
3 or alternative retail electric supplier, including legal fees,
4 consulting fees, bonuses, or other sums. These limitations do
5 not apply to any compensation received pursuant to a defined
6 benefit plan or other form of deferred compensation, provided
7 that the individual has otherwise severed all ties to the
8 utility, power producer, power marketer, or alternative retail
9 electric supplier.

10 (Source: P.A. 99-536, eff. 7-8-16; 100-1179, eff. 1-18-19.)

11 (20 ILCS 3855/1-75)

12 Sec. 1-75. Planning and Procurement Bureau. The Planning
13 and Procurement Bureau has the following duties and
14 responsibilities:

15 (a) The Planning and Procurement Bureau shall each year,
16 beginning in 2008, develop procurement plans and conduct
17 competitive procurement processes in accordance with the
18 requirements of Section 16-111.5 of the Public Utilities Act
19 for the eligible retail customers of electric utilities that
20 on December 31, 2005 provided electric service to at least
21 100,000 customers in Illinois. Beginning with the delivery
22 year commencing on June 1, 2017, the Planning and Procurement
23 Bureau shall develop plans and processes for the procurement
24 of zero emission credits from zero emission facilities in
25 accordance with the requirements of subsection (d-5) of this

1 Section. The Planning and Procurement Bureau shall also
2 develop procurement plans and conduct competitive procurement
3 processes in accordance with the requirements of Section
4 16-111.5 of the Public Utilities Act for the eligible retail
5 customers of small multi-jurisdictional electric utilities
6 that (i) on December 31, 2005 served less than 100,000
7 customers in Illinois and (ii) request a procurement plan for
8 their Illinois jurisdictional load. This Section shall not
9 apply to a small multi-jurisdictional utility until such time
10 as a small multi-jurisdictional utility requests the Agency to
11 prepare a procurement plan for their Illinois jurisdictional
12 load. For the purposes of this Section, the term "eligible
13 retail customers" has the same definition as found in Section
14 16-111.5(a) of the Public Utilities Act.

15 Beginning with the plan or plans to be implemented in the
16 2017 delivery year, the Agency shall no longer include the
17 procurement of renewable energy resources in the annual
18 procurement plans required by this subsection (a), except as
19 provided in subsection (q) of Section 16-111.5 of the Public
20 Utilities Act, and shall instead develop a long-term renewable
21 resources procurement plan in accordance with subsection (c)
22 of this Section and Section 16-111.5 of the Public Utilities
23 Act.

24 In accordance with subsection (c-5) of this Section, the
25 Planning and Procurement Bureau shall oversee the procurement
26 by electric utilities that served more than 300,000 retail

1 customers in this State as of January 1, 2019 of renewable
2 energy credits from new renewable energy resources to be
3 installed, along with energy storage resources, at or adjacent
4 to the sites of electric generating facilities that, as of
5 January 1, 2016, burned coal as their primary fuel source.

6 (1) The Agency shall each year, beginning in 2008, as
7 needed, issue a request for qualifications for experts or
8 expert consulting firms to develop the procurement plans
9 in accordance with Section 16-111.5 of the Public
10 Utilities Act. In order to qualify an expert or expert
11 consulting firm must have:

12 (A) direct previous experience assembling
13 large-scale power supply plans or portfolios for
14 end-use customers;

15 (B) an advanced degree in economics, mathematics,
16 engineering, risk management, or a related area of
17 study;

18 (C) 10 years of experience in the electricity
19 sector, including managing supply risk;

20 (D) expertise in wholesale electricity market
21 rules, including those established by the Federal
22 Energy Regulatory Commission and regional transmission
23 organizations;

24 (E) expertise in credit protocols and familiarity
25 with 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 (2) The Agency shall each year, as needed, issue a
6 request for qualifications for a procurement administrator
7 to conduct the competitive procurement processes in
8 accordance with Section 16-111.5 of the Public Utilities
9 Act. In order to qualify an expert or expert consulting
10 firm must have:

11 (A) direct previous experience administering a
12 large-scale competitive procurement process;

13 (B) an advanced degree in economics, mathematics,
14 engineering, or a related area of study;

15 (C) 10 years of experience in the electricity
16 sector, including risk management experience;

17 (D) expertise in wholesale electricity market
18 rules, including those established by the Federal
19 Energy Regulatory Commission and regional transmission
20 organizations;

21 (E) expertise in credit and contract protocols;

22 (F) adequate resources to perform and fulfill the
23 required functions and responsibilities; and

24 (G) the absence of a conflict of interest and
25 inappropriate bias for or against potential bidders or
26 the affected electric utilities.

(3) The Agency shall provide affected utilities and other interested parties with the lists of qualified experts or expert consulting firms identified through the request for qualifications processes that are under consideration to develop the procurement plans and to serve as the procurement administrator. The Agency shall also provide each qualified expert's or expert consulting firm's response to the request for qualifications. All information provided under this subparagraph shall also be provided to the Commission. The Agency may provide by rule for fees associated with supplying the information to utilities and other interested parties. These parties shall, within 5 business days, notify the Agency in writing if they object to any experts or expert consulting firms on the lists. Objections shall be based on:

- (A) failure to satisfy qualification criteria;
 - (B) identification of a conflict of interest; or
 - (C) evidence of inappropriate bias for or against potential bidders or the affected utilities.

The Agency shall remove experts or expert consulting firms from the lists within 10 days if there is a reasonable basis for an objection and provide the updated lists to the affected utilities and other interested parties. If the Agency fails to remove an expert or expert consulting firm from a list, an objecting party may seek review by the Commission within 5 days thereafter by

1 filing a petition, and the Commission shall render a
2 ruling on the petition within 10 days. There is no right of
3 appeal of the Commission's ruling.

4 (4) The Agency shall issue requests for proposals to
5 the qualified experts or expert consulting firms to
6 develop a procurement plan for the affected utilities and
7 to serve as procurement administrator.

8 (5) The Agency shall select an expert or expert
9 consulting firm to develop procurement plans based on the
10 proposals submitted and shall award contracts of up to 5
11 years to those selected.

12 (6) The Agency shall select an expert or expert
13 consulting firm, with approval of the Commission, to serve
14 as procurement administrator based on the proposals
15 submitted. If the Commission rejects, within 5 days, the
16 Agency's selection, the Agency shall submit another
17 recommendation within 3 days based on the proposals
18 submitted. The Agency shall award a 5-year contract to the
19 expert or expert consulting firm so selected with
20 Commission approval.

21 (b) The experts or expert consulting firms retained by the
22 Agency shall, as appropriate, prepare procurement plans, and
23 conduct a competitive procurement process as prescribed in
24 Section 16-111.5 of the Public Utilities Act, to ensure
25 adequate, reliable, affordable, efficient, and environmentally
26 sustainable electric service at the lowest total cost over

1 time, taking into account any benefits of price stability, for
2 eligible retail customers of electric utilities that on
3 December 31, 2005 provided electric service to at least
4 100,000 customers in the State of Illinois, and for eligible
5 Illinois retail customers of small multi-jurisdictional
6 electric utilities that (i) on December 31, 2005 served less
7 than 100,000 customers in Illinois and (ii) request a
8 procurement plan for their Illinois jurisdictional load.

9 (c) Renewable portfolio standard.

10 (1) (A) The Agency shall develop a long-term renewable
11 resources procurement plan that shall include procurement
12 programs and competitive procurement events necessary to
13 meet the goals set forth in this subsection (c). The
14 initial long-term renewable resources procurement plan
15 shall be released for comment no later than 160 days after
16 June 1, 2017 (the effective date of Public Act 99-906).
17 The Agency shall review, and may revise on an expedited
18 basis, the long-term renewable resources procurement plan
19 at least every 2 years, which shall be conducted in
20 conjunction with the procurement plan under Section
21 16-111.5 of the Public Utilities Act to the extent
22 practicable to minimize administrative expense. No later
23 than 120 days after the effective date of this amendatory
24 Act of the 102nd General Assembly, the Agency shall
25 release for comment a revision to the long-term renewable
26 resources plan, updating only elements of the most

1 recently approved plan as needed to comply with this
2 amendatory Act of the 102nd General Assembly. The
3 long-term renewable resources procurement plans shall be
4 subject to review and approval by the Commission under
5 Section 16-111.5 of the Public Utilities Act.

6 (B) Subject to subparagraph (F) of this paragraph (1),
7 the long-term renewable resources procurement plan shall
8 attempt to meet include the goals for procurement of
9 renewable energy credits at levels of to meet at least the
10 following overall percentages: 13% by the 2017 delivery
11 year; increasing by at least 1.5% each delivery year
12 thereafter to at least 25% by the 2025 delivery year;
13 increasing by at least 3% each delivery year thereafter to
14 at least 40% by the 2030 delivery year, and continuing at
15 no less than 40% 25% for each delivery year thereafter. In
16 the event of a conflict between these goals and the new
17 wind and new photovoltaic procurement requirements
18 described in items (i) through (iii) of subparagraph (C)
19 of this paragraph (1), the long-term plan shall prioritize
20 compliance with the new wind and new photovoltaic
21 procurement requirements described in items (i) through
22 (iii) of subparagraph (C) of this paragraph (1) over the
23 annual percentage targets described in this subparagraph
24 (B). The Agency shall not comply with the annual
25 percentage targets described in this subparagraph (B) by
26 procuring on the spot market renewable energy credits that

1 are unlikely to lead to the development of new renewable
2 resources.

3 For the delivery year beginning June 1, 2017, the
4 procurement plan shall attempt to include, subject to the
5 prioritization outlined in this subparagraph (B),
6 cost-effective renewable energy resources equal to at
7 least 13% of each utility's load for eligible retail
8 customers and 13% of the applicable portion of each
9 utility's load for retail customers who are not eligible
10 retail customers, which applicable portion shall equal 50%
11 of the utility's load for retail customers who are not
12 eligible retail customers on February 28, 2017.

13 For the delivery year beginning June 1, 2018, the
14 procurement plan shall attempt to include, subject to the
15 prioritization outlined in this subparagraph (B),
16 cost-effective renewable energy resources equal to at
17 least 14.5% of each utility's load for eligible retail
18 customers and 14.5% of the applicable portion of each
19 utility's load for retail customers who are not eligible
20 retail customers, which applicable portion shall equal 75%
21 of the utility's load for retail customers who are not
22 eligible retail customers on February 28, 2017.

23 For the delivery year beginning June 1, 2019, and for
24 each year thereafter, the procurement plans shall attempt
25 to include, subject to the prioritization outlined in this
26 subparagraph (B), cost-effective renewable energy

resources equal to a minimum percentage of each utility's load for all retail customers as follows: 16% by June 1, 2019; increasing by 1.5% each year thereafter to 25% by June 1, 2025; and 25% by June 1, 2026; increasing by at least 3% each delivery year thereafter to at least 40% by the 2030 delivery year, and continuing at no less than 40% for each delivery year thereafter.

For each delivery year, the Agency shall first recognize each utility's obligations for that delivery year under existing contracts. Any renewable energy credits under existing contracts, including renewable energy credits as part of renewable energy resources, shall be used to meet the goals set forth in this subsection (c) for the delivery year.

(C) ~~of the renewable energy credits procured under this subsection (c), at least 75% shall come from wind and photovoltaic projects.~~ The long-term renewable resources procurement plan described in subparagraph (A) of this paragraph (1) shall include the procurement of renewable energy credits from new projects in amounts equal to at least the following:

(i) 10,000,000 renewable energy credits by the end of delivery year 2021, and increasing ratably to reach 45,000,000 new renewable energy credits from wind and solar projects by the end of delivery year 2030 such that the goals in subparagraph (B) of this paragraph

1 (1) are met entirely by procurements of new renewable
2 energy credits from wind and photovoltaic projects. Of
3 By the end of the 2020 delivery year: At least
4 2,000,000 renewable energy credits for each delivery
5 year shall come from new wind projects; and At least
6 2,000,000 renewable energy credits for each delivery
7 year shall come from new photovoltaic projects; of
8 that amount, to the extent possible, the Agency shall
9 procure 45% from wind projects and 55% from
10 photovoltaic projects. Of the amount to be procured
11 from photovoltaic projects, the Agency shall procure:
12 at least 50% from solar photovoltaic projects using
13 the program outlined in subparagraph (K) of this
14 paragraph (1) from distributed renewable energy
15 generation devices or community renewable generation
16 projects; at least 47% 40% from utility-scale solar
17 projects; at least 3% 2% from brownfield site
18 photovoltaic projects that are not community renewable
19 generation projects; and the remainder shall be
20 determined through the long term planning process
21 described in subparagraph (A) of this paragraph (1).

22 In developing the long-term renewable resources
23 procurement plan, the Agency shall consider other
24 approaches, in addition to competitive procurements,
25 that can be used to procure renewable energy credits
26 from brownfield site photovoltaic projects and thereby

1 help return blighted or contaminated land to
2 productive use while enhancing public health and the
3 well-being of Illinois residents, including those in
4 environmental justice communities, as defined using
5 existing methodologies and findings used by the Agency
6 and its Administrator in its Illinois Solar for All
7 Program.

8 (ii) In any given delivery year, if forecasted
9 expenses are less than the maximum budget available
10 under subparagraph (E) of this paragraph (1), the
11 Agency shall continue to procure new renewable energy
12 credits until that budget is exhausted in the manner
13 outlined in item (i) of this subparagraph (C). By the
14 end of the 2025 delivery year.

15 At least 3,000,000 renewable energy credits
16 for each delivery year shall come from new wind
17 projects; and

18 At least 3,000,000 renewable energy credits
19 for each delivery year shall come from new
20 photovoltaic projects; of that amount, to the
21 extent possible, the Agency shall procure: at
22 least 50% from solar photovoltaic projects using
23 the program outlined in subparagraph (K) of this
24 paragraph (1) from distributed renewable energy
25 devices or community renewable generation
26 projects; at least 40% from utility scale solar

1 projects; at least 2% from brownfield site
2 photovoltaic projects that are not community
3 renewable generation projects; and the remainder
4 shall be determined through the long term planning
5 process described in subparagraph (A) of this
6 paragraph (1).

7 (iii) By the end of the 2030 delivery year:

8 At least 4,000,000 renewable energy credits
9 for each delivery year shall come from new wind
10 projects; and

11 At least 4,000,000 renewable energy credits
12 for each delivery year shall come from new
13 photovoltaic projects; of that amount, to the
14 extent possible, the Agency shall procure: at
15 least 50% from solar photovoltaic projects using
16 the program outlined in subparagraph (K) of this
17 paragraph (1) from distributed renewable energy
18 devices or community renewable generation
19 projects; at least 40% from utility scale solar
20 projects; at least 2% from brownfield site
21 photovoltaic projects that are not community
22 renewable generation projects; and the remainder
23 shall be determined through the long term planning
24 process described in subparagraph (A) of this
25 paragraph (1).

26 (iii) For purposes of this Section:

1 "New wind projects" means wind renewable energy
2 facilities that are energized after June 1, 2017 for
3 the delivery year commencing June 1, 2017 or within 3
4 years after the date the Commission approves contracts
5 for subsequent delivery years.

6 "New photovoltaic projects" means photovoltaic
7 renewable energy facilities that are energized after
8 June 1, 2017. Photovoltaic projects developed under
9 Section 1-56 of this Act shall not apply towards the
10 new photovoltaic project requirements in this
11 subparagraph (C). For purposes of any procurement of
12 renewable energy credits from a new brownfield site
13 photovoltaic project taking place on or after the
14 effective date of this amendatory Act of the 102nd
15 General Assembly, any new photovoltaic project to be
16 installed at or adjacent to the site of a coal-fueled
17 electric generating plant in this State that either
18 was retired subsequent to September 1, 2019 or that
19 the owner commits to retire no later than December 31,
20 2027 shall be considered a new brownfield site
21 photovoltaic project and shall be eligible to
22 participate in and be awarded a contract for renewable
23 energy credits in such procurement.

24 (D) Renewable energy credits shall be cost effective.
25 For purposes of this subsection (c), "cost effective"
26 means that the costs of procuring renewable energy

resources do not cause the limit stated in subparagraph (E) of this paragraph (1) to be exceeded and, for renewable energy credits procured through a competitive procurement event, do not exceed benchmarks based on market prices for like products in the region. For purposes of this subsection (c), "like products" means contracts for renewable energy credits from the same or substantially similar technology, same or substantially similar vintage (new or existing), the same or substantially similar quantity, and the same or substantially similar contract length and structure.

Confidential benchmarks ~~Benchmarks~~ shall be developed by the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor and shall be subject to Commission review and approval. If price benchmarks for like products in the region are not available, the procurement administrator shall establish price benchmarks based on publicly available data on regional technology costs and expected current and future regional energy prices. The benchmarks in this Section shall not be used to curtail or otherwise reduce contractual obligations entered into by or through the Agency prior to June 1, 2017 (the effective date of Public Act 99-906).

(E) For purposes of this subsection (c), the required procurement of cost-effective renewable energy resources

for a particular year commencing prior to June 1, 2017 shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied by the electric utility to eligible retail customers in the delivery year ending immediately prior to the procurement, and, for delivery years commencing on and after June 1, 2017, the required procurement of cost-effective renewable energy resources for a particular year shall be measured as a percentage of the actual amount of electricity (megawatt-hours) delivered by the electric utility in the delivery year ending immediately prior to the procurement, to all retail customers in its service territory. For purposes of this subsection (c), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (c), the total amount paid for electric service includes without limitation amounts paid for supply, transmission, capacity, distribution, surcharges, and add-on taxes.

Notwithstanding the requirements of this subsection (c), the total of renewable energy resources procured under the procurement plan for any single year shall be subject to the limitations of this subparagraph (E). Such procurement shall be reduced for all retail customers based on the amount necessary to limit the annual estimated average net increase due to the costs of these

1 resources included in the amounts paid by eligible retail
2 customers in connection with electric service to no more
3 than 4.25% ~~the greater of 2.015%~~ of the amount paid per
4 kilowatthour by those customers during the year ending May
5 ~~31, 2009 2007 or the incremental amount per kilowatthour~~
6 ~~paid for these resources in 2011~~. To arrive at a maximum
7 dollar amount of renewable energy resources to be procured
8 for the particular delivery year, the resulting per
9 kilowatthour amount shall be applied to the actual amount
10 of kilowatthours of electricity delivered, or applicable
11 portion of such amount as specified in paragraph (1) of
12 this subsection (c), as applicable, by the electric
13 utility in the delivery year immediately prior to the
14 procurement to all retail customers in its service
15 territory. The calculations required by this subparagraph
16 (E) shall be made only once for each delivery year at the
17 time that the renewable energy resources are procured.
18 Once the determination as to the amount of renewable
19 energy resources to procure is made based on the
20 calculations set forth in this subparagraph (E) and the
21 contracts procuring those amounts are executed, no
22 subsequent rate impact determinations shall be made and no
23 adjustments to those contract amounts shall be allowed.
24 All costs incurred under such contracts shall be fully
25 recoverable by the electric utility as provided in this
26 Section.

1 (F) If the limitation on the amount of renewable
2 energy resources procured in subparagraph (E) of this
3 paragraph (1) prevents the Agency from meeting all of the
4 goals in this subsection (c), the Agency's long-term plan
5 shall prioritize compliance with the requirements of this
6 subsection (c) regarding renewable energy credits in the
7 following order:

8 (i) renewable energy credits under existing
9 contractual obligations as of June 1, 2021;

10 (i-5) funding for the Illinois Solar for All
11 Program, as described in subparagraph (O) of this
12 paragraph (1);

13 (ii) renewable energy credits necessary to comply
14 with the new wind and new photovoltaic procurement
15 requirements described in items (i) through (iii) of
16 subparagraph (C) of this paragraph (1); and

17 (iii) renewable energy credits necessary to meet
18 the remaining requirements of this subsection (c).

19 (G) The following provisions shall apply to the
20 Agency's procurement of renewable energy credits under
21 this subsection (c):

22 (i) Notwithstanding whether a long-term renewable
23 resources procurement plan has been approved, the
24 Agency shall conduct an initial forward procurement
25 for renewable energy credits from new utility-scale
26 wind projects within 160 days after June 1, 2017 (the

1 effective date of Public Act 99-906). For the purposes
2 of this initial forward procurement, the Agency shall
3 solicit 15-year contracts for delivery of 1,000,000
4 renewable energy credits delivered annually from new
5 utility-scale wind projects to begin delivery on June
6 1, 2019, if available, but not later than June 1, 2021,
7 unless the project has delays in the establishment of
8 an operating interconnection with the applicable
9 transmission or distribution system as a result of the
10 actions or inactions of the transmission or
11 distribution provider, or other causes for force
12 majeure as outlined in the procurement contract, in
13 which case, not later than June 1, 2022. Payments to
14 suppliers of renewable energy credits shall commence
15 upon delivery. Renewable energy credits procured under
16 this initial procurement shall be included in the
17 Agency's long-term plan and shall apply to all
18 renewable energy goals in this subsection (c).

19 (ii) 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 solar projects and brownfield site photovoltaic
24 projects within one year after June 1, 2017 (the
25 effective date of Public Act 99-906). For the purposes
26 of this initial forward procurement, the Agency shall

1 solicit 15-year contracts for delivery of 1,000,000
2 renewable energy credits delivered annually from new
3 utility-scale solar projects and brownfield site
4 photovoltaic projects to begin delivery on June 1,
5 2019, if available, but not later than June 1, 2021,
6 unless the project has delays in the establishment of
7 an operating interconnection with the applicable
8 transmission or distribution system as a result of the
9 actions or inactions of the transmission or
10 distribution provider, or other causes for force
11 majeure as outlined in the procurement contract, in
12 which case, not later than June 1, 2022. The Agency may
13 structure this initial procurement in one or more
14 discrete procurement events. Payments to suppliers of
15 renewable energy credits shall commence upon delivery.
16 Renewable energy credits procured under this initial
17 procurement shall be included in the Agency's
18 long-term plan and shall apply to all renewable energy
19 goals in this subsection (c).

20 (iii) Notwithstanding whether the Commission has
21 approved the periodic long-term renewable resources
22 procurement plan revision described in Section
23 16-111.5 of the Public Utilities Act, the Agency shall
24 conduct at least one subsequent forward procurement
25 for renewable energy credits from new utility-scale
26 wind projects, new utility-scale solar projects, and

1 new brownfield site photovoltaic projects within 180
2 days after the effective date of this amendatory Act
3 of the 102nd General Assembly in quantities necessary
4 to meet the requirements of subparagraph (C) of this
5 paragraph (1) through the delivery year beginning
6 January 1, 2021. ~~Subsequent forward procurements for~~
7 ~~utility scale wind projects shall solicit at least~~
8 ~~1,000,000 renewable energy credits delivered annually~~
9 ~~per procurement event and shall be planned, scheduled,~~
10 ~~and designed such that the cumulative amount of~~
11 ~~renewable energy credits delivered from all new wind~~
12 ~~projects in each delivery year shall not exceed the~~
13 ~~Agency's projection of the cumulative amount of~~
14 ~~renewable energy credits that will be delivered from~~
15 ~~all new photovoltaic projects, including utility scale~~
16 ~~and distributed photovoltaic devices, in the same~~
17 ~~delivery year at the time scheduled for wind contract~~
18 ~~delivery.~~

19 (iv) Notwithstanding whether the Commission has
20 approved the periodic long-term renewable resources
21 procurement plan revision described in Section
22 16-111.5 of the Public Utilities Act, the Agency shall
23 open capacity for each category in the Adjustable
24 Block program within 60 days after the effective date
25 of this amendatory Act of the 102nd General Assembly
26 manner:

1 (1) The Agency shall open the first block of
2 annual capacity for the category described in item
3 (i) of subparagraph (K) of this paragraph (1). The
4 price of the renewable energy credit for this
5 block of capacity shall be 4% less than the price
6 of the last open block in this category. Projects
7 on a waitlist shall be awarded contracts first in
8 the order in which they appear on the waitlist.
9 Notwithstanding anything to the contrary, for
10 those renewable energy credits that qualify and
11 are procured under this subitem (1) of this item
12 (iv), the renewable energy credit delivery
13 contract value shall be paid in full, based on the
14 estimated generation during the first 15 years of
15 operation, by the contracting utilities at the
16 time that the facility producing the renewable
17 energy credits is interconnected at the
18 distribution system level of the utility and
19 verified as energized and compliance by the
20 Program Administrator. The electric utility shall
21 receive and retire all renewable energy credits
22 generated by the project for the first 15 years of
23 operation. Renewable energy credits generated by
24 the project thereafter shall not be transferred
25 under the renewable energy credit delivery
26 contract with the counterparty electric utility.

1 (2) The Agency shall open the first block of
2 annual capacity for the category described in item
3 (ii) of subparagraph (K) of this paragraph (1).
4 The value of the renewable energy credit for the
5 block of capacity shall be 4% less than the value
6 of the last open block in this category. Projects
7 on a waitlist shall be awarded contracts first in
8 the order in which they appear on the waitlist.
9 Any projects that are less than or equal to 25
10 kilowatts in size on the waitlist for this
11 capacity shall be moved to the waitlist for
12 paragraph (1) of this item (iv). Notwithstanding
13 anything to the contrary, projects that receive
14 capacity in this block shall not be required to be
15 in compliance with the requirements of
16 subparagraph (Q) of this paragraph (1) until the
17 Agency publishes updated prices that reflect the
18 inclusion of such requirements. The Agency shall
19 strive to publish updated prices as quickly as
20 possible and shall do so outside the proceeding of
21 the second revised long-term renewable resources
22 procurement plan.

23 (3) For opening the first 2 blocks of annual
24 capacity for projects participating in item (iii)
25 of subparagraph (K) of paragraph (1) of subsection
26 (c), projects shall be selected exclusively from

1 those projects the ordinal waitlists of community
2 renewable generation projects established by the
3 Agency based on the status of those ordinal
4 waitlists as of December 31, 2020, and only those
5 projects previously determined to be eligible for
6 the Agency's April 2019 community solar project
7 selection process.

8 The first 2 blocks of annual capacity for item
9 (iii) shall be for 250 megawatts of total
10 nameplate capacity, with both blocks opening
11 simultaneously under the schedule outlined in the
12 paragraphs below. Projects shall be selected as
13 follows:

14 (A) The geographic balance of selected
15 projects shall follow the Group classification
16 found in the Agency's Revised Long-Term
17 Renewable Resources Procurement Plan, with 70%
18 of capacity allocated to projects on the Group
19 B waitlist and 30% of capacity allocated to
20 projects on the Group A waitlist.

21 (B) Contract awards for waitlisted
22 projects shall be allocated proportionate to
23 the total nameplate capacity amount across
24 both ordinal waitlists associated with that
25 applicant firm or its affiliates, subject to
26 the following conditions.

(i) Each applicant firm having a waitlisted project eligible for selection shall receive no less than 500 kilowatts in awarded capacity across all groups, and no Approved Vendor may receive more than 20% of each Group's waitlist allocation.

(ii) Each applicant firm, upon receiving an award of program capacity proportionate to its waitlisted capacity, may then determine which waitlisted projects it chooses to be selected for a contract award up to that capacity amount.

(iii) Assuming all other program requirements are met, applicant firms may adjust the nameplate capacity of applicant projects without losing waitlist eligibility, so long as no project is greater than 2,000 kilowatts in size.

(iv) Assuming all other program requirements are met, applicant firms may adjust the expected production associated with applicant projects, subject to verification by the Program Administrator.

(C) After a review of affiliate information and the current ordinal waitlists,
the Agency shall announce the nameplate

1 capacity award amounts associated with
2 applicant firms no later than 90 days after
3 the effective date of this amendatory Act of
4 the 102nd General Assembly.

5 (D) Applicant firms shall submit their
6 portfolio of projects used to satisfy those
7 contract awards no less than 90 days after the
8 Agency's announcement. The total nameplate
9 capacity of all projects used to satisfy that
10 portfolio shall be no greater than the
11 Agency's nameplate capacity award amount
12 associated with that applicant firm. An
13 applicant firm may decline, in whole or in
14 part, its nameplate capacity award without
15 penalty, with such unmet capacity rolled over
16 to the next block opening for project
17 selection under item (iii) of subparagraph (K)
18 of this subsection (c). Any projects not
19 included in an applicant firm's portfolio may
20 reapply without prejudice upon the next block
21 reopening for project selection under item
22 (iii) of subparagraph (K) of this subsection
23 (c).

24 (E) The renewable energy credit delivery
25 contract shall be subject to the contract and
26 payment terms outlined in item (iv) of

1 subparagraph (L) of this subsection (c).
2 Contract instruments used for this
3 subparagraph shall contain the following
4 terms:

5 (i) Renewable Energy Credit prices
6 shall be 10% lower than prices applicable
7 to the last open block for this category,
8 inclusive of any adders available for
9 achieving a minimum of 50% of subscribers
10 to the project's nameplate capacity being
11 residential or small commercial customers
12 with subscriptions of below 25 kilowatts
13 in size;

14 (ii) A requirement that a minimum of
15 50% of subscribers to the project's
16 nameplate capacity be residential or small
17 commercial customers with subscriptions of
18 below 25 kilowatts in size;

19 (iii) Permission for the ability of a
20 contract holder to substitute projects
21 with other waitlisted projects without
22 penalty should a project receive a
23 non-binding estimate of costs to construct
24 the interconnection facilities and any
25 required distribution upgrades associated
26 with that project of greater than 30 cents

1 per watt AC of that project's nameplate
2 capacity. In developing the applicable
3 contract instrument, the Agency may
4 consider whether other circumstances
5 outside of the control of the applicant
6 firm should also warrant project
7 substitution rights.

8 The Agency shall publish a finalized
9 updated renewable energy credit delivery
10 contract developed consistent with these terms
11 and conditions no less than 30 days before
12 applicant firms must submit their portfolio of
13 projects pursuant to item (D).

14 (F) To be eligible for an award, the
15 applicant firm shall certify that not less
16 than prevailing wage, as determined pursuant
17 to the Illinois Prevailing Wage Act, was or
18 will be paid to employees who are engaged in
19 construction activities associated with a
20 selected project.

21 (4) The Agency shall open the first block of
22 annual capacity for the category described in item
23 (iv) of subparagraph (K) of this paragraph (1).
24 The pricing of renewable energy credits for this
25 block of capacity shall be equal to the prices in
26 the last open block in the category described in

1 item (ii) of subparagraph (K) of this paragraph
2 (1). Pricing for future blocks of annual capacity
3 for this category may be adjusted in the Agency's
4 second revision to its Long-Term Renewable
5 Resources Procurement Plan. Projects in this
6 category shall be subject to the contract terms
7 outlined in item (iv) of subparagraph (L) of this
8 paragraph (1).

9 (5) The Agency shall open the equivalent of 2
10 years of annual capacity for the category
11 described in item (v) of subparagraph (K) of this
12 paragraph (1). Notwithstanding the provisions of
13 item (v) of subparagraph (K) of this paragraph
14 (1), for the purpose of this initial block, the
15 agency shall accept new project applications
16 intended to increase the diversity of areas
17 hosting community solar projects, the business
18 models of projects, and the size of projects, as
19 described by the Agency in its long-term renewable
20 resource procurement plan that is approved as of
21 the effective date of this Amendatory Act of the
22 102nd General Assembly. Projects in this category
23 shall be subject to the contract terms outlined in
24 item (iii) of subsection (L) of this paragraph
25 (1).

26 (6) The Agency shall open the first blocks of

1 annual capacity for the category described in item
2 (vi) of subparagraph (K) of this paragraph (1),
3 with allocations of capacity within the block
4 generally matching the historical share of block
5 capacity allocated between the category described
6 in items (i) and (ii) of subparagraph (K) of this
7 paragraph (1). The value of renewable energy
8 credits for the blocks of capacity shall be 4%
9 less than the value of the last open blocks in the
10 categories described in items (i) and (ii) of
11 subparagraph (K) of this paragraph (1). Pricing
12 for future blocks of annual capacity for this
13 category may be adjusted in the Agency's second
14 revision to its Long-Term Renewable Resources
15 Procurement Plan. Projects in this category shall
16 be subject to the applicable contract terms
17 outlined in items (ii) and (iii) of subparagraph
18 (L) of this paragraph (1). If, at any time after
19 the time set for delivery of renewable energy
20 credits pursuant to the initial procurements in
21 items (i) and (ii) of this subparagraph (G), the
22 cumulative amount of renewable energy credits
23 projected to be delivered from all new wind
24 projects in a given delivery year exceeds the
25 cumulative amount of renewable energy credits
26 projected to be delivered from all new

1 ~~photovoltaic projects in that delivery year by~~
2 ~~200,000 or more renewable energy credits, then the~~
3 ~~Agency shall within 60 days adjust the procurement~~
4 ~~programs in the long term renewable resources~~
5 ~~procurement plan to ensure that the projected~~
6 ~~cumulative amount of renewable energy credits to~~
7 ~~be delivered from all new wind projects does not~~
8 ~~exceed the projected cumulative amount of~~
9 ~~renewable energy credits to be delivered from all~~
10 ~~new photovoltaic projects by 200,000 or more~~
11 ~~renewable energy credits, provided that nothing in~~
12 ~~this Section shall preclude the projected~~
13 ~~cumulative amount of renewable energy credits to~~
14 ~~be delivered from all new photovoltaic projects~~
15 ~~from exceeding the projected cumulative amount of~~
16 ~~renewable energy credits to be delivered from all~~
17 ~~new wind projects in each delivery year and~~
18 ~~provided further that nothing in this item (iv)~~
19 ~~shall require the curtailment of an executed~~
20 ~~contract. The Agency shall update, on a quarterly~~
21 ~~basis, its projection of the renewable energy~~
22 ~~credits to be delivered from all projects in each~~
23 ~~delivery year. Notwithstanding anything to the~~
24 ~~contrary, the Agency may adjust the timing of~~
25 ~~procurement events conducted under this~~
26 ~~subparagraph (G). The long term renewable~~

1 ~~resources procurement plan shall set forth the~~
2 ~~process by which the adjustments may be made.~~

3 (v) Upon the effective date of this amendatory Act
4 of the 102nd General Assembly, for all competitive
5 procurements and any procurements of renewable energy
6 credit from new utility-scale wind and new
7 utility-scale photovoltaic projects, the Agency shall
8 procure indexed renewable energy credits and direct
9 respondents to offer a strike price.

10 (1) The value of the indexed renewable energy
11 credit payment shall be calculated for each
12 settlement period. That payment, for any
13 settlement period, shall be equal to the
14 difference resulting from subtracting the strike
15 price from the index price for that settlement
16 period. If this difference results in a negative
17 number, the indexed REC counterparty shall owe the
18 seller the absolute value multiplied by the
19 quantity of energy produced in the relevant
20 settlement period. If this difference results in a
21 positive number, the seller shall owe the indexed
22 REC counterparty this amount multiplied by the
23 quantity of energy produced in the relevant
24 settlement period.

25 (2) Parties shall cash settle every month,
26 summing up all settlements (both positive and

1 negative, if applicable) for the prior month.

2 (3) To ensure funding in the Agency's annual
3 budget established under subparagraph (E) for
4 indexed renewable energy credit procurements for
5 each year of the term of such contracts, which
6 must have a minimum tenure of 20 calendar years,
7 the procurement administrator, Agency, Commission
8 staff, and procurement monitor shall quantify the
9 annual cost of the contract by utilizing an
10 industry-standard, third-party forward price curve
11 for energy at the appropriate hub or load zone,
12 including the estimated magnitude and timing of
13 the price effects related to federal carbon
14 controls. Each forward price curve shall contain a
15 specific value of the forecasted market price of
16 electricity for each annual delivery year of the
17 contract. For procurement planning purposes, the
18 impact on the Agency's annual budget for the cost
19 of indexed renewable energy credits for each
20 delivery year shall be determined as the
21 difference between the expected annual contract
22 expenditures for that year (the sum of the strike
23 price multiplied by quantity of contracts for all
24 relevant contracts) and the total target quantity
25 of contracts multiplied by the forward price curve
26 for each respective load zone for that year. The

1 contracting utility shall not assume an obligation
2 in excess of the estimated annual cost of the
3 contracts for indexed renewable energy credits.
4 Forward curves shall be revised on an annual basis
5 as updated forward price curves are released and
6 filed with the Commission in the proceeding
7 approving the Agency's most recent long-term
8 renewable resources procurement plan. If the
9 expected contract spend is higher or lower than
10 the total quantity of contracts multiplied by the
11 forward price curve value for that year, the
12 forward price curve shall be updated by the
13 procurement administrator, in consultation with
14 the Agency, Commission staff, and procurement
15 monitors, using then-currently available price
16 forecast data and additional budget dollars shall
17 be obligated or reobligated as appropriate.

18 (vi) (v) All procurements under this subparagraph
19 (G) shall comply with the geographic requirements in
20 subparagraph (I) of this paragraph (1) and shall
21 follow the procurement processes and procedures
22 described in this Section and Section 16-111.5 of the
23 Public Utilities Act to the extent practicable, and
24 these processes and procedures may be expedited to
25 accommodate the schedule established by this
26 subparagraph (G).

1 (H) The procurement of renewable energy resources for
2 a given delivery year shall be reduced as described in
3 this subparagraph (H) if an alternative retail electric
4 supplier meets the requirements described in this
5 subparagraph (H).

6 (i) Within 45 days after June 1, 2017 (the
7 effective date of Public Act 99-906), an alternative
8 retail electric supplier or its successor shall submit
9 an informational filing to the Illinois Commerce
10 Commission certifying that, as of December 31, 2015,
11 the alternative retail electric supplier owned one or
12 more electric generating facilities that generates
13 renewable energy resources as defined in Section 1-10
14 of this Act, provided that such facilities are not
15 powered by wind or photovoltaics, and the facilities
16 generate one renewable energy credit for each
17 megawatthour of energy produced from the facility.

18 The informational filing shall identify each
19 facility that was eligible to satisfy the alternative
20 retail electric supplier's obligations under Section
21 16-115D of the Public Utilities Act as described in
22 this item (i).

23 (ii) For a given delivery year, the alternative
24 retail electric supplier may elect to supply its
25 retail customers with renewable energy credits from
26 the facility or facilities described in item (i) of

1 this subparagraph (H) that continue to be owned by the
2 alternative retail electric supplier.

3 (iii) The alternative retail electric supplier
4 shall notify the Agency and the applicable utility, no
5 later than February 28 of the year preceding the
6 applicable delivery year or 15 days after June 1, 2017
7 (the effective date of Public Act 99-906), whichever
8 is later, of its election under item (ii) of this
9 subparagraph (H) to supply renewable energy credits to
10 retail customers of the utility. Such election shall
11 identify the amount of renewable energy credits to be
12 supplied by the alternative retail electric supplier
13 to the utility's retail customers and the source of
14 the renewable energy credits identified in the
15 informational filing as described in item (i) of this
16 subparagraph (H), subject to the following
17 limitations:

18 For the delivery year beginning June 1, 2018,
19 the maximum amount of renewable energy credits to
20 be supplied by an alternative retail electric
21 supplier under this subparagraph (H) shall be 68%
22 multiplied by 25% multiplied by 14.5% multiplied
23 by the amount of metered electricity
24 (megawatt-hours) delivered by the alternative
25 retail electric supplier to Illinois retail
26 customers during the delivery year ending May 31,

1 2016.

2 For delivery years beginning June 1, 2019 and
3 each year thereafter, the maximum amount of
4 renewable energy credits to be supplied by an
5 alternative retail electric supplier under this
6 subparagraph (H) shall be 68% multiplied by 50%
7 multiplied by 16% multiplied by the amount of
8 metered electricity (megawatt-hours) delivered by
9 the alternative retail electric supplier to
10 Illinois retail customers during the delivery year
11 ending May 31, 2016, provided that the 16% value
12 shall increase by 1.5% each delivery year
13 thereafter to 25% by the delivery year beginning
14 June 1, 2025, and thereafter the 25% value shall
15 apply to each delivery year.

16 For each delivery year, the total amount of
17 renewable energy credits supplied by all alternative
18 retail electric suppliers under this subparagraph (H)
19 shall not exceed 9% of the Illinois target renewable
20 energy credit quantity. The Illinois target renewable
21 energy credit quantity for the delivery year beginning
22 June 1, 2018 is 14.5% multiplied by the total amount of
23 metered electricity (megawatt-hours) delivered in the
24 delivery year immediately preceding that delivery
25 year, provided that the 14.5% shall increase by 1.5%
26 each delivery year thereafter to 25% by the delivery

1 year beginning June 1, 2025, and thereafter the 25%
2 value shall apply to each delivery year.

3 If the requirements set forth in items (i) through
4 (iii) of this subparagraph (H) are met, the charges
5 that would otherwise be applicable to the retail
6 customers of the alternative retail electric supplier
7 under paragraph (6) of this subsection (c) for the
8 applicable delivery year shall be reduced by the ratio
9 of the quantity of renewable energy credits supplied
10 by the alternative retail electric supplier compared
11 to that supplier's target renewable energy credit
12 quantity. The supplier's target renewable energy
13 credit quantity for the delivery year beginning June
14 1, 2018 is 14.5% multiplied by the total amount of
15 metered electricity (megawatt-hours) delivered by the
16 alternative retail supplier in that delivery year,
17 provided that the 14.5% shall increase by 1.5% each
18 delivery year thereafter to 25% by the delivery year
19 beginning June 1, 2025, and thereafter the 25% value
20 shall apply to each delivery year.

21 On or before April 1 of each year, the Agency shall
22 annually publish a report on its website that
23 identifies the aggregate amount of renewable energy
24 credits supplied by alternative retail electric
25 suppliers under this subparagraph (H).

26 (I) The Agency shall design its long-term renewable

1 energy procurement plan to maximize the State's interest
2 in the health, safety, and welfare of its residents,
3 including but not limited to minimizing sulfur dioxide,
4 nitrogen oxide, particulate matter and other pollution
5 that adversely affects public health in this State,
6 increasing fuel and resource diversity in this State,
7 enhancing the reliability and resiliency of the
8 electricity distribution system in this State, meeting
9 goals to limit carbon dioxide emissions under federal or
10 State law, and contributing to a cleaner and healthier
11 environment for the citizens of this State. In order to
12 further these legislative purposes, renewable energy
13 credits shall be eligible to be counted toward the
14 renewable energy requirements of this subsection (c) if
15 they are generated from facilities located in this State.
16 The Agency may qualify renewable energy credits from
17 facilities located in states adjacent to Illinois or
renewable energy credits associated with the electricity
generated by a utility-scale wind energy facility or
utility-scale photovoltaic facility and transmitted by a
qualifying direct current project described in subsection
(b-5) of Section 8-406 of the Public Utilities Act to a
delivery point on the electric transmission grid located
in this State or a state adjacent to Illinois, if the
25 generator demonstrates and the Agency determines that the
26 operation of such facility or facilities will help promote

the State's interest in the health, safety, and welfare of its residents based on the public interest criteria described above. To ensure that the public interest criteria are applied to the procurement and given full effect, the Agency's long-term procurement plan shall describe in detail how each public interest factor shall be considered and weighted for facilities located in states adjacent to Illinois.

(J) In order to promote the competitive development of renewable energy resources in furtherance of the State's interest in the health, safety, and welfare of its residents, renewable energy credits shall not be eligible to be counted toward the renewable energy requirements of this subsection (c) if they are sourced from a generating unit whose costs were being recovered through rates regulated by this State or any other state or states on or after January 1, 2017. Each contract executed to purchase renewable energy credits under this subsection (c) shall provide for the contract's termination if the costs of the generating unit supplying the renewable energy credits subsequently begin to be recovered through rates regulated by this State or any other state or states; and each contract shall further provide that, in that event, the supplier of the credits must return 110% of all payments received under the contract. Amounts returned under the requirements of this subparagraph (J) shall be retained by

1 the utility and all of these amounts shall be used for the
2 procurement of additional renewable energy credits from
3 new wind or new photovoltaic resources as defined in this
4 subsection (c). The long-term plan shall provide that
5 these renewable energy credits shall be procured in the
6 next procurement event.

7 Notwithstanding the limitations of this subparagraph
8 (J), renewable energy credits sourced from generating
9 units that are constructed, purchased, owned, or leased by
10 an electric utility as part of an approved project,
11 program, or pilot under Section 1-56 of this Act shall be
12 eligible to be counted toward the renewable energy
13 requirements of this subsection (c), regardless of how the
14 costs of these units are recovered.

15 (K) The long-term renewable resources procurement plan
16 developed by the Agency in accordance with subparagraph
17 (A) of this paragraph (1) shall include an Adjustable
18 Block program for the procurement of renewable energy
19 credits from new photovoltaic projects that are
20 distributed renewable energy generation devices or new
21 photovoltaic community renewable generation projects. The
22 Adjustable Block program shall be generally designed to
23 provide for the steady, predictable, and sustainable
24 growth of new solar photovoltaic development in Illinois.
25 To this end, the Adjustable Block program shall provide a
26 transparent annual schedule of prices and quantities to

enable the photovoltaic market to scale up and for renewable energy credit prices to adjust at a predictable rate over time. The prices set by the Adjustable Block program can be reflected as a set value or as the product of a formula.

The Adjustable Block program shall include for each category of eligible projects for each delivery year: a single block of nameplate capacity, a price for renewable energy credits within that block, and the terms and conditions for securing a spot on a waitlist once the block is ~~a schedule of standard block purchase prices to be offered; a series of steps, with associated nameplate capacity and purchase prices that adjust from step to step; and automatic opening of the next step as soon as the nameplate capacity and available purchase prices for an open step are~~ fully committed or reserved. Except as outlined below, the waitlist of projects in a given year will carry over to apply to the subsequent year when another block is opened. Only projects energized on or after June 1, 2017 shall be eligible for the Adjustable Block program. For each category for each delivery year block group the Agency shall determine ~~the number of blocks,~~ the amount of generation capacity in each block, and the purchase price for each block, provided that the purchase price provided and the total amount of generation in all blocks for all categories block groups shall be

sufficient to meet the goals in this subsection (c). The Agency shall strive to issue a single block sized to provide for stability and market growth. The Agency shall establish program eligibility requirements that ensure that projects that enter the program are sufficiently mature to indicate a demonstrable path to completion. The Agency may periodically review its prior decisions establishing ~~the number of blocks,~~ the amount of generation capacity in each block, and the purchase price for each block, and may propose, on an expedited basis, changes to these previously set values, including but not limited to redistributing these amounts and the available funds as necessary and appropriate, subject to Commission approval as part of the periodic plan revision process described in Section 16-111.5 of the Public Utilities Act. The Agency may define different block sizes, purchase prices, or other distinct terms and conditions for projects located in different utility service territories if the Agency deems it necessary to meet the goals in this subsection (c).

The Adjustable Block program shall include ~~at least~~ the following categories ~~block groups~~ in at least the following amounts, ~~which may be adjusted upon review by the Agency and approval by the Commission as described in this subparagraph (K):~~

- (i) At least 20% ~~25%~~ from distributed renewable

1 energy generation devices with a nameplate capacity of
2 no more than 25 ~~10~~ kilowatts.

3 (ii) At least 20% ~~25%~~ from distributed renewable
4 energy generation devices with a nameplate capacity of
5 more than 25 ~~10~~ kilowatts and no more than 5,000 ~~2,000~~
6 kilowatts. The Agency may create sub-categories within
7 this category to account for the differences between
8 projects for small commercial customers, large
9 commercial customers, and public or non-profit
10 customers.

11 (iii) At least 30% ~~25%~~ from photovoltaic community
12 renewable generation projects. Capacity for this
13 category for the first 2 delivery years after the
14 effective date of this amendatory Act of the 102nd
15 General Assembly shall be allocated to waitlist
16 projects as provided in paragraph (3) of item (iv) of
17 subparagraph (G). Starting in the third delivery year
18 after the effective date of this amendatory Act of the
19 102nd General Assembly, the following shall apply:

20 (1) the Agency shall select projects on a
21 first-come, first-serve basis;

22 (2) projects shall have subscriptions of 25 kW
23 or less for at least 50% of the facility's
24 nameplate capacity and the Agency shall price the
25 renewable energy credits with that as a factor;

26 (3) projects shall not be colocated with

1 another community renewable energy generation
2 project, as defined in the Agency's long-term
3 renewable resource procurement plan; and

4 (4) projects greater than 2 MW may not apply
5 until after the approval of the Agency second
6 revised Long-Term Renewable Resources Procurement
7 Plan after the effective date of this amendatory
8 Act of the 102nd General Assembly.

9 (iv) At least 15% from distributed renewable
10 generation devices installed at public schools. The
11 Agency may create sub-categories within this category
12 to account for the differences between project size or
13 location. Projects located within environmental
14 justice communities or within Organizational Units
15 that fall within Tier 1 or Tier 2 shall be given
16 priority. For the purposes of this item (iv):

17 "Environmental Justice Community" shall have the
18 same meaning set forth in the Agency's long-term
19 renewable resources procurement plan;

20 "Organization Unit", "Tier 1" and "Tier 2" shall
21 have the meanings set for in Section 18-8.15 of the
22 School Code;

23 "Public schools" shall have the meaning set forth
24 in Section 1-3 of the School Code.

25 (v) At least 5% from community-driven community
26 solar projects. Proposed projects must meet one or

1 more of the following community criteria for a portion
2 of the overall renewable energy credits to be
3 procured: include community ownership; are put forward
4 by approved vendors or companies that achieve higher
5 points in the equity points system described in
6 subparagraphs (A) through (E) of paragraph (7) of this
7 subsection (c); provide additional community benefit,
8 beyond project participation as a subscriber; ensure
9 meaningful involvement in project organization and
10 development by nonprofit organizations, public
11 entities, or community members; increase the
12 geographic diversity of projects, as described in the
13 Agency's revised long-term renewable resources
14 procurement plan; are also brownfield site
15 photovoltaic projects; ensure engagement in project
16 operations and management by nonprofit organizations,
17 public entities, or community members; or serve only
18 local subscribers.

19 "Community" means a social unit in which people
20 come together regularly to effect change; a social
21 unit in which participants are marked by a cooperative
22 spirit, a common purpose, or shared interests or
23 characteristics; or a space understood by its
24 residents to be delineated through geographic
25 boundaries or landmarks.

26 "Community benefit" means a range of services and

1 activities that provide affirmative, economic,
2 environmental, social, cultural, or physical value to
3 a community; or a mechanism that enables economic
4 development, high-quality employment, and education
5 opportunities for local workers and residents, or
6 formal monitoring and oversight structures such that
7 community members may ensure that those services and
8 activities respond to local knowledge and needs.

9 "Community ownership" means an arrangement in
10 which an electric generating facility is, or over time
11 will be, in significant part, owned collectively by
12 members of the community to which an electric
13 generating facility provides benefits; members of that
14 community participate in decisions regarding the
15 governance, operation, maintenance, and upgrades of
16 and to that facility; and members of that community
17 benefit from regular use of that facility.

18 Terms and guidance within these criteria that are
19 not defined in this item (v) shall be defined by the
20 Agency, with stakeholder input, during the development
21 of the Agency's long-term renewable resources
22 procurement plan. The Agency shall develop regular
23 opportunities for projects to submit applications for
24 projects under this category, and develop selection
25 criteria that preference projects that better meet
26 individual criteria as well as projects that address a

1 higher number of criteria.

2 (vi) At least 10% from distributed renewable
3 energy generation devices or photovoltaic community
4 renewable generation projects from applicants that
5 have Equity Eligible Future Certification. The Agency
6 may create sub-categories within this category to
7 account for the differences between project size and
8 type. The Agency may propose to increase the
9 percentage in this item (vi) over time to 40% based on
10 factors such as, but not limited to, the number of
11 Equity Energy Future Certifications and capacity used
12 in this item (vi) in previous delivery years.

13 (vii) ~~(iv)~~ The remaining capacity 25% shall be
14 allocated as specified by the Agency in order to
15 respond to market demand the long term renewable
16 resources procurement plan. The Agency shall allocate
17 any discretionary capacity prior to the beginning of
18 each delivery year.

19 Notwithstanding anything to the contrary, as the
20 Agency increases the capacity in item (vi) to 40% over
21 time, the Agency may reduce the capacity of items (i)
22 through (v) proportionate to the capacity of the
23 categories of projects in item (vi), to achieve a balance
24 of project types.

25 The Adjustable Block program shall be designed to
26 ensure that renewable energy credits are procured from

1 photovoltaic distributed renewable energy generation
2 devices and new photovoltaic community renewable energy
3 generation projects in diverse locations and are not
4 concentrated in a few regional geographic areas.

5 (L) The procurement of photovoltaic renewable energy
6 credits under items (i) through (iv) of subparagraph (K)
7 of this paragraph (1) shall be subject to the following
8 contract and payment terms:

9 (i) The Agency shall procure contracts of at least
10 20 15 years in length.

11 (ii) For those renewable energy credits that
12 qualify and are procured under item (i) of
13 subparagraph (K) of this paragraph (1), and any
14 similar category projects that are procured under item
15 (vi) of subparagraph (K) of this paragraph (1) that
16 qualify and are procured under item (vi), the
17 renewable energy credit delivery contract value
18 purchase price shall be paid in full, based on the
19 estimated generation during the first 20 years of
20 operation, by the contracting utilities at the time
21 that the facility producing the renewable energy
22 credits is interconnected at the distribution system
23 level of the utility and verified as energized and
24 compliant by the Program Administrator energized. The
25 electric utility shall receive and retire all
26 renewable energy credits generated by the project for

1 the first 20 ~~15~~ years of operation. Renewable energy
2 credits generated by the project thereafter shall not
3 be transferred under the renewable energy credit
4 delivery contract with the counterparty electric
5 utility.

6 (iii) For those renewable energy credits that
7 qualify and are procured under item (ii) and (v) ~~(iii)~~
8 of subparagraph (K) of this paragraph (1) and any like
9 projects similar category that qualify and are
10 procured under item (vi), 15% any additional
11 ~~categories of distributed generation included in the~~
12 ~~long-term renewable resources procurement plan and~~
13 ~~approved by the Commission, 20 percent of the~~
14 ~~renewable energy credit delivery contract value, based~~
15 ~~on the estimated generation during the first 20 years~~
16 ~~of operation, purchase price~~ shall be paid by the
17 contracting utilities at the time that the facility
18 producing the renewable energy credits is
19 interconnected at the distribution system level of the
20 utility and verified as energized and compliant by the
21 Program Administrator. The remaining portion shall be
22 paid ratably over the subsequent 6-year ~~4-year~~ period.
23 The electric utility shall receive and retire all
24 renewable energy credits generated by the project for
25 the first 20 ~~15~~ years of operation. Renewable energy
26 credits generated by the project thereafter shall not

1 be transferred under the renewable energy credit
2 delivery contract with the counterparty electric
3 utility.

4 (iv) For those renewable energy credit that
5 qualify and are procured under items (iii) and (iv) of
6 subparagraph (K) of this paragraph (1), and any like
7 projects that qualify and are procured under item
8 (vi), the renewable energy credit delivery contract
9 shall be paid over the delivery term, not to exceed
10 during each delivery year the contract price
11 multiplied by the estimated annual renewable energy
12 credit generation amount. If generation of renewable
13 energy credits during a delivery year exceeds the
14 estimated annual generation amount, the excess
15 renewable energy credits shall be carried forward to
16 future delivery years and shall not expire during the
17 delivery term. If generation of renewable energy
18 credits during a delivery year, including carried
19 forward excess renewable energy credits, if any, is
20 less than the estimated annual generation amount,
21 payments during such delivery year will not exceed the
22 quantity generated plus the quantity carried forward
23 multiplied by the contract price. The electric utility
24 shall receive all renewable energy credits generated
25 by the project during the first 20 years of operation
26 and retire all renewable energy credits paid for under

1 this item (iv) and return at the end of the delivery
2 term all renewable energy credits that were not paid
3 for. Renewable energy credits generated by the project
4 thereafter shall not be transferred under the
5 renewable energy credit delivery contract with the
6 counterparty electric utility. Notwithstanding the
7 preceding, for those renewable energy credit that
8 qualify and are procured under item (iii) the contract
9 price for a delivery year shall be based on
10 subscription levels as measured on the higher of the
11 first business day of the delivery year or the first
12 business day 6 months after the first business day of
13 the delivery year. Subscription of 90% of nameplate
14 capacity or greater shall be deemed to be fully
15 subscribed for the purposes of this item (iv).

16 (v) (iv) Each contract shall include provisions to
17 ensure the delivery of the estimated quantity of
18 renewable energy credits and ongoing collateral
19 requirements and other provisions deemed appropriate
20 by the Agency for the full term of the contract.

21 (vi) (v) The utility shall be the counterparty to
22 the contracts executed under this subparagraph (L)
23 that are approved by the Commission under the process
24 described in Section 16-111.5 of the Public Utilities
25 Act. No contract shall be executed for an amount that
26 is less than one renewable energy credit per year.

1 (vii) (vi) If, at any time, approved applications
2 for the Adjustable Block program exceed funds
3 collected by the electric utility or would cause the
4 Agency to exceed the limitation described in
5 subparagraph (E) of this paragraph (1) on the amount
6 of renewable energy resources that may be procured,
7 then the Agency may shall consider future uncommitted
8 funds to be reserved for these contracts on a
9 first-come, first-served basis, ~~with the delivery of~~
10 ~~renewable energy credits required beginning at the~~
11 ~~time that the reserved funds become available.~~

12 (viii) (vii) Nothing in this Section shall require
13 the utility to advance any payment or pay any amounts
14 that exceed the actual amount of revenues collected by
15 the utility under paragraph (6) of this subsection (c)
16 and subsection (k) of Section 16-108 of the Public
17 Utilities Act, and contracts executed under this
18 Section 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 renewable energy credits, the Agency shall be
4 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 revisions 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 non-profit 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 administrator shall,
16 consistent with the requirements of this subsection (c),
17 propose the Adjustable Block Program terms, conditions,
18 and requirements, including the prices to be paid for
19 renewable energy credits, where applicable, and
20 requirements applicable to participating entities and
21 project applications, through the development, review, and
22 approval of the Agency's long-term renewable resources
23 procurement plan described in this subsection (c) and
24 paragraph (5) of subsection (b) of Section 16-111.5 of the
25 Public Utilities Act. Revisions to program terms,
26 conditions, and requirements may be made by the Agency

1 between long-term renewable resource procurement plan
2 approval proceedings if accompanied by a stakeholder
3 review and comment process.

4 (N) ~~The long term renewable resources procurement plan~~
5 ~~required by this subsection (c)~~ shall include a community
6 ~~renewable generation program~~. The Agency shall establish
7 the terms, conditions, and program requirements for
8 photovoltaic community renewable generation projects with
9 a goal to expand ~~renewable energy generating facility~~
10 access to a broader group of energy consumers, to ensure
11 robust participation opportunities for residential and
12 small commercial customers and those who cannot install
13 renewable energy on their own properties. Subject to
14 reasonable limitations, any ~~Any~~ plan approved by the
15 Commission shall allow subscriptions to community
16 renewable generation projects to be portable and
17 transferable. For purposes of this subparagraph (N),
18 "portable" means that subscriptions may be retained by the
19 subscriber even if the subscriber relocates or changes its
20 address within the same utility service territory; and
21 "transferable" means that a subscriber may assign or sell
22 subscriptions to another person within the same utility
23 service territory.

24 Through the development of its long-term renewable
25 resources procurement plan, the Agency may consider
26 whether community renewable generation projects utilizing

1 technologies other than photovoltaics should be supported
2 through State-administered incentive funding, and may
3 issue requests for information to gauge market demand.

4 Electric utilities shall provide a monetary credit to
5 a subscriber's subsequent bill for service for the
6 proportional output of a community renewable generation
7 project attributable to that subscriber as specified in
8 Section 16-107.5 of the Public Utilities Act.

9 The Agency shall purchase renewable energy credits
10 from subscribed shares of photovoltaic community renewable
11 generation projects through the Adjustable Block program
12 described in subparagraph (K) of this paragraph (1) or
13 through the Illinois Solar for All Program described in
14 Section 1-56 of this Act. The electric utility shall
15 purchase any unsubscribed energy from community renewable
16 generation projects that are Qualifying Facilities ("QF")
17 under the electric utility's tariff for purchasing the
18 output from QFs under Public Utilities Regulatory Policies
19 Act of 1978.

20 The owners of and any subscribers to a community
21 renewable generation project shall not be considered
22 public utilities or alternative retail electricity
23 suppliers under the Public Utilities Act solely as a
24 result of their interest in or subscription to a community
25 renewable generation project and shall not be required to
26 become an alternative retail electric supplier by

1 participating in a community renewable generation project
2 with a public utility.

3 (O) For the delivery year beginning June 1, 2018, the
4 long-term renewable resources procurement plan required by
5 this subsection (c) shall provide for the Agency to
6 procure contracts to continue offering the Illinois Solar
7 for All Program described in subsection (b) of Section
8 1-56 of this Act, and the contracts approved by the
9 Commission shall be executed by the utilities that are
10 subject to this subsection (c). The long-term renewable
11 resources procurement plan shall allocate up to
12 \$50,000,000 ~~5% of the funds available under the plan for~~
13 ~~the applicable delivery year, or \$10,000,000 per delivery~~
14 ~~year, whichever is greater,~~ to fund the programs, and the
15 plan shall determine the amount of funding to be
16 apportioned to the programs identified in subsection (b)
17 of Section 1-56 of this Act; provided that for the
18 delivery years beginning June 1, 2021, June 1, 2022, and
19 June 1, 2023, the long-term renewable resources
20 procurement plan may average the annual budgets over a
21 3-year period to account for program ramp-up. For ~~for~~ the
22 delivery years beginning June 1, 2017, June 1, 2021, and
23 June 1, 2024 2025, June 1, 2027, and June 1, 2030 and
24 additional the long term renewable resources procurement
25 plan shall allocate 10% of the funds available under the
26 plan for the applicable delivery year, or \$20,000,000 per

1 ~~delivery year, whichever is greater, and \$10,000,000 of~~
2 ~~such funds in such year shall be provided to the~~
3 Department of Commerce and Economic Opportunity to
4 implement the workforce development programs and reporting
5 as outlined in used by an electric utility that serves
6 more than 3,000,000 retail customers in the State to
7 implement a Commission approved plan under Section
8 16-108.12 of the Public Utilities Act. In making the
9 determinations required under this subparagraph (O), the
10 Commission shall consider the experience and performance
11 under the programs and any evaluation reports. The
12 Commission shall also provide for an independent
13 evaluation of those programs on a periodic basis that are
14 funded under this subparagraph (O).

15 In making the determinations required under this
16 subparagraph (O), the Commission shall consider the
17 experience and performance under the programs and any
18 evaluation reports. The Commission shall also provide for
19 an independent evaluation of those programs on a periodic
20 basis that are funded under this subparagraph (O).

21 (P) All programs and procurements under this
22 subsection (c) shall be designed to encourage
23 participating projects to use a diverse and equitable
24 workforce and a diverse set of contractors, including
25 minority-owned businesses, disadvantaged businesses,
26 trade unions, graduates of any workforce training programs

1 administered under this Act, and small businesses.

2 The Agency shall develop a method to optimize
3 procurement of renewable energy credits from proposed
4 utility-scale projects that are located in Clean Energy
5 Empowerment Zones as defined in 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 item (4) of subparagraph (Q) of this
9 paragraph (1) would be unreasonably costly or
10 administratively impractical, the Agency is to propose
11 alternative approaches to achieve development of renewable
12 energy resources in Clean Energy Empowerment Zones or seek
13 an exemption from this requirement from the Commission.

14 (Q) Each facility listed in subitems (i) through (viii)
15 of item (1) of this subparagraph (Q) for which a renewable
16 energy credit delivery contract is signed after the
17 effective date of this amendatory Act of the 102nd General
18 Assembly is subject to the following requirements:

19 (1) Each facility is a public work, as defined in
20 the Prevailing Wage Act, subject to the requirements
21 for public works in accordance with the Prevailing
22 Wage Act. The Agency shall require verification that
23 all construction performed on the facility by the
24 renewable energy credit delivery contract holder, its
25 contractors, or its subcontractors relating to
26 construction of the facility is performed by

1 construction employees receiving an amount for that
2 work equal to or greater than the general prevailing
3 rate, as that term is defined in Section 3 of the
4 Prevailing Wage Act. This item (1) shall apply to any
5 the following:

6 (i) all new utility scale wind projects;

7 (ii) all new utility scale photovoltaic
8 projects;

9 (iii) all new brownfield photovoltaic
10 projects;

11 (iv) all new photovoltaic community renewable
12 energy facilities that qualify for item (iii) of
13 subparagraph (K) of this paragraph (1), except
14 those described in item (3) of this subparagraph
15 (Q);

16 (v) all new community driven community
17 photovoltaic projects that qualify for item (v) of
18 subparagraph (K) of this paragraph (1), except
19 those described in item (3) of this subparagraph
20 (Q);

21 (vi) all new photovoltaic distributed
22 renewable energy generation devices on schools
23 that qualify for item (iv) of subparagraph (K) of
24 this paragraph (1) and are not exempt in item (3)
25 of this subparagraph (Q);

26 (vii) all new photovoltaic distributed

1 renewable energy generation devices that (1)
2 qualify for item (i) of subparagraph (K) of this
3 paragraph (1); (2) are not projects that serve
4 single-family residential buildings or buildings
5 that serve not-for-profit entities; and (3) are
6 not exempt under item (3) of this subparagraph
7 (Q);

8 (viii) all new photovoltaic distributed
9 renewable energy generation devices that (1)
10 qualify for item (ii) of subparagraph (K) of this
11 paragraph (1); (2) are not projects that serve
12 single-family or multi-family residential
13 buildings; and (3) are not exempt under item (3)
14 of this subparagraph (Q);

15 (2) Renewable energy credits procured from new
16 utility scale wind projects, new utility-scale solar
17 projects, and new brownfield solar projects pursuant
18 to Agency procurement events occurring after the
19 effective date of this amendatory Act of the 102nd
20 General Assembly must be from facilities built by
21 general contractors that must enter into a project
22 labor agreement, as defined by this Act, prior to
23 construction. The project labor agreement shall be
24 filed with the Director in accordance with procedures
25 established by the Agency. At a minimum, the project
26 labor agreement must provide the names, addresses, and

1 occupations of the owner of the plant and the
2 individuals representing the labor organization
3 employees participating in the project labor agreement
4 consistent with the Project Labor Agreements Act. The
5 agreement must also specify the terms and conditions
6 as defined by this Act.

7 (3) Notwithstanding anything to the contrary,
8 companies with an Equity Eligible Future Certification
9 shall be exempt from labor standards in this
10 subparagraph (Q) so long as the project commenced
11 construction no later than 12 months after the company
12 receives its first REC contract payment under this
13 Section or the date of its Equity Eligible Future
14 Certification, whichever is later.

15 "Equitable Energy Future Certification" or "EEFC"
16 means a certification provided to a company by the
17 Agency where an entity commits that a project will
18 meet one or more of the following criteria: (i) more
19 than 50% of the work hours on the project will be
20 performed by Equity Eligible Persons; or (ii) more
21 than 50% of the work hours on the project will be done
22 by Equity Eligible Contractors. The Agency shall
23 establish Equitable Energy Future Certification
24 standards for entities where certification by
25 individual project is infeasible, which can include
26 certification of a portfolio of projects if an entity

1 can demonstrate consistent EEFC eligibility across
2 that portfolio.

3 "Equity Investment Eligible Community" or
4 "Eligible Community" means the geographic areas
5 throughout Illinois that would most benefit from
6 equitable investments by the State, consistent with
7 the purposes of this Act. Specifically, Eligible
8 Communities shall be defined as the following areas:

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

15 (ii) areas where residents have been
16 historically subject to disproportionate burdens
17 of pollution, including pollution from the energy
18 sector, specifically Environmental Justice
19 Communities as defined based on existing
20 methodologies and findings, used and as may be
21 updated by the Agency and its program
22 administrator in the Illinois Solar for All
23 program, with any racial or ethnic indicators
24 excluded.

25 "Equity Eligible Persons" or "Eligible Persons"
26 means persons who would most benefit from equitable

1 investments by the State, consistent with the purposes
2 of this Act. Specifically, Eligible Persons shall be
3 defined as including the following people:

4 (i) persons who graduate from the Clean Jobs
5 Workforce Hubs Network Program, the Clean Energy
6 Entrepreneurship and Contractor Incubator Network
7 Program, Returning Residents Clean Jobs Training
8 Program, or the Illinois Clean Energy BIPOC Primes
9 Contractor Accelerator Program;

10 (ii) persons who are graduates or currently
11 enrolled in the foster-care system;

12 (iii) persons who are or have been justice
13 system-involved; and

14 (iv) persons whose primary residence is in an
15 Equity Investment Eligible Community.

16 "Equity Eligible Contractor" or "Eligible
17 Contractor" means a business that is majority-owned by
18 Equity Eligible Persons or a non-profit or cooperative
19 that is majority-governed by Equity Eligible Persons.

20 "Project Workforce" means the total number of
21 hours spent by all companies, contractors,
22 subcontractors, and vendors in identifying, designing,
23 marketing, procuring, selling, securing, building,
24 maintaining, managing, and otherwise completing the
25 project, measured in full-time equivalents, as defined
26 by the Government Accountability Office of the United

1 States Congress.

2 All applications for renewable energy credit
3 procurements shall include specific minimum equity
4 commitments. These minimum required commitments shall
5 increase over time. Specifically all applications
6 submitted in 2022 shall commit that: at least 10% of
7 the Project Workforce, or other appropriate workforce
8 as determined by the Agency where certification is on
9 a non-project basis, is comprised of Eligible Persons;
10 or at least 10% of the Project Workforce, or other
11 appropriate workforce as determined by the Agency
12 where certification is on a non-project basis, is
13 performed by Equity Eligible Contractors. These
14 minimum required percentages shall increase to: 15%
15 for applications submitted in 2023 and 2024; 20% for
16 applications submitted in 2025; and 25% for
17 applications submitted in 2026. Applications submitted
18 after 2026 shall be subject to the 25% minimum or a
19 larger percentage should the Agency deem it feasible.
20 The Agency shall provide guidance to prospective
21 applicants on potential actions to meet these minimum
22 requirements and ensure that prospective applicants
23 are aware of the Energy Workforce Equity Database.

24 The Agency shall have the discretion to grant
25 waivers to these minimum equity commitments in rare
26 circumstances. Specifically, the Agency may grant such

1 a waiver only where the applicant provides evidence of
2 significant efforts toward meeting the minimum equity
3 commitment including: use of the Energy Workforce
4 Equity database; efforts to hire or contract with
5 entities that hire Eligible Persons; and efforts to
6 establish contracting relationships with Eligible
7 Contractors.

8 Any waiver shall be a reduction in the required
9 minimum percentage to a level deemed feasible for the
10 applicant after substantial efforts. Waivers shall be
11 project-specific and in effect for no longer than one
12 year. Any waiver extension or subsequent waiver
13 request from an applicant shall be subject to the
14 requirements of this Section and shall specify
15 additional substantial efforts made to reach
16 compliance. When considering whether to grant a
17 waiver, and to what extent, the Agency shall consider
18 the degree to which similarly situated applicants have
19 been able to meet these minimum equity commitments.

20 The Agency shall, using alternative bidding
21 procedures as provided for in subsection (i) of
22 Section 20-10 of the Illinois Procurement Code, track
23 and award Equitable Energy Future certifications in
24 applications for renewable energy credit procurements,
25 including, but not limited to, the Adjustable Block
26 Program, using an equity accountability system. To be

1 eligible for a project or company/portfolio where the
2 Agency has allowed for certification on a non-project
3 basis, the applicant must be EEF certified by
4 committing to one or both of the following actions:

5 (A) Hiring Equity Action: at least 50% of the
6 Project Workforce, or other appropriate workforce,
7 as determined by the Agency where certification is
8 on a non-project basis, is comprised of Eligible
9 Persons.

10 (B) Contracting Equity Action: at least 50% of
11 the Project Workforce, or other appropriate
12 workforce, as determined by the Agency where
13 certification is on a non-project basis, is
14 performed by Equity Eligible Contractors.

15 The Agency shall adopt rules for ensuring that
16 competitive procurement processes, including
17 utility-scale solar, utility-scale wind, and
18 brownfield projects advance the equity goals of this
19 action. These rules shall ensure that EEF-certified
20 projects receive a 15% handicap on their bid prices.
21 The Agency shall also consider whether equity goals
22 can be further advanced through additional measures,
23 including greater handicaps for projects with larger
24 Hiring Equity Action and Contracting Equity Action
25 commitments.

26 (4) To the greatest extent practical, the Agency

1 shall give preference to the procurement of renewable
2 energy credits from proposed utility-scale projects
3 that are located in Clean Energy Empowerment Zones, as
4 designated pursuant to the Energy Community
5 Reinvestment Act, or other local governments impacted
6 by fossil fuel power plant or mine closures. If this
7 paragraph (8) conflicts with other provisions of law
8 or the Agency determines that full compliance with
9 this paragraph (8) would be unreasonably costly or
10 administratively impractical, the Agency shall be
11 authorized to propose alternative approaches to
12 achieve development of renewable energy resources in
13 Clean Energy Empowerment Zones or seek an exemption
14 from this requirement from the Commission.

15 (2) (Blank).

16 (3) (Blank).

17 (4) The electric utility shall retire all renewable
18 energy credits used to comply with the standard.

19 (5) Beginning with the 2010 delivery year and ending
20 June 1, 2017, an electric utility subject to this
21 subsection (c) shall apply the lesser of the maximum
22 alternative compliance payment rate or the most recent
23 estimated alternative compliance payment rate for its
24 service territory for the corresponding compliance period,
25 established pursuant to subsection (d) of Section 16-115D
26 of the Public Utilities Act to its retail customers that

1 take service pursuant to the electric utility's hourly
2 pricing tariff or tariffs. The electric utility shall
3 retain all amounts collected as a result of the
4 application of the alternative compliance payment rate or
5 rates to such customers, and, beginning in 2011, the
6 utility shall include in the information provided under
7 item (1) of subsection (d) of Section 16-111.5 of the
8 Public Utilities Act the amounts collected under the
9 alternative compliance payment rate or rates for the prior
10 year ending May 31. Notwithstanding any limitation on the
11 procurement of renewable energy resources imposed by item
12 (2) of this subsection (c), the Agency shall increase its
13 spending on the purchase of renewable energy resources to
14 be procured by the electric utility for the next plan year
15 by an amount equal to the amounts collected by the utility
16 under the alternative compliance payment rate or rates in
17 the prior year ending May 31.

18 (6) The electric utility shall be entitled to recover
19 all of its costs associated with the procurement of
20 renewable energy credits under plans approved under this
21 Section and Section 16-111.5 of the Public Utilities Act.
22 These costs shall include associated reasonable expenses
23 for implementing the procurement programs, including, but
24 not limited to, the costs of administering and evaluating
25 the Adjustable Block program, through an automatic
26 adjustment clause tariff in accordance with subsection (k)

1 of Section 16-108 of the Public Utilities Act.

2 (7) Renewable energy credits procured from new
3 photovoltaic projects or new distributed renewable energy
4 generation devices under this Section after June 1, 2017
5 (the effective date of Public Act 99-906) must be procured
6 from devices installed by a qualified person in compliance
7 with the requirements of Section 16-128A of the Public
8 Utilities Act and any rules or regulations adopted
9 thereunder.

10 In meeting the renewable energy requirements of this
11 subsection (c), to the extent feasible and consistent with
12 State and federal law, the renewable energy credit
13 procurements, Adjustable Block solar program, and
14 community renewable generation program shall provide
15 employment opportunities for all segments of the
16 population and workforce, including minority-owned and
17 female-owned business enterprises, and shall not,
18 consistent with State and federal law, discriminate based
19 on race or socioeconomic status.

20 (c-5) Procurement of renewable energy credits from new
21 renewable energy resources installed at or adjacent to the
22 sites of electric generating facilities that burn or burned
23 coal as their primary fuel source.

24 (1) In addition to the procurement of renewable energy
25 credits pursuant to long-term renewable resources
26 procurement plans in accordance with subsection (c) of

1 this Section and Section 16-111.5 of the Public Utilities
2 Act, the Agency shall conduct procurement events in
3 accordance with this subsection (c-5) for the procurement
4 by electric utilities that served more than 300,000 retail
5 customers in this State as of January 1, 2019 of renewable
6 energy credits from new renewable energy resources to be
7 installed at or adjacent to the sites of electric
8 generating facilities that, as of January 1, 2016, burned
9 coal as their primary fuel source and meet the other
10 criteria specified in this subsection (c-5). The renewable
11 energy credits procured pursuant to this subsection (c-5)
12 may be included or counted for purposes of compliance with
13 the amounts of renewable energy credits required to be
14 procured pursuant to subsection (c) of this Section to the
15 extent that there are otherwise shortfalls in compliance
16 with such requirements. The procurement of renewable
17 energy credits by electric utilities pursuant to this
18 subsection (c-5) shall be funded solely by revenues
19 collected from the Coal to Solar and Energy Storage
20 Initiative Charge provided for in this subsection (c-5)
21 and subsection (i-5) of Section 16-108 of the Public
22 Utilities Act, shall not be funded by revenues collected
23 through any of the other funding mechanisms provided for
24 in subsection (c) of this Section, and shall not be
25 subject to the limitation imposed by subsection (c) on
26 charges to retail customers for costs to procure renewable

1 energy resources pursuant to subsection (c), and shall not
2 be subject to any other requirements or limitations of
3 subsection (c).

4 (2) The Agency shall conduct 2 procurement events to
5 select owners of electric generating facilities meeting
6 the eligibility criteria specified in this subsection
7 (c-5) to enter into long-term contracts to sell renewable
8 energy credits to electric utilities serving more than
9 300,000 retail customers in this State as of January 1,
10 2019. The first procurement event shall be conducted no
11 later than November 30, 2021 and shall be to select owners
12 of electric generating facilities located in this State
13 and south of federal Interstate Highway 80 that meet the
14 eligibility criteria specified in this subsection (c-5).
15 The second procurement event shall be conducted no sooner
16 than September 30, 2022 and no later than October 31, 2022
17 and shall be to select owners of electric generating
18 facilities located anywhere in this State that meet the
19 eligibility criteria specified in this subsection (c-5).
20 The Agency shall establish and announce a time period,
21 which shall begin no later than 30 days prior to the
22 scheduled date for the procurement event, during which
23 applicants may submit applications to be selected as
24 suppliers of renewable energy credits pursuant to this
25 subsection (c-5). The eligibility criteria for selection
26 as a supplier of renewable energy credits pursuant to this

1 subsection (c-5) shall be as follows:

2 (A) The applicant owns an electric generating
3 facility located in this State that (i) as of January
4 1, 2016, burned coal as its primary fuel to generate
5 electricity and (ii) has, or had prior to retirement,
6 an electric generating capacity of at least 150
7 megawatts. The electric generating facility can be
8 either (i) retired as of the date of the procurement
9 event, or (ii) still operating as of the date of the
10 procurement event.

11 (B) The applicant is not (i) an electric
12 cooperative as defined in Section 3-119 of the Public
13 Utilities Act, or (ii) an entity described in
14 subsection (b)(1) of Section 3-105 of the Public
15 Utilities Act, or an association or consortium of or
16 an entity owned by entities described in (i) or (ii);
17 and the coal-fueled electric generating facility was
18 at one time owned, in whole or in part, by a public
19 utility as defined in Section 3-105 of the Public
20 Utilities Act.

21 (C) If participating in the first procurement
22 event, the applicant proposes and commits to construct
23 and operate, at the site, and if necessary for
24 sufficient space on property adjacent to the existing
25 property, at which the electric generating facility
26 identified in paragraph (A) is located: (i) a new

1 renewable energy resource of at least 20 megawatts but
2 no more than 100 megawatts of electric generating
3 capacity, and (ii) an energy storage facility having a
4 storage capacity equal to at least 2 megawatts and at
5 most 10 megawatts. If participating in the second
6 procurement event, the applicant proposes and commits
7 to construct and operate, at the site, and if
8 necessary for sufficient space on property adjacent to
9 the existing property, at which the electric
10 generating facility identified in paragraph (A) is
11 located: (i) a new renewable energy resource of at
12 least 5 megawatts but no more than 100 megawatts of
13 electric generating capacity, and (ii) an energy
14 storage facility having a storage capacity equal to at
15 least 0.5 megawatts and at most 10 megawatts.

16 (D) The applicant agrees that the new renewable
17 energy resource and the energy storage facility will
18 be constructed or installed by a qualified entity or
19 entities in compliance with the requirements of
20 subsection (g) of Section 16-128A of the Public
21 Utilities Act and any rules adopted thereunder.

22 (E) The applicant agrees that personnel operating
23 the new renewable energy resource and the energy
24 storage facility will have the requisite skills,
25 knowledge, training, experience, and competence, which
26 may be demonstrated by completion or current

1 participation and ultimate completion by employees of
2 an accredited or otherwise recognized apprenticeship
3 program for the employee's particular craft, trade, or
4 skill, including through training and education
5 courses and opportunities offered by the owner to
6 employees of the coal-fueled electric generating
7 facility or by previous employment experience
8 performing the employee's particular work skill or
9 function.

10 (F) The applicant commits that not less than the
11 prevailing wage, as determined pursuant to the
12 Prevailing Wage Act, will be paid to the applicant's
13 employees engaged in construction activities
14 associated with the new renewable energy resource and
15 the new energy storage facility and to the employees
16 of applicant's contractors engaged in construction
17 activities associated with the new renewable energy
18 resource and the new energy storage facility, and
19 that, on or before the commercial operation date of
20 the new renewable energy resource, the applicant shall
21 file a report with the Agency certifying that the
22 requirements of this subparagraph (F) have been met.

23 (G) The applicant commits that if selected, it
24 will seek to negotiate a project labor agreement for
25 the construction of the new renewable energy resource
26 and associated energy storage facility that includes

provisions requiring the parties to the agreement to work together to establish diversity threshold requirements and to ensure best efforts to meet diversity targets, improve diversity at the applicable job site, create diverse apprenticeship opportunities, and create opportunities to employ former coal-fired power plant workers.

(H) The applicant commits to enter into a contract or contracts of 15 years duration to provide a specified number of renewable energy credits annually to electric utilities that served more than 300,000 retail customers in this State as of January 1, 2019 at a price of \$35 per renewable energy credit.

(I) The applicant's application is certified by an officer of the applicant and by an officer of the applicant's ultimate parent company, if any.

(3) An applicant may submit applications to contract to supply renewable energy credits from more than one new renewable energy resource to be constructed at or adjacent to one or more qualifying electric generating facilities owned by the applicant. The Agency may select new renewable energy resources to be located at or adjacent to the sites of more than qualifying electric generation facility owned by an applicant to contract with electric utilities to supply renewable energy credits from such facilities.

1 (4) The Agency shall assess fees to each applicant to
2 recover the Agency's costs incurred in receiving and
3 evaluating applications, conducting the procurement event,
4 developing contracts for sale, delivery and purchase of
5 renewable energy credits, and monitoring the
6 administration of such contracts, as provided for in this
7 subsection (c-5), including fees paid to a procurement
8 administrator retained by the Agency for one or more of
9 these purposes.

10 (5) The Agency shall select the applicants and the new
11 renewable energy resources to contract with electric
12 utilities to supply renewable energy credits in accordance
13 with this subsection (c-5). In the first procurement
14 event, the Agency shall select applicants and new
15 renewable energy resources to supply renewable energy
16 credits, at a price of \$35 per renewable energy credit,
17 aggregating to no less than 400,000 renewable energy
18 credits per year for 15 years, assuming sufficient
19 qualifying applications to supply, in the aggregate, at
20 least that amount of renewable energy credits per year;
21 and not more than 580,000 renewable energy credits per
22 year for 15 years. In the second procurement event, the
23 Agency shall select applicants and new renewable energy
24 resources to supply renewable energy credits, at a price
25 of \$35 per renewable energy credit, aggregating to no more
26 than 650,000 renewable energy credits per year less the

1 amount of renewable energy credits per year contracted for
2 as a result of the first procurement event, for 15 years.

3 (6) The obligation to purchase renewable energy
4 credits from the applicants and their new renewable energy
5 resources selected by the Agency shall be allocated to the
6 electric utilities based on their respective percentages
7 of kilowatthours delivered to delivery services customers
8 to the aggregate kilowatthour deliveries by the electric
9 utilities to delivery services customers for the year
10 ended December 31, 2021. In order to achieve these
11 allocation percentages between or among the electric
12 utilities, the Agency shall require each applicant that is
13 selected in a procurement event to enter into a contract
14 with each electric utility for the sale and purchase of
15 renewable energy credits from each new renewable energy
16 resource to be constructed and operated by the applicant,
17 with the sale and purchase obligations under the contracts
18 to aggregate to the total number of renewable energy
19 credits per year to be supplied by the applicant from the
20 new renewable energy resource.

21 (7) The Agency shall submit its proposed selection of
22 applicants, new renewable energy resources to be
23 constructed, and renewable energy credit amounts for each
24 procurement event to the Commission for approval. The
25 Commission shall, within 2 business days after receipt of
26 the Agency's proposed selections, approve the proposed

1 selections if it determines that the applicants and the
2 new renewable energy resources to be constructed meet the
3 selection criteria set forth in this subsection (c-5) and
4 that the Agency seeks approval for contracts of 15 years
5 duration aggregating to no more than the maximum amount of
6 renewable energy credits per year authorized by this
7 subsection (c-5) for the procurement event, at a price of
8 \$35 per renewable energy credit.

9 (8) The Agency, in conjunction with its procurement
10 administrator if one is retained, the electric utilities,
11 and potential applicants for contracts to produce and
12 supply renewable energy credits pursuant to this
13 subsection (c-5), shall develop a standard form contract
14 for the sale, delivery and purchase of renewable energy
15 credits pursuant to this subsection (c-5). Each contract
16 resulting from the first procurement event shall provide
17 for a commercial operation date for the new renewable
18 energy resource of either June 1, 2023, or June 1, 2024,
19 with such dates subject to adjustment as provided in this
20 paragraph. Each contract resulting from the second
21 procurement event shall provide for a commercial operation
22 date on June 1 next occurring at least 48 months after
23 execution of the contract. Each contract shall provide
24 that the owner shall receive payments for renewable energy
25 credits for the 15-year period beginning with the
26 commercial operation date of the new renewable energy

1 resource. The form contract shall provide for adjustments
2 to the commercial operation and payment start dates as
3 needed due to any delays in completing the procurement and
4 contracting processes, in finalizing interconnection
5 agreements and installing interconnection facilities, and
6 in obtaining other necessary governmental permits and
7 approvals. The form contract shall be, to the maximum
8 extent possible, consistent with standard electric
9 industry contracts for sale, delivery, and purchase of
10 renewable energy credits while taking into account the
11 specific requirements of this subsection (c-5). The form
12 contract shall provide for over-delivery and
13 under-delivery of renewable energy credits within
14 reasonable ranges during each 12-month period and penalty,
15 default, and enforcement provisions for failure of the
16 selling party to deliver renewable energy credits as
17 specified in the contract and to comply with the
18 requirements of this subsection (c-5). The standard form
19 contract shall specify that all renewable energy credits
20 delivered to the electric utility pursuant to the contract
21 shall be retired. The Agency shall make the proposed
22 contracts available for a reasonable period for comment by
23 potential applicants, and shall publish the final form
24 contract at least 30 days before the date of the first
25 procurement event.

26 (9) Coal to Solar and Energy Storage Initiative

1 Charge.

2 (A) By no later than July 1, 2022, each electric
3 utility that served more than 300,000 retail customers
4 in this State as of January 1, 2019 shall file a tariff
5 with the Commission for the billing and collection of
6 a Coal to Solar and Energy Storage Initiative Charge
7 in accordance with subsection (i-5) of Section 16-108
8 of the Public Utilities Act, with such tariff to be
9 effective, following review and approval or
10 modification by the Commission, beginning January 1,
11 2023. The tariff shall provide for the calculation and
12 setting of the electric utility's Coal to Solar and
13 Energy Storage Initiative Charge to collect revenues
14 estimated to be sufficient, in the aggregate, (i) to
15 enable the electric utility to pay for the renewable
16 energy credits it has contracted to purchase in the
17 delivery year beginning June 1, 2023 and each delivery
18 year thereafter from new renewable energy resources
19 located at the sites of qualifying electric generating
20 facilities, and (ii) to fund the grant payments to be
21 made in each delivery year by the Department of
22 Commerce and Economic Development, which shall be
23 referred to in this subsection (c-5) as the
24 Department, pursuant to paragraph (10) of this
25 subsection (c-5). The electric utility's tariff shall
26 provide for the billing and collection of the Coal to

1 Solar and Energy Storage Initiative Charge on each
2 kilowatthour of electricity delivered to its delivery
3 services customers within its service territory and
4 shall provide for an annual reconciliation of revenues
5 collected with actual costs, in accordance with
6 subsection (i-5) of Section 16-108 of the Public
7 Utilities Act.

8 (B) Each electric utility shall remit on a monthly
9 basis to the State Treasurer, for deposit in the Coal
10 to Solar and Energy Storage Initiative Fund provided
11 for in this subsection (c-5), the electric utility's
12 collections of the Coal to Solar and Energy Storage
13 Initiative Charge in the amount estimated to be needed
14 by the Department for grant payments pursuant to grant
15 contracts entered into by the Department pursuant to
16 paragraph (10) of this subsection (c-5).

17 (10) Coal to Solar and Energy Storage Initiative Fund.

18 (A) The Coal to Solar and Energy Storage
19 Initiative Fund is established as a special fund in
20 the State treasury. The Coal to Solar and Energy
21 Storage Initiative Fund is authorized to receive, by
22 statutory deposit, that portion specified in item (B)
23 of paragraph (9) of this subsection (c-5) of moneys
24 collected by electric utilities through imposition of
25 the Coal to Solar and Energy Storage Initiative Charge
26 required by this subsection (c-5). The Coal to Solar

1 and Energy Storage Initiative Fund shall be
2 administered by the Department to provide grants to
3 support the installation and operation of energy
4 storage facilities at the sites of qualifying electric
5 generating facilities meeting the criteria specified
6 in this paragraph (10).

7 (B) The Coal to Solar and Energy Storage
8 Initiative Fund shall not be subject to sweeps,
9 administrative charges, or chargebacks, including, but
10 not limited to, those authorized under Section 8h of
11 the State Finance Act, that would in any way result in
12 the transfer of those funds from the Coal to Solar and
13 Energy Storage Initiative Fund to any other fund of
14 this State or in having any such funds utilized for any
15 purpose other than the express purposes set forth in
16 this paragraph (10).

17 (C) The Department shall utilize up to
18 \$325,000,000 in the Coal to Solar and Energy Storage
19 Initiative Fund for grants, assuming sufficient
20 qualifying applicants, to support installation of
21 energy storage facilities at the sites of up to 3
22 qualifying electric generating facilities located in
23 the Midcontinent Independent System Operator, Inc.,
24 region in Illinois and the sites of up to 2 qualifying
25 electric generating facilities located in the PJM
26 Interconnection, LLC region in Illinois, that meet the

1 criteria set forth in this subparagraph (C). The
2 criteria for receipt of a grant pursuant to this
3 subparagraph (C) are as follows:

4 (1) the electric generating facility at the
5 site has, or had prior to retirement, an electric
6 generating capacity of at least 150 megawatts;

7 (2) the electric generating facility burns (or
8 burned prior to retirement) coal as its primary
9 source of fuel;

10 (3) if the electric generating facility is
11 retired, it was retired subsequent to January 1,
12 2016;

13 (4) the owner of the electric generating
14 facility has not been selected by the Agency
15 pursuant to this subsection (c-5) of this Section
16 to enter into a contract to sell renewable energy
17 credits to one or more electric utilities from a
18 new renewable energy resource located or to be
19 located at or adjacent to the site at which the
20 electric generating facility is located;

21 (5) the electric generating facility located
22 at site was at one time owned, in whole or in part,
23 by a public utility as defined in Section 3-105 of
24 the Public Utilities Act;

25 (6) the electric generating facility at the
26 site is not owned by (i) an electric cooperative

1 as defined in Section 3-119 of the Public
2 Utilities Act, or (ii) an entity described in
3 subsection (b) (1) of Section 3-105 of the Public
4 Utilities Act, or an association or consortium of
5 or an entity owned by entities described in items
6 (i) or (ii);

7 (7) the proposed energy storage facility at
8 the site will have energy storage capacity of at
9 least 45 megawatts;

10 (8) the owner commits to place the energy
11 storage facility into commercial operation on
12 either June 1, 2023, June 1, 2024, or June 1, 2025,
13 with such date subject to adjustment as needed due
14 to any delays in completing the grant contracting
15 process, in finalizing interconnection agreements
16 and in installing interconnection facilities, and
17 in obtaining necessary governmental permits and
18 approvals;

19 (9) the owner agrees that the new energy
20 storage facility will be constructed or installed
21 by a qualified entity or entities consistent with
22 the requirements of subsection (g) of Section
23 16-128A of the Public Utilities Act and any rules
24 adopted under that Section;

25 (10) the owner agrees that personnel operating
26 the energy storage facility will have the

1 requisite skills, knowledge, training, experience,
2 and competence, which may be demonstrated by
3 completion or current participation and ultimate
4 completion by employees of an accredited or
5 otherwise recognized apprenticeship program for
6 the employee's particular craft, trade, or skill,
7 including through training and education courses
8 and opportunities offered by the owner to
9 employees of the coal-fueled electric generating
10 facility or by previous employment experience
11 performing the employee's particular work skill or
12 function;

13 (11) the owner commits that not less than the
14 prevailing wage, as determined pursuant to the
15 Prevailing Wage Act, will be paid to the owner's
16 employees engaged in construction activities
17 associated with the new energy storage facility
18 and to the employees of the owner's contractors
19 engaged in construction activities associated with
20 the new energy storage facility, and that, on or
21 before the commercial operation date of the new
22 energy storage facility, the owner shall file a
23 report with the Department certifying that the
24 requirements of this subparagraph (11) have been
25 met; and

26 (12) the owner commits that if selected to

1 receive a grant, it will seek to negotiate a
2 project labor agreement for the construction of
3 the new energy storage facility that includes
4 provisions requiring the parties to the agreement
5 to work together to establish diversity threshold
6 requirements and to ensure best efforts to meet
7 diversity targets, improve diversity at the
8 applicable job site, create diverse apprenticeship
9 opportunities, and create opportunities to employ
10 former coal-fired power plant workers.

11 The Department shall accept applications for this
12 grant program until March 31, 2022 and shall announce
13 the award of grants no later than June 1, 2022. The
14 Department shall make the grant payments to a
15 recipient in equal annual amounts for 10 years
16 following the date the energy storage facility is
17 placed into commercial operation. The annual grant
18 payments to a qualifying energy storage facility shall
19 be \$110,000 per megawatt of energy storage capacity,
20 with total annual grant payments pursuant to this
21 subparagraph (C) for qualifying energy storage
22 facilities not to exceed \$32,500,000.

23 (D) Grants of funding for energy storage
24 facilities pursuant to subparagraph (C) of this
25 paragraph (10), from the Coal to Solar and Energy
26 Storage Initiative Fund, shall be memorialized in

1 grant contracts between the Department and the
2 recipient. The grant contracts shall specify the date
3 or dates in each year on which the annual grant
4 payments shall be paid.

5 (E) All disbursements from the Coal to Solar and
6 Energy Storage Initiative Fund shall be made only upon
7 warrants of the Comptroller drawn upon the Treasurer
8 as custodian of the Fund upon vouchers signed by the
9 Director of the Department or by the person or persons
10 designated by the Director of the Department for that
11 purpose. The Comptroller is authorized to draw the
12 warrants upon vouchers so signed. The Treasurer shall
13 accept all written warrants so signed and shall be
14 released from liability for all payments made on those
15 warrants.

16 (11) Diversity, equity, and inclusion plans.

17 (A) Each applicant selected in a procurement event
18 to contract to supply renewable energy credits in
19 accordance with this subsection (c-5) and each owner
20 selected by the Department to receive a grant or
21 grants to support the construction and operation of a
22 new energy storage facility or facilities in
23 accordance with this subsection (c-5) shall, within 60
24 days following the Commission's approval of the
25 applicant to contract to supply renewable energy
26 credits or within 60 days following execution of a

1 grant contract with the Department, as applicable,
2 submit to the Commission a diversity, equity, and
3 inclusion plan setting forth the applicant's or
4 owner's numeric goals for the diversity composition of
5 its supplier entities for the new renewable energy
6 resource or new energy storage facility, as
7 applicable, which shall be referred to for purposes of
8 this paragraph (11) as the project, and the
9 applicant's or owner's action plan and schedule for
10 achieving those goals.

11 (B) For purposes of this paragraph (11), diversity
12 composition shall be based on the percentage, which
13 shall be a minimum of 25%, of eligible expenditures
14 for contract awards for materials and services (which
15 shall be defined in the plan) to business enterprises
16 owned by minority persons, women, or persons with
17 disabilities as defined in Section 2 of the Business
18 Enterprise for Minorities, Women, and Persons with
19 Disabilities Act, to LGBTQ business enterprises, to
20 veteran-owned business enterprises, and to business
21 enterprises located in environmental justice
22 communities. The diversity composition goals of the
23 plan may include eligible expenditures in areas for
24 vendor or supplier opportunities in addition to
25 development and construction of the project, and may
26 exclude from eligible expenditures materials and

1 services with limited market availability, limited
2 production and availability from suppliers in the
3 United States, such as solar panels and storage
4 batteries, and material and services that are subject
5 to critical energy infrastructure or cybersecurity
6 requirements or restrictions. The plan may provide
7 that the diversity composition goals may be met
8 through Tier 1 Direct or Tier 2 subcontracting
9 expenditures or combination thereof for the project.

10 (C) The plan shall provide for, but not be limited
11 to: (i) internal initiatives, including multi-tier
12 initiatives, by the applicant or owner, or by its
13 engineering, procurement and construction contractor
14 if one is used for the project, which for purposes of
15 this paragraph (11) shall be referred to as the EPC
16 contractor, to enable diverse businesses to be
17 considered fairly for selection to provide materials
18 and services; (ii) requirements for the applicant or
19 owner or its EPC contractor to proactively solicit and
20 utilize diverse businesses to provide materials and
21 services; and (iii) requirements for the applicant or
22 owner or its EPC contractor to hire a diverse
23 workforce for the project. The plan shall include a
24 description of the applicant's or owner's diversity
25 recruiting efforts both for the project and for other
26 areas of the applicant's or owner's business

operations. The plan shall provide for the imposition of financial penalties on the applicant's or owner's EPC contractor for failure to exercise best efforts to comply with and execute the EPC contractor's diversity obligations under the plan. The plan may provide for the applicant or owner to set aside a portion of the work on the project to serve as an incubation program for qualified businesses, as specified in the plan, owned by minority persons, women, persons with disabilities, LGBTQ persons, and veterans, and businesses located in environmental justice communities, seeking to enter the renewable energy industry.

(c-10) Ensuring equitable outcomes in the equity accountability system.

(1) Purpose. It is the purpose of this subsection to ensure the equity accountability system is successful in advancing equity across Illinois by providing access to the clean energy economy for businesses and workers from communities that have been historically excluded from economic opportunities in the energy sector, have been subject to disproportionate levels of pollution, and have disproportionately experienced negative public health outcomes.

(2) Modifications to the equity accountability system. As part of the update of the Long-Term Renewable Resources

1 Procurement Plan to be initiated in 2023, or sooner if the
2 Agency deems necessary, the Agency shall determine the
3 extent to which the equity accountability system described
4 in this Section has advanced the goals of this
5 legislation, including through the inclusion of Equity
6 Eligible Persons and Equity Eligible Contractors in
7 renewable energy credit projects. If the Agency finds that
8 the equity accountability system has failed to meet those
9 goals to its fullest potential, the Agency may revise the
10 following criteria for future Agency procurements: (I) the
11 percentage of Project Workforce required to meet the
12 Hiring Equity Action or Contracting Equity Action
13 qualifications; (ii) definitions for equity investment
14 eligible persons and equity investment eligible community;
15 and (iii) such other modifications necessary to advance
16 the goals of this legislation effectively. Such revised
17 criteria may also establish a distinct equity
18 accountability system for different types of procurements
19 or different regions of the state if the Agency finds that
20 doing so will further the purposes of such programs.
21 Revisions shall be developed with stakeholder input,
22 including from Eligible Persons, Eligible Contractors, and
23 community-based organizations that work with such persons
24 and contractors.

25 (c-15) Racial discrimination elimination powers and
26 process.

1 (1) Purpose. It is the purpose of this subsection to
2 empower the Agency to remedy racial discrimination in
3 Illinois' clean energy economy as effectively and
4 expediently as possible, including through the use of
5 race-conscious remedies, such as race-conscious
6 contracting and hiring goals, as consistent with State and
7 federal law.

8 (2) Racial disparity and discrimination review
9 process.

10 (A) Within one year of the awarding of contracts
11 using the equity actions processes established in this
12 Section the Agency shall publish a report evaluating
13 the effectiveness of the equity actions point criteria
14 of this Section in increasing participation of Equity
15 Eligible Persons and Equity Eligible Contractors. Such
16 report shall also disaggregate participating workers
17 and contractors by race and ethnicity. The report
18 shall be forwarded to the Governor, the General
19 Assembly, and the Illinois Commerce Commission, and be
20 made available to the public.

21 (B) As soon as is practicable thereafter, the
22 Agency shall commission and publish a disparity and
23 availability study that measures the presence and
24 impact of discrimination on minority businesses and
25 workers in Illinois' clean energy economy. The Agency
26 may hire consultants and experts to conduct the

1 disparity and availability study, with the retention
2 of those consultants and experts exempt from the
3 requirements of Section 20-10 of the Illinois
4 Procurement Code. The Illinois Power Agency shall
5 forward a copy of its findings and recommendations to
6 the Governor, the General Assembly, and the Illinois
7 Commerce Commission. If the disparity and availability
8 study establishes a strong basis in evidence that
9 there is discrimination in Illinois' clean energy
10 economy, the Agency shall take appropriate remedial
11 actions, including race-conscious remedial actions as
12 consistent with State and federal law, to effectively
13 remedy this discrimination. Such remedies may include
14 modification of the equity accountability system as
15 described in paragraph (2) of subsection (c-10).

16 (c-20) Program data collection.

17 (1) Purpose. Data collection, data analysis, and
18 reporting are critical to ensure that the benefits of the
19 clean energy economy provided to Illinois residents and
20 businesses are equitably distributed across the State. The
21 Agency shall collect data from program applicants in order
22 to track and improve equitable distribution of benefits
23 across Illinois communities for all procurements the
24 Agency conducts. The Agency shall use this data to, among
25 other things, measure any potential impact of racial
26 discrimination on the distribution of benefits and provide

1 information necessary to correct any discrimination
2 through methods consistent with State and federal law.

3 (2) Agency collection of program data. The Agency
4 shall collect demographic and geographic data for each
5 entity awarded contracts under any Agency administered
6 program.

7 (3) Required information to be collected. The Agency
8 shall collect the following information from applicants
9 and program participants where applicable:

10 (A) demographic information, including racial or
11 ethnic identity for real persons employed, contracted,
12 or subcontracted through the program and owners of
13 businesses or entities that apply to receive renewable
14 energy credits from the Agency;

15 (B) geographic location of the residency of real
16 persons employed, contracted, or subcontracted through
17 the program and geographic location of the
18 headquarters of the business or entity that applies to
19 receive renewable energy credits from the Agency; and

20 (C) any other information the Agency determines is
21 necessary for the purpose of achieving the purpose of
22 this subsection.

23 (4) Publication of collected information. The Agency
24 shall publish, at least annually, information on the
25 demographics of program participants on an aggregate
26 basis.

1 (5) Nothing in this subsection shall be interpreted to
2 limit the authority of the Agency, or other agency or
3 department of the State, to require or collect demographic
4 information from applicants of other State programs.

5 (c-25) Energy Workforce Equity Database.

6 (1) The Agency, in consultation with the Advisory
7 Board, shall create an Energy Workforce Equity Database,
8 and may contract with a third party to do so ("database
9 program administrator"). The Workforce Equity Database and
10 shall be a searchable database of suppliers, vendors, and
11 subcontractors for clean energy industries that is:

12 (A) publicly accessible;

13 (B) easy for laypeople to find and use;

14 (C) organized by company specialty or field;

15 (D) region-specific; and

16 (E) populated with information including, but not
17 limited to, contacts for suppliers, vendors, or
18 subcontractors who are M/WBE certified or who
19 participate or have participated in any of the
20 programs described in this Act.

21 (2) The Agency shall create an easily accessible,
22 public facing online tool using the database information
23 that includes, at a minimum, the following:

24 (A) a map of environmental justice and underserved
25 communities;

26 (B) job postings and recruiting opportunities;

1 (C) a means by which recruiting clean energy
2 companies can find and interact with graduates of
3 clean energy workforce training programs;

4 (D) information on workforce training service
5 providers and training opportunities available to
6 prospective workers;

7 (E) solar company diversity reporting;

8 (F) a list of diverse contractors with their
9 contact information, types of work performed, and
10 locations worked in.

11 (G) reporting on outcomes of the programs
12 described in the workforce Act including information
13 such as, but not limited to, retention rate,
14 graduation rate, and placement rates of trainees.

15 (3) The Agency shall ensure the database is regularly
16 updated to ensure information is current and shall
17 coordinate with the Department of Commerce and Economic
18 Opportunity to ensure that it includes information on
19 individuals and entities that are or have participated in
20 the Clean Jobs Workforce Hubs Network Program, the Clean
21 Energy Entrepreneurship and Contractor Incubator Network
22 Program, Returning Residents Clean Jobs Training Program,
23 and the Illinois Clean Energy BIPOC Primes Contractor
24 Accelerator Program.

25 (c-30) Enforcement of equity commitments in procurement
26 agreements.

1 (1) Any applicant awarded a REC contract under a
2 procurement program administered by the Agency that uses
3 the equity accountability system shall be required to
4 maintain, for the duration of the contract, any activities
5 and commitments for which it obtained equity
6 accountability eligibility at the time of application. The
7 Agency shall establish processes and procedures for
8 monitoring and enforcement of such commitments, as set
9 forth in this Section.

10 (2) Any applicable contracts entered into as a result
11 of procurements by the Agency shall have provisions for
12 the monitoring and enforcement of an applicant's equity
13 commitments by the Agency, including provisions for
14 entering into a corrective action plan, return of payments
15 or reduction or suspension of future payments if the
16 Agency determines that the company or entity has failed to
17 maintain any equity commitments it made at the time of
18 application. Such contracts shall also provide the
19 following:

20 (A) that the company or entity awarded a contract
21 based upon a commitment to equity accountability
22 actions will provide the Agency with an annual report
23 demonstrating compliance with each of the equity
24 commitments contained in its bid;

25 (B) if at any point the Agency concludes that the
26 company or entity has not maintained the commitments

1 made at the time of its application, the Agency may
2 require the company or entity to enter into a
3 corrective action plan. A correction action plan may
4 require changes in hiring and contracting practices,
5 contributions to the Clean Jobs Workforce Hubs Network
6 or Energy Transition Barrier Reduction Program, a halt
7 or reduction of future payments, or other remedies to
8 ensure the company or entity maintains its equity
9 commitments; and

10 (C) if, at the conclusion of the REC contract
11 period, the Agency determines that the company or
12 entity failed to make reasonable efforts meet the
13 commitments provided at the time of its application
14 and failed to enter into a remedial plan, the Agency
15 may require the return of payment or other remedies.

16 (c-35) All applicants shall be required to maintain all
17 pertinent documents, employment records, and other relevant
18 information necessary to ensure fulfillment of equity
19 commitments. The Agency may require periodic reports from each
20 vendor that describes the status of each equity action.

21 (D) The applicant or owner may submit a revised or
22 updated plan to the Commission from time to time as
23 circumstances warrant. The applicant or owner shall
24 file annual reports with the Commission detailing the
25 applicant's or owner's progress in implementing its
26 plan and achieving its goals and any modifications the

1 applicant or owner has made to its plan to better
2 achieve its diversity, equity and inclusion goals. The
3 applicant or owner shall file a final report on the
4 fifth June 1 following the commercial operation date
5 of the new renewable energy resource or new energy
6 storage facility, but the applicant or owner shall
7 thereafter continue to be subject to the reporting
8 requirements of Section 5-117 of the Public Utilities
9 Act.

10 (d) Clean coal portfolio standard.

11 (1) The procurement plans shall include electricity
12 generated using clean coal. Each utility shall enter into
13 one or more sourcing agreements with the initial clean
14 coal facility, as provided in paragraph (3) of this
15 subsection (d), covering electricity generated by the
16 initial clean coal facility representing at least 5% of
17 each utility's total supply to serve the load of eligible
18 retail customers in 2015 and each year thereafter, as
19 described in paragraph (3) of this subsection (d), subject
20 to the limits specified in paragraph (2) of this
21 subsection (d). It is the goal of the State that by January
22 1, 2025, 25% of the electricity used in the State shall be
23 generated by cost-effective clean coal facilities. For
24 purposes of this subsection (d), "cost-effective" means
25 that the expenditures pursuant to such sourcing agreements
26 do not cause the limit stated in paragraph (2) of this

1 subsection (d) to be exceeded and do not exceed cost-based
2 benchmarks, which shall be developed to assess all
3 expenditures pursuant to such sourcing agreements covering
4 electricity generated by clean coal facilities, other than
5 the initial clean coal facility, by the procurement
6 administrator, in consultation with the Commission staff,
7 Agency staff, and the procurement monitor and shall be
8 subject to Commission review and approval.

9 A utility party to a sourcing agreement shall
10 immediately retire any emission credits that it receives
11 in connection with the electricity covered by such
12 agreement.

13 Utilities shall maintain adequate records documenting
14 the purchases under the sourcing agreement to comply with
15 this subsection (d) and shall file an accounting with the
16 load forecast that must be filed with the Agency by July 15
17 of each year, in accordance with subsection (d) of Section
18 16-111.5 of the Public Utilities Act.

19 A utility shall be deemed to have complied with the
20 clean coal portfolio standard specified in this subsection
21 (d) if the utility enters into a sourcing agreement as
22 required by this subsection (d).

23 (2) For purposes of this subsection (d), the required
24 execution of sourcing agreements with the initial clean
25 coal facility for a particular year shall be measured as a
26 percentage of the actual amount of electricity

(megawatt-hours) supplied by the electric utility to eligible retail customers in the planning year ending immediately prior to the agreement's execution. For purposes of this subsection (d), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (d), the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges and add-on taxes.

Notwithstanding the requirements of this subsection (d), the total amount paid under sourcing agreements with clean coal facilities pursuant to the procurement plan for any given year shall be reduced by an amount necessary to limit the annual estimated average net increase due to the costs of these resources included in the amounts paid by eligible retail customers in connection with electric service to:

(A) in 2010, no more than 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

(B) in 2011, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2010 or 1% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

(C) in 2012, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2011 or 1.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009;

(D) in 2013, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2012 or 2% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009; and

(E) thereafter, the total amount paid under sourcing agreements with clean coal facilities pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the estimated average net increase due to the cost of these resources included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of (i) 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or (ii) the incremental amount per kilowatthour paid for these resources in 2013. These requirements may be altered only as provided by statute.

No later than June 30, 2015, the Commission shall review the limitation on the total amount paid under sourcing agreements, if any, with clean coal facilities

1 pursuant to this subsection (d) and report to the General
2 Assembly its findings as to whether that limitation unduly
3 constrains the amount of electricity generated by
4 cost-effective clean coal facilities that is covered by
5 sourcing agreements.

6 (3) Initial clean coal facility. In order to promote
7 development of clean coal facilities in Illinois, each
8 electric utility subject to this Section shall execute a
9 sourcing agreement to source electricity from a proposed
10 clean coal facility in Illinois (the "initial clean coal
11 facility") that will have a nameplate capacity of at least
12 500 MW when commercial operation commences, that has a
13 final Clean Air Act permit on June 1, 2009 (the effective
14 date of Public Act 95-1027), and that will meet the
15 definition of clean coal facility in Section 1-10 of this
16 Act when commercial operation commences. The sourcing
17 agreements with this initial clean coal facility shall be
18 subject to both approval of the initial clean coal
19 facility by the General Assembly and satisfaction of the
20 requirements of paragraph (4) of this subsection (d) and
21 shall be executed within 90 days after any such approval
22 by the General Assembly. The Agency and the Commission
23 shall have authority to inspect all books and records
24 associated with the initial clean coal facility during the
25 term of such a sourcing agreement. A utility's sourcing
26 agreement for electricity produced by the initial clean

1 coal facility shall include:

2 (A) a formula contractual price (the "contract
3 price") approved pursuant to paragraph (4) of this
4 subsection (d), which shall:

5 (i) be determined using a cost of service
6 methodology employing either a level or deferred
7 capital recovery component, based on a capital
8 structure consisting of 45% equity and 55% debt,
9 and a return on equity as may be approved by the
10 Federal Energy Regulatory Commission, which in any
11 case may not exceed the lower of 11.5% or the rate
12 of return approved by the General Assembly
13 pursuant to paragraph (4) of this subsection (d);
14 and

15 (ii) provide that all miscellaneous net
16 revenue, including but not limited to net revenue
17 from the sale of emission allowances, if any,
18 substitute natural gas, if any, grants or other
19 support provided by the State of Illinois or the
20 United States Government, firm transmission
21 rights, if any, by-products produced by the
22 facility, energy or capacity derived from the
23 facility and not covered by a sourcing agreement
24 pursuant to paragraph (3) of this subsection (d)
25 or item (5) of subsection (d) of Section 16-115 of
26 the Public Utilities Act, whether generated from

1 the synthesis gas derived from coal, from SNG, or
2 from natural gas, shall be credited against the
3 revenue requirement for this initial clean coal
4 facility;

5 (B) power purchase provisions, which shall:

6 (i) provide that the utility party to such
7 sourcing agreement shall pay the contract price
8 for electricity delivered under such sourcing
9 agreement;

10 (ii) require delivery of electricity to the
11 regional transmission organization market of the
12 utility that is party to such sourcing agreement;

13 (iii) require the utility party to such
14 sourcing agreement to buy from the initial clean
15 coal facility in each hour an amount of energy
16 equal to all clean coal energy made available from
17 the initial clean coal facility during such hour
18 times a fraction, the numerator of which is such
19 utility's retail market sales of electricity
20 (expressed in kilowatthours sold) in the State
21 during the prior calendar month and the
22 denominator of which is the total retail market
23 sales of electricity (expressed in kilowatthours
24 sold) in the State by utilities during such prior
25 month and the sales of electricity (expressed in
26 kilowatthours sold) in the State by alternative

1 retail electric suppliers during such prior month
2 that are subject to the requirements of this
3 subsection (d) and paragraph (5) of subsection (d)
4 of Section 16-115 of the Public Utilities Act,
5 provided that the amount purchased by the utility
6 in any year will be limited by paragraph (2) of
7 this subsection (d); and

8 (iv) be considered pre-existing contracts in
9 such utility's procurement plans for eligible
10 retail customers;

11 (C) contract for differences provisions, which
12 shall:

13 (i) require the utility party to such sourcing
14 agreement to contract with the initial clean coal
15 facility in each hour with respect to an amount of
16 energy equal to all clean coal energy made
17 available from the initial clean coal facility
18 during such hour times a fraction, the numerator
19 of which is such utility's retail market sales of
20 electricity (expressed in kilowatthours sold) in
21 the utility's service territory in the State
22 during the prior calendar month and the
23 denominator of which is the total retail market
24 sales of electricity (expressed in kilowatthours
25 sold) in the State by utilities during such prior
26 month and the sales of electricity (expressed in

1 kilowatthours sold) in the State by alternative
2 retail electric suppliers during such prior month
3 that are subject to the requirements of this
4 subsection (d) and paragraph (5) of subsection (d)
5 of Section 16-115 of the Public Utilities Act,
6 provided that the amount paid by the utility in
7 any year will be limited by paragraph (2) of this
8 subsection (d);

9 (ii) provide that the utility's payment
10 obligation in respect of the quantity of
11 electricity determined pursuant to the preceding
12 clause (i) shall be limited to an amount equal to
13 (1) the difference between the contract price
14 determined pursuant to subparagraph (A) of
15 paragraph (3) of this subsection (d) and the
16 day-ahead price for electricity delivered to the
17 regional transmission organization market of the
18 utility that is party to such sourcing agreement
19 (or any successor delivery point at which such
20 utility's supply obligations are financially
21 settled on an hourly basis) (the "reference
22 price") on the day preceding the day on which the
23 electricity is delivered to the initial clean coal
24 facility busbar, multiplied by (2) the quantity of
25 electricity determined pursuant to the preceding
26 clause (i); and

(iii) not require the utility to take physical delivery of the electricity produced by the facility;

(D) general provisions, which shall:

(i) specify a term of no more than 30 years, commencing on the commercial operation date of the facility;

(ii) provide that utilities shall maintain adequate records documenting purchases under the sourcing agreements entered into to comply with this subsection (d) and shall file an accounting with the load forecast that must be filed with the Agency by July 15 of each year, in accordance with subsection (d) of Section 16-111.5 of the Public Utilities Act;

(iii) provide that all costs associated with the initial clean coal facility will be periodically reported to the Federal Energy Regulatory Commission and to purchasers in accordance with applicable laws governing cost-based wholesale power contracts;

(iv) permit the Illinois Power Agency to assume ownership of the initial clean coal facility, without monetary consideration and otherwise on reasonable terms acceptable to the Agency, if the Agency so requests no less than 3

1 years prior to the end of the stated contract
2 term;

3 (v) require the owner of the initial clean
4 coal facility to provide documentation to the
5 Commission each year, starting in the facility's
6 first year of commercial operation, accurately
7 reporting the quantity of carbon emissions from
8 the facility that have been captured and
9 sequestered and report any quantities of carbon
10 released from the site or sites at which carbon
11 emissions were sequestered in prior years, based
12 on continuous monitoring of such sites. If, in any
13 year after the first year of commercial operation,
14 the owner of the facility fails to demonstrate
15 that the initial clean coal facility captured and
16 sequestered at least 50% of the total carbon
17 emissions that the facility would otherwise emit
18 or that sequestration of emissions from prior
19 years has failed, resulting in the release of
20 carbon dioxide into the atmosphere, the owner of
21 the facility must offset excess emissions. Any
22 such carbon offsets must be permanent, additional,
23 verifiable, real, located within the State of
24 Illinois, and legally and practicably enforceable.
25 The cost of such offsets for the facility that are
26 not recoverable shall not exceed \$15 million in

any given year. No costs of any such purchases of carbon offsets may be recovered from a utility or its customers. All carbon offsets purchased for this purpose and any carbon emission credits associated with sequestration of carbon from the facility must be permanently retired. The initial clean coal facility shall not forfeit its designation as a clean coal facility if the facility fails to fully comply with the applicable carbon sequestration requirements in any given year, provided the requisite offsets are purchased. However, the Attorney General, on behalf of the People of the State of Illinois, may specifically enforce the facility's sequestration requirement and the other terms of this contract provision. Compliance with the sequestration requirements and offset purchase requirements specified in paragraph (3) of this subsection (d) shall be reviewed annually by an independent expert retained by the owner of the initial clean coal facility, with the advance written approval of the Attorney General. The Commission may, in the course of the review specified in item (vii), reduce the allowable return on equity for the facility if the facility willfully fails to comply with the carbon capture and sequestration

1 requirements set forth in this item (v);

2 (vi) include limits on, and accordingly
3 provide for modification of, the amount the
4 utility is required to source under the sourcing
5 agreement consistent with paragraph (2) of this
6 subsection (d);

7 (vii) require Commission review: (1) to
8 determine the justness, reasonableness, and
9 prudence of the inputs to the formula referenced
10 in subparagraphs (A)(i) through (A)(iii) of
11 paragraph (3) of this subsection (d), prior to an
12 adjustment in those inputs including, without
13 limitation, the capital structure and return on
14 equity, fuel costs, and other operations and
15 maintenance costs and (2) to approve the costs to
16 be passed through to customers under the sourcing
17 agreement by which the utility satisfies its
18 statutory obligations. Commission review shall
19 occur no less than every 3 years, regardless of
20 whether any adjustments have been proposed, and
21 shall be completed within 9 months;

22 (viii) limit the utility's obligation to such
23 amount as the utility is allowed to recover
24 through tariffs filed with the Commission,
25 provided that neither the clean coal facility nor
26 the utility waives any right to assert federal

1 pre-emption or any other argument in response to a
2 purported disallowance of recovery costs;

3 (ix) limit the utility's or alternative retail
4 electric supplier's obligation to incur any
5 liability until such time as the facility is in
6 commercial operation and generating power and
7 energy and such power and energy is being
8 delivered to the facility busbar;

9 (x) provide that the owner or owners of the
10 initial clean coal facility, which is the
11 counterparty to such sourcing agreement, shall
12 have the right from time to time to elect whether
13 the obligations of the utility party thereto shall
14 be governed by the power purchase provisions or
15 the contract for differences provisions;

16 (xi) append documentation showing that the
17 formula rate and contract, insofar as they relate
18 to the power purchase provisions, have been
19 approved by the Federal Energy Regulatory
20 Commission pursuant to Section 205 of the Federal
21 Power Act;

22 (xii) provide that any changes to the terms of
23 the contract, insofar as such changes relate to
24 the power purchase provisions, are subject to
25 review under the public interest standard applied
26 by the Federal Energy Regulatory Commission

1 pursuant to Sections 205 and 206 of the Federal
2 Power Act; and

3 (xiii) conform with customary lender
4 requirements in power purchase agreements used as
5 the basis for financing non-utility generators.

6 (4) Effective date of sourcing agreements with the
7 initial clean coal facility. Any proposed sourcing
8 agreement with the initial clean coal facility shall not
9 become effective unless the following reports are prepared
10 and submitted and authorizations and approvals obtained:

11 (i) Facility cost report. The owner of the initial
12 clean coal facility shall submit to the Commission,
13 the Agency, and the General Assembly a front-end
14 engineering and design study, a facility cost report,
15 method of financing (including but not limited to
16 structure and associated costs), and an operating and
17 maintenance cost quote for the facility (collectively
18 "facility cost report"), which shall be prepared in
19 accordance with the requirements of this paragraph (4)
20 of subsection (d) of this Section, and shall provide
21 the Commission and the Agency access to the work
22 papers, relied upon documents, and any other backup
23 documentation related to the facility cost report.

24 (ii) Commission report. Within 6 months following
25 receipt of the facility cost report, the Commission,
26 in consultation with the Agency, shall submit a report

1 to the General Assembly setting forth its analysis of
2 the facility cost report. Such report shall include,
3 but not be limited to, a comparison of the costs
4 associated with electricity generated by the initial
5 clean coal facility to the costs associated with
6 electricity generated by other types of generation
7 facilities, an analysis of the rate impacts on
8 residential and small business customers over the life
9 of the sourcing agreements, and an analysis of the
10 likelihood that the initial clean coal facility will
11 commence commercial operation by and be delivering
12 power to the facility's busbar by 2016. To assist in
13 the preparation of its report, the Commission, in
14 consultation with the Agency, may hire one or more
15 experts or consultants, the costs of which shall be
16 paid for by the owner of the initial clean coal
17 facility. The Commission and Agency may begin the
18 process of selecting such experts or consultants prior
19 to receipt of the facility cost report.

20 (iii) General Assembly approval. The proposed
21 sourcing agreements shall not take effect unless,
22 based on the facility cost report and the Commission's
23 report, the General Assembly enacts authorizing
24 legislation approving (A) the projected price, stated
25 in cents per kilowatthour, to be charged for
26 electricity generated by the initial clean coal

1 facility, (B) the projected impact on residential and
2 small business customers' bills over the life of the
3 sourcing agreements, and (C) the maximum allowable
4 return on equity for the project; and

5 (iv) Commission review. If the General Assembly
6 enacts authorizing legislation pursuant to
7 subparagraph (iii) approving a sourcing agreement, the
8 Commission shall, within 90 days of such enactment,
9 complete a review of such sourcing agreement. During
10 such time period, the Commission shall implement any
11 directive of the General Assembly, resolve any
12 disputes between the parties to the sourcing agreement
13 concerning the terms of such agreement, approve the
14 form of such agreement, and issue an order finding
15 that the sourcing agreement is prudent and reasonable.

16 The facility cost report shall be prepared as follows:

17 (A) The facility cost report shall be prepared by
18 duly licensed engineering and construction firms
19 detailing the estimated capital costs payable to one
20 or more contractors or suppliers for the engineering,
21 procurement and construction of the components
22 comprising the initial clean coal facility and the
23 estimated costs of operation and maintenance of the
24 facility. The facility cost report shall include:

25 (i) an estimate of the capital cost of the
26 core plant based on one or more front end

1 engineering and design studies for the
2 gasification island and related facilities. The
3 core plant shall include all civil, structural,
4 mechanical, electrical, control, and safety
5 systems.

6 (ii) an estimate of the capital cost of the
7 balance of the plant, including any capital costs
8 associated with sequestration of carbon dioxide
9 emissions and all interconnects and interfaces
10 required to operate the facility, such as
11 transmission of electricity, construction or
12 backfeed power supply, pipelines to transport
13 substitute natural gas or carbon dioxide, potable
14 water supply, natural gas supply, water supply,
15 water discharge, landfill, access roads, and coal
16 delivery.

17 The quoted construction costs shall be expressed
18 in nominal dollars as of the date that the quote is
19 prepared and shall include capitalized financing costs
20 during construction, taxes, insurance, and other
21 owner's costs, and an assumed escalation in materials
22 and labor beyond the date as of which the construction
23 cost quote is expressed.

24 (B) The front end engineering and design study for
25 the gasification island and the cost study for the
26 balance of plant shall include sufficient design work

1 to permit quantification of major categories of
2 materials, commodities and labor hours, and receipt of
3 quotes from vendors of major equipment required to
4 construct and operate the clean coal facility.

5 (C) The facility cost report shall also include an
6 operating and maintenance cost quote that will provide
7 the estimated cost of delivered fuel, personnel,
8 maintenance contracts, chemicals, catalysts,
9 consumables, spares, and other fixed and variable
10 operations and maintenance costs. The delivered fuel
11 cost estimate will be provided by a recognized third
12 party expert or experts in the fuel and transportation
13 industries. The balance of the operating and
14 maintenance cost quote, excluding delivered fuel
15 costs, will be developed based on the inputs provided
16 by duly licensed engineering and construction firms
17 performing the construction cost quote, potential
18 vendors under long-term service agreements and plant
19 operating agreements, or recognized third party plant
20 operator or operators.

21 The operating and maintenance cost quote
22 (including the cost of the front end engineering and
23 design study) shall be expressed in nominal dollars as
24 of the date that the quote is prepared and shall
25 include taxes, insurance, and other owner's costs, and
26 an assumed escalation in materials and labor beyond

1 the date as of which the operating and maintenance
2 cost quote is expressed.

3 (D) The facility cost report shall also include an
4 analysis of the initial clean coal facility's ability
5 to deliver power and energy into the applicable
6 regional transmission organization markets and an
7 analysis of the expected capacity factor for the
8 initial clean coal facility.

9 (E) Amounts paid to third parties unrelated to the
10 owner or owners of the initial clean coal facility to
11 prepare the core plant construction cost quote,
12 including the front end engineering and design study,
13 and the operating and maintenance cost quote will be
14 reimbursed through Coal Development Bonds.

15 (5) Re-powering and retrofitting coal-fired power
16 plants previously owned by Illinois utilities to qualify
17 as clean coal facilities. During the 2009 procurement
18 planning process and thereafter, the Agency and the
19 Commission shall consider sourcing agreements covering
20 electricity generated by power plants that were previously
21 owned by Illinois utilities and that have been or will be
22 converted into clean coal facilities, as defined by
23 Section 1-10 of this Act. Pursuant to such procurement
24 planning process, the owners of such facilities may
25 propose to the Agency sourcing agreements with utilities
26 and alternative retail electric suppliers required to

1 comply with subsection (d) of this Section and item (5) of
2 subsection (d) of Section 16-115 of the Public Utilities
3 Act, covering electricity generated by such facilities. In
4 the case of sourcing agreements that are power purchase
5 agreements, the contract price for electricity sales shall
6 be established on a cost of service basis. In the case of
7 sourcing agreements that are contracts for differences,
8 the contract price from which the reference price is
9 subtracted shall be established on a cost of service
10 basis. The Agency and the Commission may approve any such
11 utility sourcing agreements that do not exceed cost-based
12 benchmarks developed by the procurement administrator, in
13 consultation with the Commission staff, Agency staff and
14 the procurement monitor, subject to Commission review and
15 approval. The Commission shall have authority to inspect
16 all books and records associated with these clean coal
17 facilities during the term of any such contract.

18 (6) Costs incurred under this subsection (d) or
19 pursuant to a contract entered into under this subsection
20 (d) shall be deemed prudently incurred and reasonable in
21 amount and the electric utility shall be entitled to full
22 cost recovery pursuant to the tariffs filed with the
23 Commission.

24 (d-5) Zero emission standard.

25 (1) Beginning with the delivery year commencing on
26 June 1, 2017, the Agency shall, for electric utilities

1 that serve at least 100,000 retail customers in this
2 State, procure contracts with zero emission facilities
3 that are reasonably capable of generating cost-effective
4 zero emission credits in an amount approximately equal to
5 16% of the actual amount of electricity delivered by each
6 electric utility to retail customers in the State during
7 calendar year 2014. For an electric utility serving fewer
8 than 100,000 retail customers in this State that
9 requested, under Section 16-111.5 of the Public Utilities
10 Act, that the Agency procure power and energy for all or a
11 portion of the utility's Illinois load for the delivery
12 year commencing June 1, 2016, the Agency shall procure
13 contracts with zero emission facilities that are
14 reasonably capable of generating cost-effective zero
15 emission credits in an amount approximately equal to 16%
16 of the portion of power and energy to be procured by the
17 Agency for the utility. The duration of the contracts
18 procured under this subsection (d-5) shall be for a term
19 of 10 years ending May 31, 2027. The quantity of zero
20 emission credits to be procured under the contracts shall
21 be all of the zero emission credits generated by the zero
22 emission facility in each delivery year; however, if the
23 zero emission facility is owned by more than one entity,
24 then the quantity of zero emission credits to be procured
25 under the contracts shall be the amount of zero emission
26 credits that are generated from the portion of the zero

1 emission facility that is owned by the winning supplier.

2 The 16% value identified in this paragraph (1) is the
3 average of the percentage targets in subparagraph (B) of
4 paragraph (1) of subsection (c) of this Section for the 5
5 delivery years beginning June 1, 2017.

6 The procurement process shall be subject to the
7 following provisions:

8 (A) Those zero emission facilities that intend to
9 participate in the procurement shall submit to the
10 Agency the following eligibility information for each
11 zero emission facility on or before the date
12 established by the Agency:

13 (i) the in-service date and remaining useful
14 life of the zero emission facility;

15 (ii) the amount of power generated annually
16 for each of the years 2005 through 2015, and the
17 projected zero emission credits to be generated
18 over the remaining useful life of the zero
19 emission facility, which shall be used to
20 determine the capability of each facility;

21 (iii) the annual zero emission facility cost
22 projections, expressed on a per megawatthour
23 basis, over the next 6 delivery years, which shall
24 include the following: operation and maintenance
25 expenses; fully allocated overhead costs, which
26 shall be allocated using the methodology developed

1 by the Institute for Nuclear Power Operations;
2 fuel expenditures; non-fuel capital expenditures;
3 spent fuel expenditures; a return on working
4 capital; the cost of operational and market risks
5 that could be avoided by ceasing operation; and
6 any other costs necessary for continued
7 operations, provided that "necessary" means, for
8 purposes of this item (iii), that the costs could
9 reasonably be avoided only by ceasing operations
10 of the zero emission facility; and

11 (iv) a commitment to continue operating, for
12 the duration of the contract or contracts executed
13 under the procurement held under this subsection
14 (d-5), the zero emission facility that produces
15 the zero emission credits to be procured in the
16 procurement.

17 The information described in item (iii) of this
18 subparagraph (A) may be submitted on a confidential
19 basis and shall be treated and maintained by the
20 Agency, the procurement administrator, and the
21 Commission as confidential and proprietary and exempt
22 from disclosure under subparagraphs (a) and (g) of
23 paragraph (1) of Section 7 of the Freedom of
24 Information Act. The Office of Attorney General shall
25 have access to, and maintain the confidentiality of,
26 such information pursuant to Section 6.5 of the

1 Attorney General Act.

2 (B) The price for each zero emission credit
3 procured under this subsection (d-5) for each delivery
4 year shall be in an amount that equals the Social Cost
5 of Carbon, expressed on a price per megawatthour
6 basis. However, to ensure that the procurement remains
7 affordable to retail customers in this State if
8 electricity prices increase, the price in an
9 applicable delivery year shall be reduced below the
10 Social Cost of Carbon by the amount ("Price
11 Adjustment") by which the market price index for the
12 applicable delivery year exceeds the baseline market
13 price index for the consecutive 12-month period ending
14 May 31, 2016. If the Price Adjustment is greater than
15 or equal to the Social Cost of Carbon in an applicable
16 delivery year, then no payments shall be due in that
17 delivery year. The components of this calculation are
18 defined as follows:

19 (i) Social Cost of Carbon: The Social Cost of
20 Carbon is \$16.50 per megawatthour, which is based
21 on the U.S. Interagency Working Group on Social
22 Cost of Carbon's price in the August 2016
23 Technical Update using a 3% discount rate,
24 adjusted for inflation for each year of the
25 program. Beginning with the delivery year
26 commencing June 1, 2023, the price per

1 megawatthour shall increase by \$1 per
2 megawatthour, and continue to increase by an
3 additional \$1 per megawatthour each delivery year
4 thereafter.

5 (ii) Baseline market price index: The baseline
6 market price index for the consecutive 12-month
7 period ending May 31, 2016 is \$31.40 per
8 megawatthour, which is based on the sum of (aa)
9 the average day-ahead energy price across all
10 hours of such 12-month period at the PJM
11 Interconnection LLC Northern Illinois Hub, (bb)
12 50% multiplied by the Base Residual Auction, or
13 its successor, capacity price for the rest of the
14 RTO zone group determined by PJM Interconnection
15 LLC, divided by 24 hours per day, and (cc) 50%
16 multiplied by the Planning Resource Auction, or
17 its successor, capacity price for Zone 4
18 determined by the Midcontinent Independent System
19 Operator, Inc., divided by 24 hours per day.

20 (iii) Market price index: The market price
21 index for a delivery year shall be the sum of
22 projected energy prices and projected capacity
23 prices determined as follows:

24 (aa) Projected energy prices: the
25 projected energy prices for the applicable
26 delivery year shall be calculated once for the

1 year using the forward market price for the
2 PJM Interconnection, LLC Northern Illinois
3 Hub. The forward market price shall be
4 calculated as follows: the energy forward
5 prices for each month of the applicable
6 delivery year averaged for each trade date
7 during the calendar year immediately preceding
8 that delivery year to produce a single energy
9 forward price for the delivery year. The
10 forward market price calculation shall use
11 data published by the Intercontinental
12 Exchange, or its successor.

13 (bb) Projected capacity prices:

14 (I) For the delivery years commencing
15 June 1, 2017, June 1, 2018, and June 1,
16 2019, the projected capacity price shall
17 be equal to the sum of (1) 50% multiplied
18 by the Base Residual Auction, or its
19 successor, price for the rest of the RTO
20 zone group as determined by PJM
21 Interconnection LLC, divided by 24 hours
22 per day and, (2) 50% multiplied by the
23 resource auction price determined in the
24 resource auction administered by the
25 Midcontinent Independent System Operator,
26 Inc., in which the largest percentage of

1 load cleared for Local Resource Zone 4,
2 divided by 24 hours per day, and where
3 such price is determined by the
4 Midcontinent Independent System Operator,
5 Inc.

6 (II) For the delivery year commencing
7 June 1, 2020, and each year thereafter,
8 the projected capacity price shall be
9 equal to the sum of (1) 50% multiplied by
10 the Base Residual Auction, or its
11 successor, price for the ComEd zone as
12 determined by PJM Interconnection LLC,
13 divided by 24 hours per day, and (2) 50%
14 multiplied by the resource auction price
15 determined in the resource auction
16 administered by the Midcontinent
17 Independent System Operator, Inc., in
18 which the largest percentage of load
19 cleared for Local Resource Zone 4, divided
20 by 24 hours per day, and where such price
21 is determined by the Midcontinent
22 Independent System Operator, Inc.

23 For purposes of this subsection (d-5):

24 "Rest of the RTO" and "ComEd Zone" shall have
25 the meaning ascribed to them by PJM
26 Interconnection, LLC.

1 "RTO" means regional transmission
2 organization.

3 (C) No later than 45 days after June 1, 2017 (the
4 effective date of Public Act 99-906), the Agency shall
5 publish its proposed zero emission standard
6 procurement plan. The plan shall be consistent with
7 the provisions of this paragraph (1) and shall provide
8 that winning bids shall be selected based on public
9 interest criteria that include, but are not limited
10 to, minimizing carbon dioxide emissions that result
11 from electricity consumed in Illinois and minimizing
12 sulfur dioxide, nitrogen oxide, and particulate matter
13 emissions that adversely affect the citizens of this
14 State. In particular, the selection of winning bids
15 shall take into account the incremental environmental
16 benefits resulting from the procurement, such as any
17 existing environmental benefits that are preserved by
18 the procurements held under Public Act 99-906 and
19 would cease to exist if the procurements were not
20 held, including the preservation of zero emission
21 facilities. The plan shall also describe in detail how
22 each public interest factor shall be considered and
23 weighted in the bid selection process to ensure that
24 the public interest criteria are applied to the
25 procurement and given full effect.

26 For purposes of developing the plan, the Agency

1 shall consider any reports issued by a State agency,
2 board, or commission under House Resolution 1146 of
3 the 98th General Assembly and paragraph (4) of
4 subsection (d) of this Section, as well as publicly
5 available analyses and studies performed by or for
6 regional transmission organizations that serve the
7 State and their independent market monitors.

8 Upon publishing of the zero emission standard
9 procurement plan, copies of the plan shall be posted
10 and made publicly available on the Agency's website.
11 All interested parties shall have 10 days following
12 the date of posting to provide comment to the Agency on
13 the plan. All comments shall be posted to the Agency's
14 website. Following the end of the comment period, but
15 no more than 60 days later than June 1, 2017 (the
16 effective date of Public Act 99-906), the Agency shall
17 revise the plan as necessary based on the comments
18 received and file its zero emission standard
19 procurement plan with the Commission.

20 If the Commission determines that the plan will
21 result in the procurement of cost-effective zero
22 emission credits, then the Commission shall, after
23 notice and hearing, but no later than 45 days after the
24 Agency filed the plan, approve the plan or approve
25 with modification. For purposes of this subsection
26 (d-5), "cost effective" means the projected costs of

1 procuring zero emission credits from zero emission
2 facilities do not cause the limit stated in paragraph
3 (2) of this subsection to be exceeded.

4 (C-5) As part of the Commission's review and
5 acceptance or rejection of the procurement results,
6 the Commission shall, in its public notice of
7 successful bidders:

8 (i) identify how the winning bids satisfy the
9 public interest criteria described in subparagraph
10 (C) of this paragraph (1) of minimizing carbon
11 dioxide emissions that result from electricity
12 consumed in Illinois and minimizing sulfur
13 dioxide, nitrogen oxide, and particulate matter
14 emissions that adversely affect the citizens of
15 this State;

16 (ii) specifically address how the selection of
17 winning bids takes into account the incremental
18 environmental benefits resulting from the
19 procurement, including any existing environmental
20 benefits that are preserved by the procurements
21 held under Public Act 99-906 and would have ceased
22 to exist if the procurements had not been held,
23 such as the preservation of zero emission
24 facilities;

25 (iii) quantify the environmental benefit of
26 preserving the resources identified in item (ii)

1 of this subparagraph (C-5), including the
2 following:

3 (aa) the value of avoided greenhouse gas
4 emissions measured as the product of the zero
5 emission facilities' output over the contract
6 term multiplied by the U.S. Environmental
7 Protection Agency eGrid subregion carbon
8 dioxide emission rate and the U.S. Interagency
9 Working Group on Social Cost of Carbon's price
10 in the August 2016 Technical Update using a 3%
11 discount rate, adjusted for inflation for each
12 delivery year; and

13 (bb) the costs of replacement with other
14 zero carbon dioxide resources, including wind
15 and photovoltaic, based upon the simple
16 average of the following:

17 (I) the price, or if there is more
18 than one price, the average of the prices,
19 paid for renewable energy credits from new
20 utility-scale wind projects in the
21 procurement events specified in item (i)
22 of subparagraph (G) of paragraph (1) of
23 subsection (c) of this Section; and

24 (II) the price, or if there is more
25 than one price, the average of the prices,
26 paid for renewable energy credits from new

utility-scale solar projects and brownfield site photovoltaic projects in the procurement events specified in item (ii) of subparagraph (G) of paragraph (1) of subsection (c) of this Section and, after January 1, 2015, renewable energy credits from photovoltaic distributed generation projects in procurement events held under subsection (c) of this Section.

Each utility shall enter into binding contractual arrangements with the winning suppliers.

The procurement described in this subsection (d-5), including, but not limited to, the execution of all contracts procured, shall be completed no later than May 10, 2017. Based on the effective date of Public Act 99-906, the Agency and Commission may, as appropriate, modify the various dates and timelines under this subparagraph and subparagraphs (C) and (D) of this paragraph (1). The procurement and plan approval processes required by this subsection (d-5) shall be conducted in conjunction with the procurement and plan approval processes required by subsection (c) of this Section and Section 16-111.5 of the Public Utilities Act, to the extent practicable. Notwithstanding whether a procurement event is conducted under Section 16-111.5 of the Public

1 Utilities Act, the Agency shall immediately initiate a
2 procurement process on June 1, 2017 (the effective
3 date of Public Act 99-906).

4 (D) Following the procurement event described in
5 this paragraph (1) and consistent with subparagraph
6 (B) of this paragraph (1), the Agency shall calculate
7 the payments to be made under each contract for the
8 next delivery year based on the market price index for
9 that delivery year. The Agency shall publish the
10 payment calculations no later than May 25, 2017 and
11 every May 25 thereafter.

12 (E) Notwithstanding the requirements of this
13 subsection (d-5), the contracts executed under this
14 subsection (d-5) shall provide that the zero emission
15 facility may, as applicable, suspend or terminate
16 performance under the contracts in the following
17 instances:

18 (i) A zero emission facility shall be excused
19 from its performance under the contract for any
20 cause beyond the control of the resource,
21 including, but not restricted to, acts of God,
22 flood, drought, earthquake, storm, fire,
23 lightning, epidemic, war, riot, civil disturbance
24 or disobedience, labor dispute, labor or material
25 shortage, sabotage, acts of public enemy,
26 explosions, orders, regulations or restrictions

imposed by governmental, military, or lawfully established civilian authorities, which, in any of the foregoing cases, by exercise of commercially reasonable efforts the zero emission facility could not reasonably have been expected to avoid, and which, by the exercise of commercially reasonable efforts, it has been unable to overcome. In such event, the zero emission facility shall be excused from performance for the duration of the event, including, but not limited to, delivery of zero emission credits, and no payment shall be due to the zero emission facility during the duration of the event.

(ii) A zero emission facility shall be permitted to terminate the contract if legislation is enacted into law by the General Assembly that imposes or authorizes a new tax, special assessment, or fee on the generation of electricity, the ownership or leasehold of a generating unit, or the privilege or occupation of such generation, ownership, or leasehold of generation units by a zero emission facility. However, the provisions of this item (ii) do not apply to any generally applicable tax, special assessment or fee, or requirements imposed by federal law.

(iii) A zero emission facility shall be permitted to terminate the contract in the event that the resource requires capital expenditures in excess of \$40,000,000 that were neither known nor reasonably foreseeable at the time it executed the contract and that a prudent owner or operator of such resource would not undertake.

(iv) A zero emission facility shall be permitted to terminate the contract in the event the Nuclear Regulatory Commission terminates the resource's license.

(F) If the zero emission facility elects to terminate a contract under subparagraph (E) of this paragraph (1), then the Commission shall reopen the docket in which the Commission approved the zero emission standard procurement plan under subparagraph (C) of this paragraph (1) and, after notice and hearing, enter an order acknowledging the contract termination election if such termination is consistent with the provisions of this subsection (d-5).

(2) For purposes of this subsection (d-5), the amount paid per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (d-5), the total amount paid for electric service includes, without limitation, amounts paid for supply, transmission, distribution,

1 surcharges, and add-on taxes.

2 Notwithstanding the requirements of this subsection
3 (d-5), the contracts executed under this subsection (d-5)
4 shall provide that the total of zero emission credits
5 procured under a procurement plan shall be subject to the
6 limitations of this paragraph (2). For each delivery year,
7 the contractual volume receiving payments in such year
8 shall be reduced for all retail customers based on the
9 amount necessary to limit the net increase that delivery
10 year to the costs of those credits included in the amounts
11 paid by eligible retail customers in connection with
12 electric service to no more than 1.65% of the amount paid
13 per kilowatthour by eligible retail customers during the
14 year ending May 31, 2009. The result of this computation
15 shall apply to and reduce the procurement for all retail
16 customers, and all those customers shall pay the same
17 single, uniform cents per kilowatthour charge under
18 subsection (k) of Section 16-108 of the Public Utilities
19 Act. To arrive at a maximum dollar amount of zero emission
20 credits to be paid for the particular delivery year, the
21 resulting per kilowatthour amount shall be applied to the
22 actual amount of kilowatthours of electricity delivered by
23 the electric utility in the delivery year immediately
24 prior to the procurement, to all retail customers in its
25 service territory. Unpaid contractual volume for any
26 delivery year shall be paid in any subsequent delivery

1 year in which such payments can be made without exceeding
2 the amount specified in this paragraph (2). The
3 calculations required by this paragraph (2) shall be made
4 only once for each procurement plan year. Once the
5 determination as to the amount of zero emission credits to
6 be paid is made based on the calculations set forth in this
7 paragraph (2), no subsequent rate impact determinations
8 shall be made and no adjustments to those contract amounts
9 shall be allowed. All costs incurred under those contracts
10 and in implementing this subsection (d-5) shall be
11 recovered by the electric utility as provided in this
12 Section.

13 No later than June 30, 2019, the Commission shall
14 review the limitation on the amount of zero emission
15 credits procured under this subsection (d-5) and report to
16 the General Assembly its findings as to whether that
17 limitation unduly constrains the procurement of
18 cost-effective zero emission credits.

19 (3) Six years after the execution of a contract under
20 this subsection (d-5), the Agency shall determine whether
21 the actual zero emission credit payments received by the
22 supplier over the 6-year period exceed the Average ZEC
23 Payment. In addition, at the end of the term of a contract
24 executed under this subsection (d-5), or at the time, if
25 any, a zero emission facility's contract is terminated
26 under subparagraph (E) of paragraph (1) of this subsection

1 (d-5), then the Agency shall determine whether the actual
2 zero emission credit payments received by the supplier
3 over the term of the contract exceed the Average ZEC
4 Payment, after taking into account any amounts previously
5 credited back to the utility under this paragraph (3). If
6 the Agency determines that the actual zero emission credit
7 payments received by the supplier over the relevant period
8 exceed the Average ZEC Payment, then the supplier shall
9 credit the difference back to the utility. The amount of
10 the credit shall be remitted to the applicable electric
11 utility no later than 120 days after the Agency's
12 determination, which the utility shall reflect as a credit
13 on its retail customer bills as soon as practicable;
14 however, the credit remitted to the utility shall not
15 exceed the total amount of payments received by the
16 facility under its contract.

17 For purposes of this Section, the Average ZEC Payment
18 shall be calculated by multiplying the quantity of zero
19 emission credits delivered under the contract times the
20 average contract price. The average contract price shall
21 be determined by subtracting the amount calculated under
22 subparagraph (B) of this paragraph (3) from the amount
23 calculated under subparagraph (A) of this paragraph (3),
24 as follows:

25 (A) The average of the Social Cost of Carbon, as
26 defined in subparagraph (B) of paragraph (1) of this

1 subsection (d-5), during the term of the contract.

2 (B) The average of the market price indices, as
3 defined in subparagraph (B) of paragraph (1) of this
4 subsection (d-5), during the term of the contract,
5 minus the baseline market price index, as defined in
6 subparagraph (B) of paragraph (1) of this subsection
7 (d-5).

8 If the subtraction yields a negative number, then the
9 Average ZEC Payment shall be zero.

10 (4) Cost-effective zero emission credits procured from
11 zero emission facilities shall satisfy the applicable
12 definitions set forth in Section 1-10 of this Act.

13 (5) The electric utility shall retire all zero
14 emission credits used to comply with the requirements of
15 this subsection (d-5).

16 (6) Electric utilities shall be entitled to recover
17 all of the costs associated with the procurement of zero
18 emission credits through an automatic adjustment clause
19 tariff in accordance with subsection (k) and (m) of
20 Section 16-108 of the Public Utilities Act, and the
21 contracts executed under this subsection (d-5) shall
22 provide that the utilities' payment obligations under such
23 contracts shall be reduced if an adjustment is required
24 under subsection (m) of Section 16-108 of the Public
25 Utilities Act.

26 (7) This subsection (d-5) shall become inoperative on

1 January 1, 2028.

2 (e) The draft procurement plans are subject to public
3 comment, as required by Section 16-111.5 of the Public
4 Utilities Act.

5 (f) The Agency shall submit the final procurement plan to
6 the Commission. The Agency shall revise a procurement plan if
7 the Commission determines that it does not meet the standards
8 set forth in Section 16-111.5 of the Public Utilities Act.

9 (g) The Agency shall assess fees to each affected utility
10 to recover the costs incurred in preparation of the annual
11 procurement plan for the utility.

12 (h) The Agency shall assess fees to each bidder to recover
13 the costs incurred in connection with a competitive
14 procurement process.

15 (i) A renewable energy credit, carbon emission credit, or
16 zero emission credit can only be used once to comply with a
17 single portfolio or other standard as set forth in subsection
18 (c), subsection (d), or subsection (d-5) of this Section,
19 respectively. A renewable energy credit, carbon emission
20 credit, or zero emission credit cannot be used to satisfy the
21 requirements of more than one standard. If more than one type
22 of credit is issued for the same megawatt hour of energy, only
23 one credit can be used to satisfy the requirements of a single
24 standard. After such use, the credit must be retired together
25 with any other credits issued for the same megawatt hour of
26 energy.

1 (Source: P.A. 100-863, eff. 8-14-18; 101-81, eff. 7-12-19;
2 101-113, eff. 1-1-20.)

3 (20 ILCS 3855/1-92)

4 Sec. 1-92. Aggregation of electrical load by
5 municipalities, townships, and counties.

6 (a) The corporate authorities of a municipality, township
7 board, or county board of a county may adopt an ordinance under
8 which it may aggregate in accordance with this Section
9 residential and small commercial retail electrical loads
10 located, respectively, within the municipality, the township,
11 or the unincorporated areas of the county and, for that
12 purpose, may solicit bids and enter into service agreements to
13 facilitate for those loads the sale and purchase of
14 electricity and related services and equipment.

15 The corporate authorities, township board, or county board
16 may also exercise such authority jointly with any other
17 municipality, township, or county. Two or more municipalities,
18 townships, or counties, or a combination of both, may initiate
19 a process jointly to authorize aggregation by a majority vote
20 of each particular municipality, township, or county as
21 required by this Section.

If the corporate authorities, township board, or the county board seek to operate the aggregation program as an opt-out program for residential and small commercial retail customers, then prior to the adoption of an ordinance with

1 respect to aggregation of residential and small commercial
2 retail electric loads, the corporate authorities of a
3 municipality, the township board, or the county board of a
4 county shall submit a referendum to its residents to determine
5 whether or not the aggregation program shall operate as an
6 opt-out program for residential and small commercial retail
7 customers. Any county board that seeks to submit such a
8 referendum to its residents shall do so only in unincorporated
9 areas of the county where no electric aggregation ordinance
10 has been adopted.

11 In addition to the notice and conduct requirements of the
12 general election law, notice of the referendum shall state
13 briefly the purpose of the referendum. The question of whether
14 the corporate authorities, the township board, or the county
15 board shall adopt an opt-out aggregation program for
16 residential and small commercial retail customers shall be
17 submitted to the electors of the municipality, township board,
18 or county board at a regular election and approved by a
19 majority of the electors voting on the question. The corporate
20 authorities, township board, or county board must certify to
21 the proper election authority, which must submit the question
22 at an election in accordance with the Election Code.

23 The election authority must submit the question in
24 substantially the following form:

25 Shall the (municipality, township, or county in which
26 the question is being voted upon) have the authority to

1 arrange for the supply of electricity for its residential
2 and small commercial retail customers who have not opted
3 out of such program?

4 The election authority must record the votes as "Yes" or "No".

5 If a majority of the electors voting on the question vote
6 in the affirmative, then the corporate authorities, township
7 board, or county board may implement an opt-out aggregation
8 program for residential and small commercial retail customers.

9 A referendum must pass in each particular municipality,
10 township, or county that is engaged in the aggregation
11 program. If the referendum fails, then the corporate
12 authorities, township board, or county board shall operate the
13 aggregation program as an opt-in program for residential and
14 small commercial retail customers.

15 An ordinance under this Section shall specify whether the
16 aggregation will occur only with the prior consent of each
17 person owning, occupying, controlling, or using an electric
18 load center proposed to be aggregated. Nothing in this
19 Section, however, authorizes the aggregation of electric loads
20 that are served or authorized to be served by an electric
21 cooperative as defined by and pursuant to the Electric
22 Supplier Act or loads served by a municipality that owns and
23 operates its own electric distribution system. No aggregation
24 shall take effect unless approved by a majority of the members
25 of the corporate authority, township board, or county board
26 voting upon the ordinance.

1 A governmental aggregator under this Section is not a
2 public utility or an alternative retail electric supplier.

3 For purposes of this Section, "township" means the portion
4 of a township that is an unincorporated portion of a county
5 that is not otherwise a part of a municipality. In addition to
6 such other limitations as are included in this Section, a
7 township board shall only have authority to aggregate
8 residential and small commercial customer loads in accordance
9 with this Section if the county board of the county in which
10 the township is located (i) is not also submitting a
11 referendum to its residents at the same general election that
12 the township board proposes to submit a referendum under this
13 subsection (a), (ii) has not received authorization through
14 passage of a referendum to operate an opt-out aggregation
15 program for residential and small commercial retail customers
16 under this subsection (a), and (iii) has not otherwise enacted
17 an ordinance under this subsection (a) authorizing the
18 operation of an opt-in aggregation program for residential and
19 small commercial retail customers as described in this
20 Section.

21 (b) Upon the applicable requisite authority under this
22 Section, the corporate authorities, the township board, or the
23 county board, with assistance from the Illinois Power Agency,
24 shall develop a plan of operation and governance for the
25 aggregation program so authorized. Before adopting a plan
26 under this Section, the corporate authorities, township board,

1 or county board shall hold at least 2 public hearings on the
2 plan. Before the first hearing, the corporate authorities,
3 township board, or county board shall publish notice of the
4 hearings once a week for 2 consecutive weeks in a newspaper of
5 general circulation in the jurisdiction. The notice shall
6 summarize the plan and state the date, time, and location of
7 each hearing. Any load aggregation plan established pursuant
8 to this Section shall:

9 (1) provide for universal access to all applicable
10 residential customers and equitable treatment of
11 applicable residential customers;

12 (2) describe demand management and energy efficiency
13 services to be provided to each class of customers; and

14 (3) meet any requirements established by law
15 concerning aggregated service offered pursuant to this
16 Section.

17 (c) The process for soliciting bids for electricity and
18 other related services and awarding proposed agreements for
19 the purchase of electricity and other related services shall
20 be conducted in the following order:

21 (1) The corporate authorities, township board, or
22 county board may solicit bids for electricity and other
23 related services. The bid specifications may include a
24 provision requiring the bidder to disclose the fuel type
25 of electricity to be procured or generated on behalf of
26 the aggregation program customers. The corporate

authorities, township board, or county board may consider the proposed source of electricity to be procured or generated to be put into the grid on behalf of aggregation program customers in the competitive bidding process. The Agency and Commission may collaborate to issue joint guidance on voluntary uniform standards for bidder disclosures of the source of electricity to be procured or generated to be put into the grid on behalf of aggregation program customers.

(1.5) A township board shall request from the electric utility those residential and small commercial customers within their aggregate area either by zip code or zip codes or other means as determined by the electric utility. The electric utility shall then provide to the township board the residential and small commercial customers, including the names and addresses of residential and small commercial customers, electronically. The township board shall be responsible for authenticating the residential and small commercial customers contained in this listing and providing edits of the data to affirm, add, or delete the residential and small commercial customers located within its jurisdiction. The township board shall provide the edited list to the electric utility in an electronic format or other means selected by the electric utility and certify that the information is accurate.

(2) Notwithstanding Section 16-122 of the Public Utilities Act and Section 2HH of the Consumer Fraud and Deceptive Business Practices Act, an electric utility that provides residential and small commercial retail electric service in the aggregate area must, upon request of the corporate authorities, township board, or the county board in the aggregate area, submit to the requesting party, in an electronic format, those account numbers, names, and addresses of residential and small commercial retail customers in the aggregate area that are reflected in the electric utility's records at the time of the request; provided, however, that any township board has first provided an accurate customer list to the electric utility as provided for herein.

Any corporate authority, township board, or county board receiving customer information from an electric utility shall be subject to the limitations on the disclosure of the information described in Section 16-122 of the Public Utilities Act and Section 2HH of the Consumer Fraud and Deceptive Business Practices Act, and an electric utility shall not be held liable for any claims arising out of the provision of information pursuant to this item (2).

(d) If the corporate authorities, township board, or county board operate under an opt-in program for residential and small commercial retail customers, then the corporate authorities, township board, or county board shall comply with

1 all of the following:

2 (1) Within 60 days after receiving the bids, the
3 corporate authorities, township board, or county board
4 shall allow residential and small commercial retail
5 customers to commit to the terms and conditions of a bid
6 that has been selected by the corporate authorities,
7 township board, or county board.

8 (2) If (A) the corporate authorities, township board,
9 or county board award proposed agreements for the purchase
10 of electricity and other related services and (B) an
11 agreement is reached between the corporate authorities,
12 township board, or county board for those services, then
13 customers committed to the terms and conditions according
14 to item (1) of this subsection (d) shall be committed to
15 the agreement.

16 (e) If the corporate authorities, township board, or
17 county board operate as an opt-out program for residential and
18 small commercial retail customers, then it shall be the duty
19 of the aggregated entity to fully inform residential and small
20 commercial retail customers in advance that they have the
21 right to opt out of the aggregation program. The disclosure
22 shall prominently state all charges to be made and shall
23 include full disclosure of the cost to obtain service pursuant
24 to Section 16-103 of the Public Utilities Act, how to access
25 it, and the fact that it is available to them without penalty,
26 if they are currently receiving service under that Section.

1 The Illinois Power Agency shall furnish, without charge, to
2 any citizen a list of all supply options available to them in a
3 format that allows comparison of prices and products.

4 (f) Any person or entity retained by a municipality or
5 county, or jointly by more than one such unit of local
6 government, to provide input, guidance, or advice in the
7 selection of an electricity supplier for an aggregation
8 program shall disclose in writing to the involved units of
9 local government the nature of any relationship through which
10 the person or entity may receive, either directly or
11 indirectly, commissions or other remuneration as a result of
12 the selection of any particular electricity supplier. The
13 written disclosure must be made prior to formal approval by
14 the involved units of local government of any professional
15 services agreement with the person or entity, or no later than
16 October 1, 2012 with respect to any such professional services
17 agreement entered into prior to the effective date of this
18 amendatory Act of the 97th General Assembly. The disclosure
19 shall cover all direct and indirect relationships through
20 which commissions or remuneration may result, including the
21 pooling of commissions or remuneration among multiple persons
22 or entities, and shall identify all involved electricity
23 suppliers. The disclosure requirements in this subsection (f)
24 are to be liberally construed to ensure that the nature of
25 financial interests are fully revealed, and these disclosure
26 requirements shall apply regardless of whether the involved

1 person or entity is licensed under Section 16-115C of the
2 Public Utilities Act. Any person or entity that fails to make
3 the disclosure required under this subsection (f) is liable to
4 the involved units of local government in an amount equal to
5 all compensation paid to such person or entity by the units of
6 local government for the input, guidance, or advice in the
7 selection of an electricity supplier, plus reasonable
8 attorneys fees and court costs incurred by the units of local
9 government in connection with obtaining such amount.

10 (g) The Illinois Power Agency shall provide assistance to
11 municipalities, townships, counties, or associations working
12 with municipalities to help complete the plan and bidding
13 process.

14 (h) This Section does not prohibit municipalities or
15 counties from entering into an intergovernmental agreement to
16 aggregate residential and small commercial retail electric
17 loads.

18 (i) No later than December 31, 2022, the Illinois Power
19 Agency shall produce a report assessing how aggregation of
20 electrical load by municipalities, townships, and counties can
21 be used to help meet the renewable energy goals outlined in
22 this Act. This report shall contain, at a minimum, an
23 assessment of other states' utilization of load aggregation in
24 meeting renewable energy goals, any known or expected barriers
25 in utilizing load aggregation for meeting renewable energy
26 goals, and recommendations for possible changes in State law

1 necessary for electrical load aggregation to be a driver of
2 new renewable energy project development. This report shall be
3 published on the Agency's website and delivered to the
4 Governor and General Assembly. To assist with developing this
5 report, the Agency may retain the services of its expert
6 consulting firm used to develop its procurement plans as
7 provided in paragraph (1) of subsection (a) of Section 1-75.

8 (Source: P.A. 97-338, eff. 8-12-11; 97-823, eff. 7-18-12;
9 97-1067, eff. 8-24-12; 98-404, eff. 1-1-14; 98-434, eff.
10 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14.)

11 (20 ILCS 3855/1-125)

12 Sec. 1-125. Agency annual reports.

13 (a) By February 15 of each year, the Agency shall report
14 annually to the Governor and the General Assembly on the
15 operations and transactions of the Agency. The annual report
16 shall include, but not be limited to, each of the following:

17 (1) The average quantity, price, and term of all
18 contracts for electricity procured under the procurement
19 plans for electric utilities.

20 (2) (Blank).

21 (3) The quantity, price, and rate impact of all energy
22 efficiency and demand response measures purchased for
23 electric utilities, and any measures included in the
24 procurement plan pursuant to Section 16-111.5B of the
25 Public Utilities Act.

1 (4) The amount of power and energy produced by each
2 Agency facility.

3 (5) The quantity of electricity supplied by each
4 Agency facility to municipal electric systems,
5 governmental aggregators, or rural electric cooperatives
6 in Illinois.

7 (6) The revenues as allocated by the Agency to each
8 facility.

9 (7) The costs as allocated by the Agency to each
10 facility.

11 (8) The accumulated depreciation for each facility.

12 (9) The status of any projects under development.

13 (10) Basic financial and operating information
14 specifically detailed for the reporting year and
15 including, but not limited to, income and expense
16 statements, balance sheets, and changes in financial
17 position, all in accordance with generally accepted
18 accounting principles, debt structure, and a summary of
19 funds on a cash basis.

20 (11) The average quantity, price, contract type and
21 term, and rate impact of all renewable resources procured
22 purchased under the long-term renewable resources
23 electricity procurement plans for electric utilities.

24 (12) A comparison of the costs associated with the
25 Agency's procurement of renewable energy resources to (A)
26 the Agency's costs associated with electricity generated

1 by other types of generation facilities and (B) the
2 benefits associated with the Agency's procurement of
3 renewable energy resources.

4 (13) An analysis of the rate impacts associated with
5 the Illinois Power Agency's procurement of renewable
6 resources, including, but not limited to, any long-term
7 contracts, on the eligible retail customers of electric
8 utilities. The analysis shall include the Agency's
9 estimate of the total dollar impact that the Agency's
10 procurement of renewable resources has had on the annual
11 electricity bills of the customer classes that comprise
12 each eligible retail customer class taking service from an
13 electric utility.

14 (14) (Blank). An analysis of how the operation of the
15 alternative compliance payment mechanism, any long term
16 contracts, or other aspects of the applicable renewable
17 portfolio standards impacts the rates of customers of
18 alternative retail electric suppliers.

19 (b) In addition to reporting on the transactions and
20 operations of the Agency, the Agency shall also endeavor to
21 report on the following items through its annual report,
22 recognizing that full and accurate information may not be
23 available for certain items:

24 (1) The overall nameplate capacity amount of installed
25 and scheduled renewable energy generation capacity
26 physically located in Illinois.

1 (2) The percentage of installed and scheduled
2 renewable energy generation capacity as a share of overall
3 electricity generation capacity physically located in
4 Illinois.

5 (3) The amount of megawatt hours produced by renewable
6 energy generation capacity physically located in Illinois
7 for the preceding delivery year.

8 (4) The percentage of megawatt hours produced by
9 renewable energy generation capacity physically located in
10 Illinois as a share of overall electricity generation from
11 facilities physically located in Illinois for the
12 preceding delivery year.

13 The Agency may seek assistance from the Illinois Commerce
14 Commission in developing its annual report and may also retain
15 the services of its expert consulting firm used to develop its
16 procurement plans as outlined in paragraph (1) of subsection
17 (a) of Section 1-75. Confidential or commercially sensitive
18 business information provided by retail customers, alternative
19 retail electric suppliers, or other parties shall be kept
20 confidential by the Agency consistent with Section 1-120, but
21 may be publicly reported in aggregate form.

22 (Source: P.A. 99-536, eff. 7-8-16.)

23 (20 ILCS 3855/1-128 new)

24 Sec. 1-128. Prairie State Generation Task Force. Within
25 180 days after the effective date of this amendatory Act of the

1 102nd General Assembly, the Prairie State Generation Task
2 Force shall be established, which shall consist of 10 members,
3 with each member possessing either technical or financial
4 expertise related to carbon sequestration, municipal
5 utilities, carbon emissions, electric generation, or
6 technology transition. Of the 10 members, 2 shall be appointed
7 by the Governor, 2 shall be appointed by the President of the
8 Senate, 2 shall be appointed by the Minority Leader of the
9 Senate, 2 shall be appointed by the Speaker of the House of
10 Representatives, and 2 shall be appointed by the Minority
11 Leader of the House of Representatives. The Governor shall
12 designate one of the members of the Task Force to serve as the
13 chairperson, and that person shall serve at the pleasure of
14 the Governor. The members shall not be compensated for serving
15 on the Task Force. The Task Force shall have the following
16 duties:

17 (1) investigate technical and financial options to
18 install carbon sequestration technology at the Prairie
19 State Generation Campus; and

20 (2) file a report with the General Assembly and the
21 Governor that sets forth the Task Force's findings
22 regarding the matters investigated pursuant to paragraph
23 (1).

24 Section 15-35. The State Finance Act is amended by adding
25 Sections 5.935, 5.936, and 5.937 as follows:

1 (30 ILCS 105/5.935 new)

2 Sec. 5.935. The Coal to Solar and Energy Storage
3 Initiative Fund.

4 (30 ILCS 105/5.936 new)

5 Sec. 5.936. The Energy Community Reinvestment Fund.

6 (30 ILCS 105/5.937 new)

7 Sec. 5.937. Energy Assistance Transition Fund.

8 Section 15-40. 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.

1 (b) Whenever the school board considers such action
2 advisable and in the best interests of the school district, to
3 lease vacant school property for a period not exceeding 51
4 years to a private not for profit school organization for use
5 in the care of persons with a mental disability who are
6 trainable and educable in the district or in the education of
7 the gifted children in the district. Before leasing such
8 property to a private not for profit school organization, the
9 school board must adopt a resolution for the leasing of such
10 property, fixing the period and price therefor, and order
11 submitted to referendum at an election to be held in the
12 district as provided in the general election law, the question
13 of whether the lease should be entered into. Thereupon, the
14 secretary shall certify to the proper election authorities the
15 proposition for submission in accordance with the general
16 election law. If the majority of the voters voting upon the
17 proposition vote in favor of the leasing, the school board may
18 proceed with the leasing. The proposition shall be in
19 substantially the following form:

20 -----
21 Shall School District No. of
22 County, Illinois lease to YES
23 (here name and identify the
24 lessee) the following described vacant -----
25 school property (here describe the
26 property) for a term of years NO

1 for the sum of Dollars?

2 -----

3 This paragraph (b) shall not be construed in such a manner
4 as to relieve the responsibility of the Board of Education as
5 set out in Article 14 of the School Code.

6 (c) To lease school buildings and land to suitable lessees
7 for educational purposes or for any other purpose which serves
8 the interests of the community, for a term not to exceed 25
9 years and upon such terms and conditions as may be agreed upon
10 by the parties, when such buildings and land are declared by
11 the board to be unnecessary or unsuitable or inconvenient for
12 a school or the uses of the district during the term of the
13 lease and when, in the opinion of the board, the best interests
14 of the residents of the school district will be enhanced by
15 entering into such a lease. Such leases shall include
16 provisions for adequate insurance for both liability and
17 property damage or loss, and reasonable charges for
18 maintenance and depreciation of such buildings and land.

19 (d) Notwithstanding any other provision to the contrary, a
20 lease for vacant school property may exceed 25 years for
21 renewable energy resources, as defined in Section 1-10 of the
22 Illinois Power Agency Act.

23 (Source: P.A. 99-143, eff. 7-27-15.)

24 Section 15-45. The University of Illinois Act is amended
25 by adding Section 120 as follows:

1 (110 ILCS 305/120 new)

2 Sec. 120. Carbon capture, utilization, and storage report.

3 (a) Subject to appropriation, the Prairie Research
4 Institute at the University of Illinois at Urbana-Champaign,
5 in consultation with an intergovernmental advisory committee,
6 must file a report on the potential for carbon capture,
7 utilization, and storage as a climate mitigation technology
8 throughout Illinois with the Governor and the General Assembly
9 no later than December 31, 2022. The report shall provide an
10 assessment of Illinois subsurface storage resources, a
11 description of existing and selected subsurface storage
12 projects, and best practices for carbon storage. Additionally,
13 the report shall provide recommendations for policy and
14 regulatory needs at the State level based on its findings, and
15 shall, at a minimum, address all the following areas:

16 (1) carbon capture, utilization, and storage current
17 status and future storage resource potential in the State.
18 Enhanced Oil Recovery shall remain outside the scope of
19 this study;

20 (2) procedures, standards, and safeguards for the
21 storage of carbon dioxide;

22 (3) permitting processes and the coordination with
23 applicable federal law or regulatory commissions,
24 including the Class VI injection well permitting process;

25 (4) economic impact, job creation, and job retention

1 from carbon capture, utilization, and storage that both
2 protects the environment and supports short-term and
3 long-term economic growth;

4 (5) development of knowledge capacity of appropriate
5 State agencies and stakeholders;

6 (6) environmental justice and stakeholder issues
7 related to carbon capture, utilization, and storage
8 throughout the State;

9 (7) leveraging federal policies and public-private
10 partnerships for research, design, and development to
11 benefit the State;

12 (8) liability for the storage and monitoring
13 maintenance of the carbon dioxide after the completion of
14 a carbon capture, utilization, and storage project;

15 (9) acquisition, ownership, and amalgamation of pore
16 space for carbon capture, utilization, and storage;

17 (10) methodologies to establish any necessary fees,
18 costs, or offsets; and

19 (11) any risks to health, safety, the environment, and
20 property uses or values.

21 (b) In developing the report under this Section, the
22 Prairie Research Institute shall form an advisory committee,
23 which shall be composed of all the following members:

24 (1) the Director of the Environmental Protection
25 Agency, or his or her designee;

26 (2) the Director of Natural Resources, or his or her

1 designee;

2 (3) the Director of Commerce and Economic Opportunity,
3 or his or her designee;

4 (4) the Director of the Illinois Emergency Management
5 Agency, or his or her designee;

6 (5) the Director of Agriculture, or his or her
7 designee;

8 (6) the Attorney General, or his or her designee;

9 (7) one member of the Senate, appointed by the
10 President of the Senate;

11 (8) one member of the House of Representatives,
12 appointed by the Speaker of the House of Representatives;

13 (9) one member of the Senate, appointed by the
14 Minority Leader of the Senate; and

15 (10) one member of the House of Representatives,
16 appointed by the Minority Leader of the House of
17 Representatives.

18 (c) No later than 60 days after the effective date of this
19 amendatory Act of the 102nd General Assembly, the advisory
20 committee shall hold its first meeting at the call of the
21 Executive Director of the Prairie Research Institute, at which
22 meeting the members shall select a chairperson from among
23 themselves. After its first meeting, the committee shall meet
24 at the call of the chairperson. Members of the committee shall
25 serve without compensation. The Prairie Research Committee
26 shall provide administrative support to the committee.

1 (d) The Prairie Research Institute shall also engage with
2 interested stakeholders throughout the State to gain insights
3 into socio-economic perspectives from environmental justice
4 organizations, environmental non-governmental organizations,
5 industry, landowners, farm bureaus, manufacturing, labor
6 unions, and others.

7 (e) This Section is repealed on January 1, 2023.

8 Section 15-50. The Public Utilities Act is amended by
9 changing Sections 3-105, 8-103B, 8-406, 16-107.5, 16-107.6,
10 16-108, and 16-111.5 and by adding Sections 4-604, 8-201.8,
11 8-201.9, 8-201.10, 8-402.2, 8-512, 9-228, 16-135 as follows:

12 (220 ILCS 5/3-105) (from Ch. 111 2/3, par. 3-105)

13 Sec. 3-105. Public utility.

14 (a) "Public utility" means and includes, except where
15 otherwise expressly provided in this Section, every
16 corporation, company, limited liability company, association,
17 joint stock company or association, firm, partnership or
18 individual, their lessees, trustees, or receivers appointed by
19 any court whatsoever that now or hereafter owns, controls,
20 operates or manages, within this State, directly or
21 indirectly, for public use, any plant, equipment or property
22 used or to be used for or in connection with, or now owns or
23 controls any franchise, license, permit or right to engage in:

24 (1) the production, storage, transmission, sale,

1 delivery or furnishing of heat, cold, power, electricity,
2 water, or light, except when used solely for
3 communications purposes;

4 (2) the disposal of sewerage; or

5 (3) the conveyance of oil or gas by pipe line.

6 (b) "Public utility" does not include, however:

7 (1) public utilities that are owned and operated by
8 any political subdivision, public institution of higher
9 education or municipal corporation of this State, or
10 public utilities that are owned by such political
11 subdivision, public institution of higher education, or
12 municipal corporation and operated by any of its lessees
13 or operating agents;

14 (2) water companies which are purely mutual concerns,
15 having no rates or charges for services, but paying the
16 operating expenses by assessment upon the members of such
17 a company and no other person;

18 (3) electric cooperatives as defined in Section 3-119;

19 (4) the following natural gas cooperatives:

20 (A) residential and commercial natural gas
21 cooperatives that are not-for-profit corporations
22 established for the purpose of administering and
23 operating, on a cooperative basis, the furnishing of
24 natural gas to residences and commercial enterprises
25 for the benefit of their members who are ~~residential~~
26 consumers of natural gas. For entities qualifying as

1 residential natural gas cooperatives and recognized by
2 the Illinois Commerce Commission as such, the State
3 shall guarantee legally binding contracts entered into
4 by residential natural gas cooperatives for the
5 express purpose of acquiring natural gas supplies for
6 their members. The Illinois Commerce Commission shall
7 establish rules and regulations providing for such
8 guarantees. The total liability of the State in
9 providing all such guarantees shall not at any time
10 exceed \$1,000,000, nor shall the State provide such a
11 guarantee to a residential natural gas cooperative for
12 more than 3 consecutive years. For a commercial
natural gas cooperative to qualify and be recognized
by the Illinois Commerce Commission, the properties
that receive retail natural gas service from the
commercial natural gas cooperative: (i) must be
located in a county that has a population of not more
than 300,000 people and that borders the Mississippi
River or is contiguous to any such county and has a
population of between 10,000 and 50,000 people; (ii)
shall not have a public utility-owned natural gas
transportation pipeline located within the properties
at the time of commencement of service; (iii) shall
comprise not less than 500 acres and not more than
2,500 acres, which territory does not need to be
contiguous; and (iv) shall be used exclusively for

1 non-residential purposes; and

2 (B) natural gas cooperatives that are
3 not-for-profit corporations operated for the purpose
4 of administering, on a cooperative basis, the
5 furnishing of natural gas for the benefit of their
6 members and that, prior to 90 days after the effective
7 date of this amendatory Act of the 94th General
8 Assembly, either had acquired or had entered into an
9 asset purchase agreement to acquire all or
10 substantially all of the operating assets of a public
11 utility or natural gas cooperative with the intention
12 of operating those assets as a natural gas
13 cooperative;

14 (5) sewage disposal companies which provide sewage
15 disposal services on a mutual basis without establishing
16 rates or charges for services, but paying the operating
17 expenses by assessment upon the members of the company and
18 no others;

19 (6) (blank);

20 (7) cogeneration facilities, small power production
21 facilities, and other qualifying facilities, as defined in
22 the Public Utility Regulatory Policies Act and regulations
23 promulgated thereunder, except to the extent State
24 regulatory jurisdiction and action is required or
25 authorized by federal law, regulations, regulatory
26 decisions or the decisions of federal or State courts of

1 competent jurisdiction;

2 (8) the ownership or operation of a facility that
3 sells compressed natural gas at retail to the public for
4 use only as a motor vehicle fuel and the selling of
5 compressed natural gas at retail to the public for use
6 only as a motor vehicle fuel;

7 (9) alternative retail electric suppliers as defined
8 in Article XVI; and

9 (10) the Illinois Power Agency.

10 (c) An entity that furnishes the service of charging
11 electric vehicles does not and shall not be deemed to sell
12 electricity and is not and shall not be deemed a public utility
13 notwithstanding the basis on which the service is provided or
14 billed. If, however, the entity is otherwise deemed a public
15 utility under this Act, or is otherwise subject to regulation
16 under this Act, then that entity is not exempt from and remains
17 subject to the otherwise applicable provisions of this Act.
18 The installation, maintenance, and repair of an electric
19 vehicle charging station shall comply with the requirements of
20 subsection (a) of Section 16-128 and Section 16-128A of this
21 Act.

22 For purposes of this subsection, the term "electric
23 vehicles" has the meaning ascribed to that term in Section 10
24 of the Electric Vehicle Act.

25 (Source: P.A. 97-1128, eff. 8-28-12.)

1 (220 ILCS 5/4-604 new)

2 Sec. 4-604. Electric and natural gas public utilities
3 ethical conduct and transparency.

4 (a) It is the policy of this State that, as regulated,
5 monopoly entities providing essential services, public
6 utilities must adhere to the highest standards of ethical
7 conduct. It is in the public interest to ensure ethical public
8 utility conduct of the highest standards. It is therefore
9 necessary for the public interest, safety, and welfare of the
10 State and of public utility customers to develop rigorous
11 ethical standards and scrutinize and limit public utility
12 actions, expenditures, and contracting. It is also necessary
13 to provide increased transparency to ensure ethical public
14 utility conduct.

15 (b) The standards set forth in this Section and the
16 Illinois Administrative Code rules implementing this Section
17 shall apply, to the extent practicable, to electric and
18 natural gas public utilities and their holding or parent
19 companies, affiliates, and service companies.

20 (c) Public Utility Ethics and Compliance Monitor. To
21 ensure public utilities meet the highest level of ethical
22 standards, including, but not limited to, those standards
23 established in this Section, the Commission shall, within 60
24 days after the effective date of this amendatory Act of the
25 102nd General Assembly, establish an Ethics and Accountability
26 Division at the Commission and shall create a new position of

1 Public Utility Ethics and Compliance Monitor who reports to
2 the Executive Director of the Commission. The role of the
3 Public Utility Ethics and Compliance Monitor shall be to
4 oversee electric and natural gas public utilities' compliance
5 with the standards established in this Section, the Illinois
6 Administrative Code, and any other regulatory or statutory
7 obligation regarding standards of ethical conduct. The
8 responsibilities of the Public Utility Ethics and Compliance
9 Monitor shall include:

10 (1) Hiring additional staff for the Ethics and
11 Accountability Division, as deemed necessary to fulfill
12 the duties imposed under this Section.

13 (2) Overseeing each Chief Compliance and Ethics
14 Officer's monitoring, auditing, investigation,
15 enforcement, reporting, disciplinary activities, and any
16 other actions required of the Chief Compliance and Ethics
17 Officer. If the Public Utility Independent Monitor finds a
18 public utility has not complied with the standards set
19 forth in this Section, or with administrative rules
20 implementing this Section, the Public Utility Ethics and
21 Compliance Monitor shall detail such deficiencies in a
22 report to the Commission and shall include a
23 recommendation for Commission action.

24 (3) Documenting violations of the standards in this
25 Section or in related Sections of the Illinois
26 Administrative Code and, in coordination with the

1 utility's Chief Compliance and Ethics Officer, ensuring
2 each public utility administers appropriate internal
3 disciplinary actions and provides transparent reporting to
4 the Commission. If there are violations of the standards
5 in this Section or in related Sections of the Illinois
6 Administrative Code where the public utility does not take
7 disciplinary action or where that action is not aligned
8 with the recommendation of the Public Utility Ethics and
9 Compliance Monitor, the Public Utility Ethics and
10 Compliance Monitor shall, within 30 days, report the
11 violation, the recommended disciplinary action, and the
12 public utility's actual disciplinary action, to the
13 Executive Director of the Commission. Such reports shall
14 be included in the annual ethics report required by
15 paragraph (5) of this subsection (c) and must describe the
16 violation and related recommendations.

17 (4) Reviewing and keeping informed regarding internal
18 controls, code of ethical conduct, practices, procedures,
19 and conduct of each public utility. The Public Utilities
20 Ethics and Compliance Monitor may recommend any new
21 internal controls, policies, practices or procedures the
22 public utility should undertake in order to ensure
23 compliance with this Section and with relevant Sections of
24 the Illinois Administrative Code.

25 (5) Publishing an annual ethics audit for each
26 electric and natural gas public utility describing the

1 public utility's internal controls, policies, practices,
2 and procedures to comply with statutes, rules, court
3 orders, or other applicable authority. The report shall
4 include a record of any disciplinary actions taken related
5 to unethical conduct as well as any recommendations made
6 by the Public Utility Ethics and Compliance Monitor and
7 the public utility's response to each recommendation. This
8 report must be made public and the Commission may make
9 necessary redactions.

10 (6) Monitoring, auditing, and subpoenaing all records
11 necessary for the Public Utility Ethics and Compliance
12 Monitor to meet the responsibilities imposed under this
13 Section and related rules, including, but not limited to,
14 contracts with third party entities, accounting records,
15 communication with public officials or their staff,
16 lobbying activities, expenses on lobbyists and
17 consultants, legal expenses, and internal compliance
18 policies.

19 (d) (1) No later than 60 days after the effective date of
20 this amendatory Act of the 102nd General Assembly, each public
21 utility shall establish a position of Chief Ethics and
22 Compliance Officer if such position does not already exist
23 within the utility or at an affiliated company, provided that
24 if the position exists at an affiliated company such
25 individual may be designated to serve this role for the
26 utility. The Chief Ethics and Compliance Officer shall be

1 responsible for ensuring that the public utility complies with
2 the highest standards of ethical conduct, including, but not
3 limited to, complying with the standards imposed 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.

7 (2) Each public utility's Chief Ethics and Compliance
8 Officer shall:

9 (A) oversee creation and implementation of a code of
10 ethical conduct for the public utility, applicable to all
11 directors, officers, employees, and lobbyists of the
12 public utility, as well as to all contractors,
13 consultants, agents, vendors, and business partners of the
14 public utility in connection with their activities with or
15 on behalf of the public utility;

16 (B) oversee training for public utility directors,
17 officers, and employees, as well as contractors,
18 consultants, lobbyists and political consultants, on the
19 public utility's code of ethical conduct, practices, and
20 procedures to advise agents, vendors, and business
21 partners of the public utility of the applicability of the
22 code of ethical conduct to their activities with or on
23 behalf of the public utility;

24 (C) oversee the ongoing monitoring of all contractors,
25 consultants, and vendors who are contracted for the
26 purpose of carrying out lobbying activities to ensure

1 their continued compliance with applicable ethical
2 standards;

3 (D) at least annually, oversee a review of the public
4 utility's internal controls, code of ethical conduct,
5 practices, and procedures to assess their continued
6 effectiveness to ensure the highest standards of ethical
7 conduct among the public utility's directors, officers,
8 employees, contractors, consultants, lobbyists, vendors,
9 agents and business partners; and

10 (E) maintain records of all conduct determined to be
11 in violation of Illinois law, rules, and regulations, and
12 the utility's response to that conduct, and make such
13 records available for inspection by the Public Utility
14 Ethics and Compliance Monitor.

15 (e) In addition to those standards established under this
16 Section, those adopted pursuant to a rulemaking authorized by
17 this Section, and other applicable requirements of Illinois
18 law and rules, each public utility Chief Ethics and Compliance
19 Officer shall oversee and ensure the development and
20 implementation of internal controls, policies, and procedures
21 to achieve the objectives set forth in paragraphs (1) through
22 (3) of this subsection. Such implementation shall begin no
23 later than 90 days after the effective date of this amendatory
24 Act of the 102nd General Assembly.

25 (1) The hiring of contractors, consultants and vendors
26 for the purpose of carrying out lobbying pursuant to the

1 Lobbyist Registration Act shall be reviewed and approved
2 by the Chief Ethics and Compliance Officer.

3 (2) No agreement between a public utility and a
4 contractor, consultant, or vendor engaged for the purpose
5 of carrying out lobbying pursuant to the Lobbyist
6 Registration Act shall permit that contractor, consultant,
7 or vendor to subcontract any portion of that work.

8 (3) Public utilities shall require contractors,
9 consultants, and vendors who are contracted for the
10 purpose of carrying out lobbying pursuant to the Lobbyist
11 Registration Act to provide detailed invoices and reports
12 describing activities taken and amounts billed for such
13 activities, including all persons involved and anything of
14 value requested or solicited or provided to public
15 officials or their staff, including hiring requests. No
16 such contractor, consultant, or vendor shall be paid
17 without having first submitted a detailed invoice or
18 report.

19 For purposes of this Section, "anything of value"
20 includes, but is not limited to, money, gifts,
21 entertainment, hiring referrals and recommendations to the
22 public utility, campaign contributions, vendor referrals,
23 and contributions to charitable organizations solicited by
24 or on behalf of the public official.

25 (f) Each public utility shall be required to submit an
26 annual ethics and compliance report to the Commission no later

than May 1 of each year, beginning May 1, 2022. The utility's Chief Ethics and Compliance Officer shall oversee the preparation and submission of the report and shall certify it. Each report shall describe in detail the public utility's internal controls, codes of ethical conduct, practices, and procedures. The reporting implemented during the reporting period to comply with the standards set forth in this Section, rules adopted by the Commission, and other applicable requirements of Illinois law and rules. Each report shall also identify any material changes implemented to such internal controls, code of ethical conduct, practices, and procedures during the reporting period, as well as any material changes implemented, or anticipated to be implemented, in the calendar year in which the report is filed. Each report shall, for the applicable reporting period include at least the following information:

(1) a summary and description of the public utility's system of financial and accounting procedures, internal controls, and practices, including an explanation of how this system is reasonably designed to ensure the maintenance of fair and accurate books, records, and accounts and to provide reasonable assurances that transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles and Commission requirements and to maintain accountability for assets;

1 (2) a summary and description of the public utility's
2 process for conducting an assessment of ethics and
3 compliance risks and a representation that an assessment
4 was conducted in accordance with those risks and shared
5 with the public utility's senior management and board of
6 directors;

7 (3) a summary of the public utility's implementation
8 of mechanisms, including, but not limited to, training
9 programs designed to ensure that its internal controls,
10 code of ethical conduct, practices, and procedures are
11 effectively communicated to all directors, officers,
12 employees, contractors, consultants, lobbyists, vendors,
13 agents, and business partners;

14 (4) a summary of the public utility's efforts to
15 ensure that its directors and senior management provide
16 strong, explicit, and visible support and commitment to
17 its corporate policy against violations of federal and
18 State law;

19 (5) a summary of the public utility's implementation
20 of mechanisms designed to effectively enforce its internal
21 controls, code of ethical conduct, practices, and
22 procedures, including appropriately providing incentives
23 for compliance disciplining violators, and applying such
24 code, controls, policies, practices, and procedures
25 consistently and fairly regardless of the position held
26 by, or the importance of, the director, officer, or

1 employee; and

2 (6) a summary of the public utility's implementation
3 of procedures to ensure that, where misconduct is
4 discovered, reasonable steps are taken to remedy the harm
5 resulting from such misconduct, including disciplinary
6 action, logging the conduct and the utility's response as
7 required by item (E) of paragraph (2) of subsection (d) of
8 this Section and assessing and modifying as appropriate
9 the internal controls, code, policies, practices and
10 procedures necessary to ensure the compliance program is
11 effective.

12 For purposes of this Section, "reporting period" means
13 the most recent 12-month calendar year period preceding
14 the applicable May 1 annual report filing date.

15 (g) Notwithstanding the provisions of this Section, the
16 Commission shall initiate a management audit pursuant to
17 Section 8-102 of this Act by the later of 18 months after the
18 effective date of this amendatory Act of the 102nd General
19 Assembly or 18 months after a conviction or a plea or agreement
20 of each public utility that, on or after January 1, 2020, has
21 been found guilty or entered a guilty plea regarding any
22 felony offense or has entered into a Deferred Prosecution
23 Agreement for a felony offense. Such audit shall address, at a
24 minimum, the topics identified in paragraphs (1) through (6)
25 of subsection (f).

26 (h) Each public utility that files a report pursuant to

1 subsection (f) must submit the specified filing fee at the
2 time the Chief Clerk of the Commission accepts the filing. The
3 filings fees applicable to each annual report are as follows:
4 \$15,000 for public utilities that serve fewer than 100,000
5 customers in the State; \$75,000 for public utilities that
6 serve at least 100,000 customers but not more than 500,000
7 customers in the State; \$200,000 for public utilities that
8 serve at least 500,000 customers in the State but not more than
9 3,000,000; and \$500,000 for public utilities that serve at
10 least 3,000,000 customers in the State.

11 (i) Noncompliance. In the event the Public Utility Ethics
12 and Compliance Monitor finds a public utility does not comply
13 with any portion of this Section, or with the rules adopted
14 under this Section, the Public Utility Ethics Inspector shall
15 issue a Report to the Commission detailing the public
16 utility's deficiencies. The Commission shall have authority to
17 open an investigation and shall order remediation and
18 penalties, including fines, as appropriate.

19 (j) Each year, each public utility in the State shall
20 remit amounts necessary for the Commission to pay the wages,
21 overhead, travel expenses, and other costs of the Public
22 Utility Ethics and Compliance Monitor. The public utility
23 shall remit payment to the Commission in an amount determined
24 by the Commission based on that public utility's proportional
25 share, by number of customers.

26 (k) A public utility's cost of compliance with this

1 Section is not a cost of service and shall not be recoverable
2 in rates.

3 (l) The costs of a public utility that is the subject of a
4 criminal investigation or the subject of an investigation
5 initiated by the Commission as the result of an ethics
6 violation are not costs of service and shall not be
7 recoverable in rates.

8 (m) The Commission shall have the authority to adopt rules
9 and emergency rules where applicable to implement this
10 Section.

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

total resource cost test. The low-income measures described in subsection (c) of this Section shall not be required to meet the total resource cost test. For purposes of this Section, the terms "energy-efficiency", "demand-response", "electric utility", and "total resource cost test" have the meanings set forth in the Illinois Power Agency Act. "Black, indigenous, and people of color" and "BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

(a-5) This Section applies to electric utilities serving more than 500,000 retail customers in the State for those multi-year plans commencing after December 31, 2017.

(b) For purposes of this Section, electric utilities subject to this Section that serve more than 3,000,000 retail customers in the State shall be deemed to have achieved a cumulative persisting annual savings of 6.6% from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, which percent is based on the deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015, and 2016 of 88,000,000 MWhs. ~~For the purposes of this subsection (b) and subsection (b-5), the 88,000,000 MWhs of deemed electric power and energy sales shall be reduced by the number of MWhs equal to the sum of the annual consumption of~~

~~customers that are exempt from subsections (a) through (j) of this Section under subsection (l) of this Section, as averaged across the calendar years 2014, 2015, and 2016.~~ After 2017, the deemed value of cumulative persisting annual savings from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, shall be reduced each year, as follows, and the applicable value shall be applied to and count toward the utility's achievement of the cumulative persisting annual savings goals set forth in subsection (b-5):

(1) 5.8% deemed cumulative persisting annual savings for the year ending December 31, 2018;

(2) 5.2% deemed cumulative persisting annual savings for the year ending December 31, 2019;

(3) 4.5% deemed cumulative persisting annual savings for the year ending December 31, 2020;

(4) 4.0% deemed cumulative persisting annual savings for the year ending December 31, 2021;

(5) 3.5% deemed cumulative persisting annual savings for the year ending December 31, 2022;

(6) 3.1% deemed cumulative persisting annual savings for the year ending December 31, 2023;

(7) 2.8% deemed cumulative persisting annual savings for the year ending December 31, 2024;

(8) 2.5% deemed cumulative persisting annual savings for the year ending December 31, 2025;

1 (9) 2.3% deemed cumulative persisting annual savings
2 for the year ending December 31, 2026;

3 (10) 2.1% deemed cumulative persisting annual savings
4 for the year ending December 31, 2027;

5 (11) 1.8% deemed cumulative persisting annual savings
6 for the year ending December 31, 2028;

7 (12) 1.7% deemed cumulative persisting annual savings
8 for the year ending December 31, 2029; and

9 (13) 1.5% deemed cumulative persisting annual savings
10 for the year ending December 31, 2030.~~i-~~

11 (14) 1.3% deemed cumulative persisting annual savings
12 for the year ending December 31, 2031;

13 (15) 1.1% deemed cumulative persisting annual savings
14 for the year ending December 31, 2032;

15 (16) 0.9% deemed cumulative persisting annual savings
16 for the year ending December 31, 2033;

17 (17) 0.7% deemed cumulative persisting annual savings
18 for the year ending December 31, 2034;

19 (18) 0.5% deemed cumulative persisting annual savings
20 for the year ending December 31, 2035;

21 (19) 0.4% deemed cumulative persisting annual savings
22 for the year ending December 31, 2036;

23 (20) 0.3% deemed cumulative persisting annual savings
24 for the year ending December 31, 2037;

25 (21) 0.2% deemed cumulative persisting annual savings
26 for the year ending December 31, 2038;

- 1 (22) 0.1% deemed cumulative persisting annual savings
2 for the year ending December 31, 2039; and
3 (23) 0.0% deemed cumulative persisting annual savings
4 for the year ending December 31, 2040 and all subsequent
5 years.

6 For purposes of this Section, "cumulative persisting
7 annual savings" means the total electric energy savings in a
8 given year from measures installed in that year or in previous
9 years, but no earlier than January 1, 2012, that are still
10 operational and providing savings in that year because the
11 measures have not yet reached the end of their useful lives.

12 (b-5) Beginning in 2018, electric utilities subject to
13 this Section that serve more than 3,000,000 retail customers
14 in the State shall achieve the following cumulative persisting
15 annual savings goals, as modified by subsection (f) of this
16 Section and as compared to the deemed baseline of 88,000,000
17 MWhs of electric power and energy sales set forth in
18 subsection (b), ~~as reduced by the number of MWhs equal to the~~
19 ~~sum of the annual consumption of customers that are exempt~~
20 ~~from subsections (a) through (j) of this Section under~~
21 ~~subsection (l) of this Section as averaged across the calendar~~
22 ~~years 2014, 2015, and 2016,~~ through the implementation of
23 energy efficiency measures during the applicable year and in
24 prior years, but no earlier than January 1, 2012:

- 25 (1) 7.8% cumulative persisting annual savings for the
26 year ending December 31, 2018;

1 (2) 9.1% cumulative persisting annual savings for the
2 year ending December 31, 2019;

3 (3) 10.4% cumulative persisting annual savings for the
4 year ending December 31, 2020;

5 (4) 11.8% cumulative persisting annual savings for the
6 year ending December 31, 2021;

7 (5) 13.1% cumulative persisting annual savings for the
8 year ending December 31, 2022;

9 (6) 14.4% cumulative persisting annual savings for the
10 year ending December 31, 2023;

11 (7) 15.7% cumulative persisting annual savings for the
12 year ending December 31, 2024;

13 (8) 17% cumulative persisting annual savings for the
14 year ending December 31, 2025;

15 (9) 17.9% cumulative persisting annual savings for the
16 year ending December 31, 2026;

17 (10) 18.8% cumulative persisting annual savings for
18 the year ending December 31, 2027;

19 (11) 19.7% cumulative persisting annual savings for
20 the year ending December 31, 2028;

21 (12) 20.6% cumulative persisting annual savings for
22 the year ending December 31, 2029; and

23 (13) 21.5% cumulative persisting annual savings for
24 the year ending December 31, 2030.

25 No later than December 31, 2021, the Illinois Commerce
26 Commission shall establish additional cumulative persisting

1 annual savings goals for the years 2031 through 2035. No later
2 than December 31, 2024, the Illinois Commerce Commission shall
3 establish additional cumulative persisting annual savings
4 goals for the years 2036 through 2040. The Commission shall
5 also establish additional cumulative persisting annual savings
6 goals every 5 years thereafter to ensure utilities always have
7 goals that extend at least 11 years into the future. The
8 cumulative persisting annual savings goals beyond the year
9 2030 shall increase by 0.9 percentage points per year, absent
10 a Commission decision to initiate a proceeding to consider
11 establishing goals that increase by more or less than that
12 amount. Such a proceeding must be conducted in accordance with
13 the procedures described in subsection (f) of this Section. If
14 such a proceeding is initiated, the cumulative persisting
15 annual savings goals established by the Commission through
16 that proceeding shall reflect the Commission's best estimate
17 of the maximum amount of additional savings that are forecast
18 to be cost-effectively achievable unless such best estimates
19 would result in goals that represent less than 0.5 percentage
20 point annual increases in total cumulative persisting annual
21 savings. The Commission may only establish goals that
22 represent less than 0.5 percentage point annual increases in
23 cumulative persisting annual savings if it can demonstrate,
24 based on clear and convincing evidence and through independent
25 analysis, that 0.5 percentage point increases are not
26 cost-effectively achievable. The Commission shall inform its

1 decision based on an energy efficiency potential study that
2 conforms to the requirements of this Section.

3 (b-10) For purposes of this Section, electric utilities
4 subject to this Section that serve less than 3,000,000 retail
5 customers but more than 500,000 retail customers in the State
6 shall be deemed to have achieved a cumulative persisting
7 annual savings of 6.6% from energy efficiency measures and
8 programs implemented during the period beginning January 1,
9 2012 and ending December 31, 2017, which is based on the deemed
10 average weather normalized sales of electric power and energy
11 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.
12 ~~For the purposes of this subsection (b-10) and subsection~~
13 ~~(b-15), the 36,900,000 MWhs of deemed electric power and~~
14 ~~energy sales shall be reduced by the number of MWhs equal to~~
15 ~~the sum of the annual consumption of customers that are exempt~~
16 ~~from subsections (a) through (j) of this Section under~~
17 ~~subsection (l) of this Section, as averaged across the~~
18 ~~calendar years 2014, 2015, and 2016.~~ After 2017, the deemed
19 value of cumulative persisting annual savings from energy
20 efficiency measures and programs implemented during the period
21 beginning January 1, 2012 and ending December 31, 2017, shall
22 be reduced each year, as follows, and the applicable value
23 shall be applied to and count toward the utility's achievement
24 of the cumulative persisting annual savings goals set forth in
25 subsection (b-15):

26 (1) 5.8% deemed cumulative persisting annual savings

for the year ending December 31, 2018;

(2) 5.2% deemed cumulative persisting annual savings
for the year ending December 31, 2019;

(3) 4.5% deemed cumulative persisting annual savings
for the year ending December 31, 2020;

(4) 4.0% deemed cumulative persisting annual savings
for the year ending December 31, 2021;

(5) 3.5% deemed cumulative persisting annual savings
for the year ending December 31, 2022;

(6) 3.1% deemed cumulative persisting annual savings
for the year ending December 31, 2023;

(7) 2.8% deemed cumulative persisting annual savings
for the year ending December 31, 2024;

(8) 2.5% deemed cumulative persisting annual savings
for the year ending December 31, 2025;

(9) 2.3% deemed cumulative persisting annual savings
for the year ending December 31, 2026;

(10) 2.1% deemed cumulative persisting annual savings
for the year ending December 31, 2027;

(11) 1.8% deemed cumulative persisting annual savings
for the year ending December 31, 2028;

(12) 1.7% deemed cumulative persisting annual savings
for the year ending December 31, 2029; and

(13) 1.5% deemed cumulative persisting annual savings
for the year ending December 31, 2030.if

(14) 1.3% deemed cumulative persisting annual savings

1 for the year ending December 31, 2031;

2 (15) 1.1% deemed cumulative persisting annual savings
3 for the year ending December 31, 2032;

4 (16) 0.9% deemed cumulative persisting annual savings
5 for the year ending December 31, 2033;

6 (17) 0.7% deemed cumulative persisting annual savings
7 for the year ending December 31, 2034;

8 (18) 0.5% deemed cumulative persisting annual savings
9 for the year ending December 31, 2035;

10 (19) 0.4% deemed cumulative persisting annual savings
11 for the year ending December 31, 2036;

12 (20) 0.3% deemed cumulative persisting annual savings
13 for the year ending December 31, 2037;

14 (21) 0.2% deemed cumulative persisting annual savings
15 for the year ending December 31, 2038;

16 (22) 0.1% deemed cumulative persisting annual savings
17 for the year ending December 31, 2039; and

18 (23) 0.0% deemed cumulative persisting annual savings
19 for the year ending December 31, 2040 and all subsequent
20 years.

21 (b-15) Beginning in 2018, electric utilities subject to
22 this Section that serve less than 3,000,000 retail customers
23 but more than 500,000 retail customers in the State shall
24 achieve the following cumulative persisting annual savings
25 goals, as modified by subsection (b-20) and subsection (f) of
26 this Section and as compared to the deemed baseline as reduced

1 by the number of MWhs equal to the sum of the annual
2 consumption of customers that are exempt from subsections (a)
3 through (j) of this Section under subsection (l) of this
4 Section as averaged across the calendar years 2014, 2015, and
5 2016, through the implementation of energy efficiency measures
6 during the applicable year and in prior years, but no earlier
7 than January 1, 2012:

8 (1) 7.4% cumulative persisting annual savings for the
9 year ending December 31, 2018;

10 (2) 8.2% cumulative persisting annual savings for the
11 year ending December 31, 2019;

12 (3) 9.0% cumulative persisting annual savings for the
13 year ending December 31, 2020;

14 (4) 9.8% cumulative persisting annual savings for the
15 year ending December 31, 2021;

16 (5) 10.6% cumulative persisting annual savings for the
17 year ending December 31, 2022;

18 (6) 11.4% cumulative persisting annual savings for the
19 year ending December 31, 2023;

20 (7) 12.2% cumulative persisting annual savings for the
21 year ending December 31, 2024;

22 (8) 13% cumulative persisting annual savings for the
23 year ending December 31, 2025;

24 (9) 13.6% cumulative persisting annual savings for the
25 year ending December 31, 2026;

26 (10) 14.2% cumulative persisting annual savings for

1 the year ending December 31, 2027;

2 (11) 14.8% cumulative persisting annual savings for
3 the year ending December 31, 2028;

4 (12) 15.4% cumulative persisting annual savings for
5 the year ending December 31, 2029; and

6 (13) 16% cumulative persisting annual savings for the
7 year ending December 31, 2030.

8 No later than December 31, 2021, the Illinois Commerce
9 Commission shall establish additional cumulative persisting
10 annual savings goals for the years 2031 through 2035. No later
11 than December 31, 2024, the Illinois Commerce Commission shall
12 establish additional cumulative persisting annual savings
13 goals for the years 2036 through 2040. The Commission shall
14 also establish additional cumulative persisting annual savings
15 goals every 5 years thereafter to ensure utilities always have
16 goals that extend at least 11 years into the future. The
17 cumulative persisting annual savings goals beyond the year
18 2030 shall increase by 0.6 percentage points per year, absent
19 a Commission decision to initiate a proceeding to consider
20 establishing goals that increase by more or less than that
21 amount. Such a proceeding must be conducted in accordance with
22 the procedures described in subsection (f) of this Section. If
23 such a proceeding is initiated, the cumulative persisting
24 annual savings goals established by the Commission through
25 that proceeding shall reflect the Commission's best estimate
26 of the maximum amount of additional savings that are forecast

1 to be cost-effectively achievable unless such best estimates
2 would result in goals that represent less than 0.4 percentage
3 point annual increases in total cumulative persisting annual
4 savings. The Commission may only establish goals that
5 represent less than 0.4 percentage point annual increases in
6 cumulative persisting annual savings if it can demonstrate,
7 based on clear and convincing evidence and through independent
8 analysis, that 0.4 percentage point increases are not
9 cost-effectively achievable. The Commission shall inform its
10 decision based on an energy efficiency potential study that
11 conforms to the requirements of this Section.

12 The difference between the cumulative persisting annual
13 savings goal for the applicable calendar year and the
14 cumulative persisting annual savings goal for the immediately
15 preceding calendar year is 0.8% for the period of January 1,
16 2018 through December 31, 2025 and 0.6% for the period of
17 January 1, 2026 through December 31, 2030.

18 (b-20) Each electric utility subject to this Section may
19 include cost-effective voltage optimization measures in its
20 plans submitted under subsections (f) and (g) of this Section,
21 and the costs incurred by a utility to implement the measures
22 under a Commission-approved plan shall be recovered under the
23 provisions of Article IX or Section 16-108.5 of this Act. For
24 purposes of this Section, the measure life of voltage
25 optimization measures shall be 15 years. The measure life
26 period is independent of the depreciation rate of the voltage

1 optimization assets deployed. Utilities may claim savings from
2 voltage optimization on circuits for more than 15 years if
3 they can demonstrate that they have made additional
4 investments necessary to enable voltage optimization savings
5 to continue beyond 15 years. Such demonstrations must be
6 subject to the review of independent evaluation.

7 Within 270 days after June 1, 2017 (the effective date of
8 Public Act 99-906), an electric utility that serves less than
9 3,000,000 retail customers but more than 500,000 retail
10 customers in the State shall file a plan with the Commission
11 that identifies the cost-effective voltage optimization
12 investment the electric utility plans to undertake through
13 December 31, 2024. The Commission, after notice and hearing,
14 shall approve or approve with modification the plan within 120
15 days after the plan's filing and, in the order approving or
16 approving with modification the plan, the Commission shall
17 adjust the applicable cumulative persisting annual savings
18 goals set forth in subsection (b-15) to reflect any amount of
19 cost-effective energy savings approved by the Commission that
20 is greater than or less than the following cumulative
21 persisting annual savings values attributable to voltage
22 optimization for the applicable year:

23 (1) 0.0% of cumulative persisting annual savings for
24 the year ending December 31, 2018;

25 (2) 0.17% of cumulative persisting annual savings for
26 the year ending December 31, 2019;

1 (3) 0.17% of cumulative persisting annual savings for
2 the year ending December 31, 2020;

3 (4) 0.33% of cumulative persisting annual savings for
4 the year ending December 31, 2021;

5 (5) 0.5% of cumulative persisting annual savings for
6 the year ending December 31, 2022;

7 (6) 0.67% of cumulative persisting annual savings for
8 the year ending December 31, 2023;

9 (7) 0.83% of cumulative persisting annual savings for
10 the year ending December 31, 2024; and

11 (8) 1.0% of cumulative persisting annual savings for
12 the year ending December 31, 2025 and all subsequent
13 years.

14 (b-25) In the event an electric utility jointly offers an
15 energy efficiency measure or program with a gas utility under
16 plans approved under this Section and Section 8-104 of this
17 Act, the electric utility may continue offering the program,
18 including the gas energy efficiency measures, in the event the
19 gas utility discontinues funding the program. In that event,
20 the energy savings value associated with such other fuels
21 shall be converted to electric energy savings on an equivalent
22 Btu basis for the premises. However, the electric utility
23 shall prioritize programs for low-income residential customers
24 to the extent practicable. An electric utility may recover the
25 costs of offering the gas energy efficiency measures under
26 this subsection (b-25).

1 For those energy efficiency measures or programs that save
2 both electricity and other fuels but are not jointly offered
3 with a gas utility under plans approved under this Section and
4 Section 8-104 or not offered with an affiliated gas utility
5 under paragraph (6) of subsection (f) of Section 8-104 of this
6 Act, the electric utility may count savings of fuels other
7 than electricity toward the achievement of its annual savings
8 goal, and the energy savings value associated with such other
9 fuels shall be converted to electric energy savings on an
10 equivalent Btu basis at the premises.

11 In no event shall more than 10% of each year's applicable
12 annual total savings requirement ~~incremental goal~~ as defined
13 in paragraph (7.5) ~~(7)~~ of subsection (g) of this Section be met
14 through savings of fuels other than electricity.

15 (b-27) Beginning in 2022, an electric utility may offer
16 and promote measures that electrify space heating, water
17 heating, cooling, drying, cooking, industrial processes, and
18 other building and industrial end uses that would otherwise be
19 served by combustion of fossil fuel at the premises, provided
20 that the electrification measures reduce total energy
21 consumption at the premises. The electric utility may count
22 the reduction in energy consumption at the premises toward
23 achievement of its annual savings goals. The reduction in
24 energy consumption at the premises shall be calculated as the
25 difference between: (A) the reduction in Btu consumption of
26 fossil fuels as a result of electrification, converted to

1 kilowatt-hour equivalents by dividing by 3,412 Btu's per
2 kilowatt hour; and (B) the increase in kilowatt hours of
3 electricity consumption resulting from the displacement of
4 fossil fuel consumption as a result of electrification. An
5 electric utility may recover the costs of offering and
6 promoting electrification measures under this subsection
7 (b-27).

8 In no event shall electrification savings counted toward
9 each year's applicable annual total savings requirement, as
10 defined in paragraph (7.5) of subsection (g) of this Section,
11 be greater than:

- 12 (1) 5% per year for each year from 2022 through 2025;
- 13 (2) 10% per year for each year from 2026 through 2029;
- 14 and
- 15 (3) 15% per year for 2030 and all subsequent years.

16 In addition, a minimum of 25% of all electrification savings
17 counted toward a utility's applicable annual total savings
18 requirement must be from electrification of end uses in
19 low-income housing. The limitations on electrification savings
20 that may be counted toward a utility's annual savings goals
21 are separate from and in addition to the subsection (b-25)
22 limitations governing the counting of the other fuel savings
23 resulting from efficiency measures and programs.

24 As part of the annual informational filing to the
25 Commission that is required under paragraph (9) of subsection
26 (q) of this Section, each utility shall identify the specific

1 electrification measures offered under this subsection (b-27);
2 the quantity of each electrification measure that was
3 installed by its customers; the average total cost, average
4 utility cost, average reduction in fossil fuel consumption,
5 and average increase in electricity consumption associated
6 with each electrification measure; the portion of
7 installations of each electrification measure that were in
8 low-income single-family housing, low-income multifamily
9 housing, non-low-income single-family housing, non-low-income
10 multifamily housing, commercial buildings, and industrial
11 facilities; and the quantity of savings associated with each
12 measure category in each customer category that are being
13 counted toward the utility's applicable annual total savings
14 requirement. Prior to installing an electrification measure,
15 the utility shall provide a customer with an estimate of the
16 impact of the new measure on the customer's average monthly
17 electric bill and total annual energy expenses.

18 (c) Electric utilities shall be responsible for overseeing
19 the design, development, and filing of energy efficiency plans
20 with the Commission and may, as part of that implementation,
21 outsource various aspects of program development and
22 implementation. A minimum of 10%, for electric utilities that
23 serve more than 3,000,000 retail customers in the State, and a
24 minimum of 7%, for electric utilities that serve less than
25 3,000,000 retail customers but more than 500,000 retail
26 customers in the State, of the utility's entire portfolio

1 funding level for a given year shall be used to procure
2 cost-effective energy efficiency measures from units of local
3 government, municipal corporations, school districts, public
4 housing, and community college districts, provided that a
5 minimum percentage of available funds shall be used to procure
6 energy efficiency from public housing, which percentage shall
7 be equal to public housing's share of public building energy
8 consumption.

9 The utilities shall also implement energy efficiency
10 measures targeted at low-income households, which, for
11 purposes of this Section, shall be defined as households at or
12 below 80% of area median income, and expenditures to implement
13 the measures shall be no less than \$40,000,000 ~~\$25,000,000~~ per
14 year for electric utilities that serve more than 3,000,000
15 retail customers in the State and no less than \$13,000,000
16 ~~\$8,350,000~~ per year for electric utilities that serve less
17 than 3,000,000 retail customers but more than 500,000 retail
18 customers in the State. The ratio of spending on efficiency
19 programs targeted at low-income multifamily buildings to
20 spending on efficiency programs targeted at low-income
21 single-family buildings shall be designed to achieve levels of
22 savings from each building type that are approximately
23 proportional to the magnitude of cost-effective lifetime
24 savings potential in each building type. Investment in
25 low-income whole-building weatherization programs shall
26 constitute a minimum of 80% of a utility's total budget

1 specifically dedicated to serving low-income customers.

2 The utilities shall work to bundle low-income energy
3 efficiency offerings with other programs that serve low-income
4 households to maximize the benefits going to these households.
5 The utilities shall market and implement low-income energy
6 efficiency programs in coordination with low-income assistance
7 programs, Solar for All, and weatherization whenever
8 practicable. The program implementer shall walk the customer
9 through the enrollment process for any programs for which the
10 customer is eligible. The utilities shall also pilot targeting
11 customers with high arrearages, high energy intensity (ratio
12 of energy usage divided by home or unit square footage), or
13 energy assistance programs with energy efficiency offerings,
14 and then track reduction in arrearages as a result of the
15 targeting. This targeting and bundling of low-income energy
16 programs shall be offered to both low-income single-family and
17 multifamily customers (owners and residents).

18 The utilities shall invest in all health and safety
19 measures appropriate and necessary for comprehensively
20 weatherizing a home or multifamily building, and shall
21 implement a health and safety fund of 0.5 at least 15% of the
22 total income-qualified weatherization budget, for electric
23 utilities that serve more than 3,000,000 retail customers in
24 the State, and a minimum of 15% of the total portfolio budget,
25 for electric utilities that serve less than 3,000,000 retail
26 customers but more than 500,000 retail customers in the State,

1 of the utility's entire portfolio funding level for a given
2 year, that shall be used for the purpose of making grants for
3 technical assistance, construction, reconstruction,
4 improvement, or repair of buildings to facilitate their
5 participation in the energy efficiency programs targeted at
6 low-income single-family and multifamily households. These
7 funds may also be used for the purpose of making grants for
8 technical assistance, construction, reconstruction,
9 improvement, or repair of the following buildings to
10 facilitate their participation in the energy efficiency
11 programs created by this Section: (1) buildings that are owned
12 or operated by registered 501(c) (3) public charities; and (2)
13 day care centers, day care homes, or group day care homes, as
14 defined under 89 Ill. Adm. Code Part 406, 407, or 408,
15 respectively. Utilities shall also ensure that thermal
16 insulating materials used for energy efficiency programs
17 targeted at low-income single-family and multifamily
18 households do not contain any substance that is a Category 1
19 respiratory sensitizer as defined by Appendix A to 29 CFR
20 1910.1200 (Health Hazard Criteria: A.4 Respiratory or Skin
21 Sensitization) that was intentionally added or is present at
22 greater than 0.1% (1000 ppm) by weight in the product.

23 Each electric utility shall assess opportunities to
24 implement cost-effective energy efficiency measures and
25 programs through a public housing authority or authorities
26 located in its service territory. If such opportunities are

1 identified, the utility shall propose such measures and
2 programs to address the opportunities. Expenditures to address
3 such opportunities shall be credited toward the minimum
4 procurement and expenditure requirements set forth in this
5 subsection (c).

6 Implementation of energy efficiency measures and programs
7 targeted at low-income households should be contracted, when
8 it is practicable, to independent third parties that have
9 demonstrated capabilities to serve such households, with a
10 preference for not-for-profit entities and government agencies
11 that have existing relationships with or experience serving
12 low-income communities in the State.

13 Each electric utility shall develop and implement
14 reporting procedures that address and assist in determining
15 the amount of energy savings that can be applied to the
16 low-income procurement and expenditure requirements set forth
17 in this subsection (c). Each electric utility shall also track
18 the types and quantities or volumes of insulation and air
19 sealing materials, and their associated energy saving
20 benefits, installed in energy efficiency programs targeted at
21 low-income single-family and multifamily households.

22 The electric utilities shall participate in ~~also convene~~ a
23 low-income energy efficiency accountability advisory committee
24 ("the committee"), which will directly inform ~~to assist~~ in the
25 design, implementation, and evaluation of the low-income and
26 public-housing energy efficiency programs. The committee shall

1 be comprised of the electric utilities subject to the
2 requirements of this Section, the gas utilities subject to the
3 requirements of Section 8-104.1 ~~8-104~~ of this Act, the
4 utilities' low-income energy efficiency implementation
5 contractors, nonprofit organizations, community action
6 agencies, advocacy groups, State and local governmental
7 agencies, public-housing organizations, and representatives of
8 community-based organizations, especially those living in or
9 working with environmental justice communities and BIPOC
10 communities. The committee shall be composed of 2
11 geographically differentiated subcommittees: one for
12 stakeholders in northern Illinois and one for stakeholders in
13 central and southern Illinois. The subcommittees shall meet
14 together at least twice per year.

15 There shall be one statewide leadership committee led by
16 and composed of community-based organizations that are
17 representative of BIPOC and environmental justice communities
18 and that includes equitable representation from BIPOC
19 communities. The leadership committee shall be composed of an
20 equal number of representatives from the 2 subcommittees. The
21 subcommittees shall address specific programs and issues, with
22 the leadership committee convening targeted workgroups as
23 needed. The leadership committee may elect to work with an
24 independent facilitator to solicit and organize feedback,
25 recommendations and meeting participation from a wide variety
26 of community-based stakeholders. If a facilitator is used,

1 they shall be fair and responsive to the needs of all
2 stakeholders involved in the committee.

3 All committee meetings must be accessible, with rotating
4 locations if meetings are held in-person, virtual
5 participation options, and materials and agendas circulated in
6 advance.

7 There shall also be opportunities for direct input by
8 committee members outside of committee meetings, such as via
9 individual meetings, surveys, emails and calls, to ensure
10 robust participation by stakeholders with limited capacity and
11 ability to attend committee meetings. Committee meetings shall
12 emphasize opportunities to bundle and coordinate delivery of
13 low-income energy efficiency with other programs that serve
14 low-income communities, such as Solar for All and bill payment
15 assistance programs. Meetings shall include educational
16 opportunities for stakeholders to learn more about these
17 additional offerings, and the committee shall assist in
18 figuring out the best methods for coordinated delivery and
19 implementation of offerings when serving low-income
20 communities. The committee shall directly and equitably
21 influence and inform utility low-income and public-housing
22 energy efficiency programs and priorities. Participating
23 utilities shall implement recommendations from the committee
24 whenever possible.

25 Participating utilities shall track and report how input
26 from the committee has led to new approaches and changes in

1 their energy efficiency portfolios. This reporting shall occur
2 at committee meetings and in quarterly energy efficiency
3 reports to the Stakeholder Advisory Group and Illinois
4 Commerce Commission, and other relevant reporting mechanisms.
5 Participating utilities shall also report on relevant equity
6 data and metrics requested by the committee, such as energy
7 burden data, geographic, racial, and other relevant
8 demographic data on where programs are being delivered and
9 what populations programs are serving.

10 The Illinois Commerce Commission shall oversee and have
11 relevant staff participate in the committee. The committee
12 shall have a budget of 0.25% of each utility's entire
13 efficiency portfolio funding for a given year. The budget
14 shall be overseen by the Commission. The budget shall be used
15 to provide grants for community-based organizations serving on
16 the leadership committee, stipends for community-based
17 organizations participating in the committee, grants for
18 community-based organizations to do energy efficiency outreach
19 and education, and relevant meeting needs as determined by the
20 leadership committee. The education and outreach shall
21 include, but is not limited to, basic energy efficiency
22 education, information about low-income energy efficiency
23 programs, and information on the committee's purpose,
24 structure, and activities.

25 (d) Notwithstanding any other provision of law to the
26 contrary, a utility providing approved energy efficiency

measures and, if applicable, demand-response measures in the State shall be permitted to recover all reasonable and prudently incurred costs of those measures from all retail customers, except as provided in subsection (1) of this Section, as follows, provided that nothing in this subsection (d) permits the double recovery of such costs from customers:

(1) The utility may recover its costs through an automatic adjustment clause tariff filed with and approved by the Commission. The tariff shall be established outside the context of a general rate case. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the required adjustment to the annual tariff factor to match annual expenditures. To enable the financing of the incremental capital expenditures, including regulatory assets, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, the utility's actual year-end capital structure that includes a common equity ratio, excluding goodwill, of up to and including 50% of the total capital structure shall be deemed reasonable and used to set rates.

(2) A utility may recover its costs through an energy efficiency formula rate approved by the Commission under a filing under subsections (f) and (g) of this Section, which shall specify the cost components that form the

1 basis of the rate charged to customers with sufficient
2 specificity to operate in a standardized manner and be
3 updated annually with transparent information that
4 reflects the utility's actual costs to be recovered during
5 the applicable rate year, which is the period beginning
6 with the first billing day of January and extending
7 through the last billing day of the following December.
8 The energy efficiency formula rate shall be implemented
9 through a tariff filed with the Commission under
10 subsections (f) and (g) of this Section that is consistent
11 with the provisions of this paragraph (2) and that shall
12 be applicable to all delivery services customers. The
13 Commission shall conduct an investigation of the tariff in
14 a manner consistent with the provisions of this paragraph
15 (2), subsections (f) and (g) of this Section, and the
16 provisions of Article IX of this Act to the extent they do
17 not conflict with this paragraph (2). The energy
18 efficiency formula rate approved by the Commission shall
19 remain in effect at the discretion of the utility and
20 shall do the following:

21 (A) Provide for the recovery of the utility's
22 actual costs incurred under this Section that are
23 prudently incurred and reasonable in amount consistent
24 with Commission practice and law. The sole fact that a
25 cost differs from that incurred in a prior calendar
26 year or that an investment is different from that made

1 in a prior calendar year shall not imply the
2 imprudence or unreasonableness of that cost or
3 investment.

4 (B) Reflect the utility's actual year-end capital
5 structure for the applicable calendar year, excluding
6 goodwill, subject to a determination of prudence and
7 reasonableness consistent with Commission practice and
8 law. To enable the financing of the incremental
9 capital expenditures, including regulatory assets, for
10 electric utilities that serve less than 3,000,000
11 retail customers but more than 500,000 retail
12 customers in the State, a participating electric
13 utility's actual year-end capital structure that
14 includes a common equity ratio, excluding goodwill, of
15 up to and including 50% of the total capital structure
16 shall be deemed reasonable and used to set rates.

17 (C) Include a cost of equity, which shall be
18 calculated as the sum of the following:

19 (i) the average for the applicable calendar
20 year of the monthly average yields of 30-year U.S.
21 Treasury bonds published by the Board of Governors
22 of the Federal Reserve System in its weekly H.15
23 Statistical Release or successor publication; and
24 (ii) 580 basis points.

25 At such time as the Board of Governors of the
26 Federal Reserve System ceases to include the monthly

1 average yields of 30-year U.S. Treasury bonds in its
2 weekly H.15 Statistical Release or successor
3 publication, the monthly average yields of the U.S.
4 Treasury bonds then having the longest duration
5 published by the Board of Governors in its weekly H.15
6 Statistical Release or successor publication shall
7 instead be used for purposes of this paragraph (2).

8 (D) Permit and set forth protocols, subject to a
9 determination of prudence and reasonableness
10 consistent with Commission practice and law, for the
11 following:

12 (i) recovery of incentive compensation expense
13 that is based on the achievement of operational
14 metrics, including metrics related to budget
15 controls, outage duration and frequency, safety,
16 customer service, efficiency and productivity, and
17 environmental compliance; however, this protocol
18 shall not apply if such expense related to costs
19 incurred under this Section is recovered under
20 Article IX or Section 16-108.5 of this Act;
21 incentive compensation expense that is based on
22 net income or an affiliate's earnings per share
23 shall not be recoverable under the energy
24 efficiency formula rate;

25 (ii) recovery of pension and other
26 post-employment benefits expense, provided that

such costs are supported by an actuarial study; however, this protocol shall not apply if such expense related to costs incurred under this Section is recovered under Article IX or Section 16-108.5 of this Act;

(iii) recovery of existing regulatory assets over the periods previously authorized by the Commission;

(iv) as described in subsection (e), amortization of costs incurred under this Section; and

(v) projected, weather normalized billing determinants for the applicable rate year.

(E) Provide for an annual reconciliation, as described in paragraph (3) of this subsection (d), less any deferred taxes related to the reconciliation, with interest at an annual rate of return equal to the utility's weighted average cost of capital, including a revenue conversion factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return, of the energy efficiency revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its energy efficiency formula rate tariff under this paragraph (2), with what the revenue requirement would have been had the

1 actual cost information for the applicable calendar
2 year been available at the filing date.

3 The utility shall file, together with its tariff, the
4 projected costs to be incurred by the utility during the
5 rate year under the utility's multi-year plan approved
6 under subsections (f) and (g) of this Section, including,
7 but not limited to, the projected capital investment costs
8 and projected regulatory asset balances with
9 correspondingly updated depreciation and amortization
10 reserves and expense, that shall populate the energy
11 efficiency formula rate and set the initial rates under
12 the formula.

13 The Commission shall review the proposed tariff in
14 conjunction with its review of a proposed multi-year plan,
15 as specified in paragraph (5) of subsection (g) of this
16 Section. The review shall be based on the same evidentiary
17 standards, including, but not limited to, those concerning
18 the prudence and reasonableness of the costs incurred by
19 the utility, the Commission applies in a hearing to review
20 a filing for a general increase in rates under Article IX
21 of this Act. The initial rates shall take effect beginning
22 with the January monthly billing period following the
23 Commission's approval.

24 The tariff's rate design and cost allocation across
25 customer classes shall be consistent with the utility's
26 automatic adjustment clause tariff in effect on June 1,

1 2017 (the effective date of Public Act 99-906); however,
2 the Commission may revise the tariff's rate design and
3 cost allocation in subsequent proceedings under paragraph
4 (3) of this subsection (d).

5 If the energy efficiency formula rate is terminated,
6 the then current rates shall remain in effect until such
7 time as the energy efficiency costs are incorporated into
8 new rates that are set under this subsection (d) or
9 Article IX of this Act, subject to retroactive rate
10 adjustment, with interest, to reconcile rates charged with
11 actual costs.

12 (3) The provisions of this paragraph (3) shall only
13 apply to an electric utility that has elected to file an
14 energy efficiency formula rate under paragraph (2) of this
15 subsection (d). Subsequent to the Commission's issuance of
16 an order approving the utility's energy efficiency formula
17 rate structure and protocols, and initial rates under
18 paragraph (2) of this subsection (d), the utility shall
19 file, on or before June 1 of each year, with the Chief
20 Clerk of the Commission its updated cost inputs to the
21 energy efficiency formula rate for the applicable rate
22 year and the corresponding new charges, as well as the
23 information described in paragraph (9) of subsection (g)
24 of this Section. Each such filing shall conform to the
25 following requirements and include the following
26 information:

(A) The inputs to the energy efficiency formula rate for the applicable rate year shall be based on the projected costs to be incurred by the utility during the rate year under the utility's multi-year plan approved under subsections (f) and (g) of this Section, including, but not limited to, projected capital investment costs and projected regulatory asset balances with correspondingly updated depreciation and amortization reserves and expense. The filing shall also include a reconciliation of the energy efficiency revenue requirement that was in effect for the prior rate year (as set by the cost inputs for the prior rate year) with the actual revenue requirement for the prior rate year (determined using a year-end rate base) that uses amounts reflected in the applicable FERC Form 1 that reports the actual costs for the prior rate year. Any over-collection or under-collection indicated by such reconciliation shall be reflected as a credit against, or recovered as an additional charge to, respectively, with interest calculated at a rate equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, the charges for the applicable rate year. Such over-collection or under-collection shall be adjusted to remove any deferred taxes related to the reconciliation, for

1 purposes of calculating interest at an annual rate of
2 return equal to the utility's weighted average cost of
3 capital approved by the Commission for the prior rate
4 year, including a revenue conversion factor calculated
5 to recover or refund all additional income taxes that
6 may be payable or receivable as a result of that
7 return. Each reconciliation shall be certified by the
8 participating utility in the same manner that FERC
9 Form 1 is certified. The filing shall also include the
10 charge or credit, if any, resulting from the
11 calculation required by subparagraph (E) of paragraph
12 (2) of this subsection (d).

13 Notwithstanding any other provision of law to the
14 contrary, the intent of the reconciliation is to
15 ultimately reconcile both the revenue requirement
16 reflected in rates for each calendar year, beginning
17 with the calendar year in which the utility files its
18 energy efficiency formula rate tariff under paragraph
19 (2) of this subsection (d), with what the revenue
20 requirement determined using a year-end rate base for
21 the applicable calendar year would have been had the
22 actual cost information for the applicable calendar
23 year been available at the filing date.

24 For purposes of this Section, "FERC Form 1" means
25 the Annual Report of Major Electric Utilities,
26 Licensees and Others that electric utilities are

1 required to file with the Federal Energy Regulatory
2 Commission under the Federal Power Act, Sections 3,
3 4(a), 304 and 209, modified as necessary to be
4 consistent with 83 Ill. Admin. Code Part 415 as of May
5 1, 2011. Nothing in this Section is intended to allow
6 costs that are not otherwise recoverable to be
7 recoverable by virtue of inclusion in FERC Form 1.

8 (B) The new charges shall take effect beginning on
9 the first billing day of the following January billing
10 period and remain in effect through the last billing
11 day of the next December billing period regardless of
12 whether the Commission enters upon a hearing under
13 this paragraph (3).

14 (C) The filing shall include relevant and
15 necessary data and documentation for the applicable
16 rate year. Normalization adjustments shall not be
17 required.

18 Within 45 days after the utility files its annual
19 update of cost inputs to the energy efficiency formula
20 rate, the Commission shall with reasonable notice,
21 initiate a proceeding concerning whether the projected
22 costs to be incurred by the utility and recovered during
23 the applicable rate year, and that are reflected in the
24 inputs to the energy efficiency formula rate, are
25 consistent with the utility's approved multi-year plan
26 under subsections (f) and (g) of this Section and whether

1 the costs incurred by the utility during the prior rate
2 year were prudent and reasonable. The Commission shall
3 also have the authority to investigate the information and
4 data described in paragraph (9) of subsection (g) of this
5 Section, including the proposed adjustment to the
6 utility's return on equity component of its weighted
7 average cost of capital. During the course of the
8 proceeding, each objection shall be stated with
9 particularity and evidence provided in support thereof,
10 after which the utility shall have the opportunity to
11 rebut the evidence. Discovery shall be allowed consistent
12 with the Commission's Rules of Practice, which Rules of
13 Practice shall be enforced by the Commission or the
14 assigned administrative law judge. The Commission shall
15 apply the same evidentiary standards, including, but not
16 limited to, those concerning the prudence and
17 reasonableness of the costs incurred by the utility,
18 during the proceeding as it would apply in a proceeding to
19 review a filing for a general increase in rates under
20 Article IX of this Act. The Commission shall not, however,
21 have the authority in a proceeding under this paragraph
22 (3) to consider or order any changes to the structure or
23 protocols of the energy efficiency formula rate approved
24 under paragraph (2) of this subsection (d). In a
25 proceeding under this paragraph (3), the Commission shall
26 enter its order no later than the earlier of 195 days after

the utility's filing of its annual update of cost inputs to the energy efficiency formula rate or December 15. The utility's proposed return on equity calculation, as described in paragraphs (7) through (9) of subsection (g) of this Section, shall be deemed the final, approved calculation on December 15 of the year in which it is filed unless the Commission enters an order on or before December 15, after notice and hearing, that modifies such calculation consistent with this Section. The Commission's determinations of the prudence and reasonableness of the costs incurred, and determination of such return on equity calculation, for the applicable calendar year shall be final upon entry of the Commission's order and shall not be subject to reopening, reexamination, or collateral attack in any other Commission proceeding, case, docket, order, rule, or regulation; however, nothing in this paragraph (3) shall prohibit a party from petitioning the Commission to rehear or appeal to the courts the order under the provisions of this Act.

(e) Beginning on June 1, 2017 (the effective date of Public Act 99-906), a utility subject to the requirements of this Section may elect to defer, as a regulatory asset, up to the full amount of its expenditures incurred under this Section for each annual period, including, but not limited to, any expenditures incurred above the funding level set by subsection (f) of this Section for a given year. The total

1 expenditures deferred as a regulatory asset in a given year
2 shall be amortized and recovered over a period that is equal to
3 the weighted average of the energy efficiency measure lives
4 implemented for that year that are reflected in the regulatory
5 asset. The unamortized balance shall be recognized as of
6 December 31 for a given year. The utility shall also earn a
7 return on the total of the unamortized balances of all of the
8 energy efficiency regulatory assets, less any deferred taxes
9 related to those unamortized balances, at an annual rate equal
10 to the utility's weighted average cost of capital that
11 includes, based on a year-end capital structure, the utility's
12 actual cost of debt for the applicable calendar year and a cost
13 of equity, which shall be calculated as the sum of the (i) the
14 average for the applicable calendar year of the monthly
15 average yields of 30-year U.S. Treasury bonds published by the
16 Board of Governors of the Federal Reserve System in its weekly
17 H.15 Statistical Release or successor publication; and (ii)
18 580 basis points, including a revenue conversion factor
19 calculated to recover or refund all additional income taxes
20 that may be payable or receivable as a result of that return.
21 Capital investment costs shall be depreciated and recovered
22 over their useful lives consistent with generally accepted
23 accounting principles. The weighted average cost of capital
24 shall be applied to the capital investment cost balance, less
25 any accumulated depreciation and accumulated deferred income
26 taxes, as of December 31 for a given year.

1 When an electric utility creates a regulatory asset under
2 the provisions of this Section, the costs are recovered over a
3 period during which customers also receive a benefit which is
4 in the public interest. Accordingly, it is the intent of the
5 General Assembly that an electric utility that elects to
6 create a regulatory asset under the provisions of this Section
7 shall recover all of the associated costs as set forth in this
8 Section. After the Commission has approved the prudence and
9 reasonableness of the costs that comprise the regulatory
10 asset, the electric utility shall be permitted to recover all
11 such costs, and the value and recoverability through rates of
12 the associated regulatory asset shall not be limited, altered,
13 impaired, or reduced.

14 (f) Beginning in 2017, each electric utility shall file an
15 energy efficiency plan with the Commission to meet the energy
16 efficiency standards for the next applicable multi-year period
17 beginning January 1 of the year following the filing,
18 according to the schedule set forth in paragraphs (1) through
19 (3) of this subsection (f). If a utility does not file such a
20 plan on or before the applicable filing deadline for the plan,
21 it shall face a penalty of \$100,000 per day until the plan is
22 filed.

23 (1) No later than 30 days after June 1, 2017 (the
24 effective date of Public Act 99-906), each electric
25 utility shall file a 4-year energy efficiency plan
26 commencing on January 1, 2018 that is designed to achieve

the cumulative persisting annual savings goals specified in paragraphs (1) through (4) of subsection (b-5) of this Section or in paragraphs (1) through (4) of subsection (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the goals may be reduced if the utility's expenditures are limited pursuant to subsection (m) of this Section or, for a utility that serves less than 3,000,000 retail customers, if each of the following conditions are met:

(A) the plan's analysis and forecasts of the utility's ability to acquire energy savings demonstrate that achievement of such goals is not cost effective; and (B) the amount of energy savings achieved by the utility as determined by the independent evaluator for the most recent year for which savings have been evaluated preceding the plan filing was less than the average annual amount of savings required to achieve the goals for the applicable 4-year plan period. Except as provided in subsection (m) of this Section, annual increases in cumulative persisting annual savings goals during the applicable 4-year plan period shall not be reduced to amounts that are less than the maximum amount of cumulative persisting annual savings that is forecast to be cost-effectively achievable during the 4-year plan period. The Commission shall review any proposed goal reduction as part of its review and approval of the

1 utility's proposed plan.

2 (2) No later than March 1, 2021, each electric utility
3 shall file a 4-year energy efficiency plan commencing on
4 January 1, 2022 that is designed to achieve the cumulative
5 persisting annual savings goals specified in paragraphs
6 (5) through (8) of subsection (b-5) of this Section or in
7 paragraphs (5) through (8) of subsection (b-15) of this
8 Section, as applicable, through implementation of energy
9 efficiency measures; however, the goals may be reduced if
10 either (1) clear and convincing evidence demonstrates,
11 through independent analysis, that the expenditure limits
12 in subsection (m) of this Section preclude full
13 achievement of the goals or (2) the utility's expenditures
14 are limited pursuant to subsection (m) of this Section or,
15 each of the following conditions are met: (A) the plan's
16 analysis and forecasts of the utility's ability to acquire
17 energy savings demonstrate by clear and convincing
18 evidence and through independent analysis that achievement
19 of such goals is not cost effective; and (B) the amount of
20 energy savings achieved by the utility as determined by
21 the independent evaluator for the most recent year for
22 which savings have been evaluated preceding the plan
23 filing was less than the average annual amount of savings
24 required to achieve the goals for the applicable 4-year
25 plan period. If there is not clear and convincing evidence
26 that achieving the savings goals specified in paragraph

(b-5) or (b-15) of this Section is possible both cost-effectively and within the expenditure limits in subsection (m), such savings goals shall not be reduced. Except as provided in subsection (m) of this Section, annual increases in cumulative persisting annual savings goals during the applicable 4-year plan period shall not be reduced to amounts that are less than the maximum amount of cumulative persisting annual savings that is forecast to be cost-effectively achievable during the 4-year plan period. The Commission shall review any proposed goal reduction as part of its review and approval of the utility's proposed plan, taking into account the results of the potential study required under this Section.

(3) No later than March 1, 2025, each electric utility shall file a 4-year ~~5-year~~ energy efficiency plan commencing on January 1, 2026 that is designed to achieve the cumulative persisting annual savings goals specified in paragraphs (9) through (12) ~~(13)~~ of subsection (b-5) of this Section or in paragraphs (9) through (12) ~~(13)~~ of subsection (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the goals may be reduced if either (1) clear and convincing evidence demonstrates, through independent analysis, that the expenditure limits in subsection (m) of this Section preclude full achievement of the goals or (2) the

1 ~~utility's expenditures are limited pursuant to subsection~~
2 ~~(m) of this Section or,~~ each of the following conditions
3 are 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 cost
7 effective; and (B) the amount of energy savings achieved
8 by the utility as determined by the independent evaluator
9 for the most recent year for which savings have been
10 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 ~~5-year~~ plan period. If
13 there is not clear and convincing evidence that achieving
14 the savings goals specified in paragraphs (b-5) or (b-15)
15 of this Section is possible both cost-effectively and
16 within the expenditure limits in subsection (m), such
17 savings 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 ~~5-year~~ plan period shall not be reduced
21 to 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 ~~5-year~~
24 plan period. The Commission shall review any proposed goal
25 reduction as part of its review and approval of the
26 utility's proposed plan, taking into account the results

1 of the potential study required by this Section.

2 (4) No later than March 1, 2029, and every 4 years
3 thereafter, each electric utility shall file a 4-year
4 energy efficiency plan commencing on January 1, 2030, and
5 every 4 years thereafter, respectively, that is designed
6 to achieve the cumulative persisting annual savings goals
7 established by the Illinois Commerce Commission pursuant
8 to direction of subsections (b-5) and (b-15) of this
9 Section, as applicable, through implementation of energy
10 efficiency measures; however, the goals may be reduced if
11 either (1) clear and convincing evidence and independent
12 analysis demonstrates that the expenditure limits in
13 subsection (m) of this Section preclude full achievement
14 of the goals or (2) each of the following conditions are
15 met: (A) the plan's analysis and forecasts of the
16 utility's ability to acquire energy savings demonstrate by
17 clear and convincing evidence and through independent
18 analysis that achievement of such goals is not
19 cost-effective; and (B) the amount of energy savings
20 achieved by the utility as determined by the independent
21 evaluator for the most recent year for which savings have
22 been evaluated preceding the plan filing was less than the
23 average annual amount of savings required to achieve the
24 goals for the applicable 4-year plan period. If there is
25 not clear and convincing evidence that achieving the
26 savings goals specified in paragraphs (b-5) or (b-15) of

1 this Section is possible both cost-effectively and within
2 the expenditure limits in subsection (m), such savings
3 goals shall not be reduced. Except as provided in
4 subsection (m) of this Section, annual increases in
5 cumulative persisting annual savings goals during the
6 applicable 4-year plan period shall not be reduced to
7 amounts that are less than the maximum amount of
8 cumulative persisting annual savings that is forecast to
9 be cost-effectively achievable during the 4-year plan
10 period. The Commission shall review any proposed goal
11 reduction as part of its review and approval of the
12 utility's proposed plan.

13 Each utility's plan shall set forth the utility's
14 proposals to meet the energy efficiency standards identified
15 in subsection (b-5) or (b-15), as applicable and as such
16 standards may have been modified under this subsection (f),
17 taking into account the unique circumstances of the utility's
18 service territory and results of an energy efficiency
19 potential study as described in subsection (f-5) of this
20 Section. For those plans commencing on January 1, 2018, the
21 Commission shall seek public comment on the utility's plan and
22 shall issue an order approving or disapproving each plan no
23 later than 105 days after June 1, 2017 (the effective date of
24 Public Act 99-906). For those plans commencing after December
25 31, 2021, the Commission shall seek public comment on the
26 utility's plan and shall issue an order approving or

1 disapproving each plan within 6 months after its submission.
2 If the Commission disapproves a plan, the Commission shall,
3 within 30 days, describe in detail the reasons for the
4 disapproval and describe a path by which the utility may file a
5 revised draft of the plan to address the Commission's concerns
6 satisfactorily. If the utility does not refile with the
7 Commission within 60 days, the utility shall be subject to
8 penalties at a rate of \$100,000 per day until the plan is
9 filed. This process shall continue, and penalties shall
10 accrue, until the utility has successfully filed a portfolio
11 of energy efficiency and demand-response measures. Penalties
12 shall be deposited into the Energy Efficiency Trust Fund.

13 (g) In submitting proposed plans and funding levels under
14 subsection (f) of this Section to meet the savings goals
15 identified in subsection (b-5) or (b-15) of this Section, as
16 applicable, the utility shall:

17 (1) Demonstrate that its proposed energy efficiency
18 measures will achieve the applicable requirements that are
19 identified in subsection (b-5) or (b-15) of this Section,
20 as modified by subsection (f) of this Section.

21 (2) (Blank). Present specific proposals to implement
22 ~~new building and appliance standards that have been placed~~
23 ~~into effect.~~

24 (2.5) Demonstrate consideration of program options for
25 (A) advancing new building codes, appliance standards, and
26 municipal regulations governing existing and new building

1 efficiency improvements and (B) supporting efforts to
2 improve compliance with new building codes, appliance
3 standards and municipal regulations, as potentially
4 cost-effective means of acquiring energy savings to count
5 toward savings goals.

6 (3) Demonstrate that its overall portfolio of
7 measures, not including low-income programs described in
8 subsection (c) of this Section, is cost-effective using
9 the total resource cost test or complies with paragraphs
10 (1) through (3) of subsection (f) of this Section and
11 represents a diverse cross-section of opportunities for
12 customers of all rate classes, other than those customers
13 described in subsection (1) of this Section, to
14 participate in the programs. Individual measures need not
15 be cost effective.

16 (3.5) Demonstrate that the utility's plan integrates
17 the delivery of energy efficiency programs with natural
18 gas efficiency programs, programs promoting distributed
19 solar, programs promoting demand response and other
20 efforts to address bill payment issues, including, but not
21 limited to, LIHEAP and the Percentage of Income Payment
22 Plan, to the extent such integration is practical and has
23 the potential to enhance customer engagement, minimize
24 market confusion, or reduce administrative costs.

25 (4) Present a third-party energy efficiency
26 implementation program subject to the following

requirements:

(A) beginning with the year commencing January 1, 2019, electric utilities that serve more than 3,000,000 retail customers in the State shall fund third-party energy efficiency programs in an amount that is no less than \$25,000,000 per year, and electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall fund third-party energy efficiency programs in an amount that is no less than \$8,350,000 per year;

(B) during 2018, the utility shall conduct a solicitation process for purposes of requesting proposals from third-party vendors for those third-party energy efficiency programs to be offered during one or more of the years commencing January 1, 2019, January 1, 2020, and January 1, 2021; for those multi-year plans commencing on January 1, 2022 and January 1, 2026, the utility shall conduct a solicitation process during 2021 and 2025, respectively, for purposes of requesting proposals from third-party vendors for those third-party energy efficiency programs to be offered during one or more years of the respective multi-year plan period; for each solicitation process, the utility shall identify the sector, technology, or geographical area for which

1 it is seeking requests for proposals; the solicitation
2 process must be either for programs that fill gaps in
3 the utility's program portfolio and for programs that
4 target low-income customers, business sectors,
5 building types, geographies, or other specific parts
6 of its customer base with initiatives that would be
7 more effective at reaching these customer segments
8 than the utilities' programs filed in its energy
9 efficiency plans;

10 (C) the utility shall propose the bidder
11 qualifications, performance measurement process, and
12 contract structure, which must include a performance
13 payment mechanism and general terms and conditions;
14 the proposed qualifications, process, and structure
15 shall be subject to Commission approval; and

16 (D) the utility shall retain an independent third
17 party to score the proposals received through the
18 solicitation process described in this paragraph (4),
19 rank them according to their cost per lifetime
20 kilowatt-hours saved, and assemble the portfolio of
21 third-party programs.

22 The electric utility shall recover all costs
23 associated with Commission-approved, third-party
24 administered programs regardless of the success of those
25 programs.

26 (4.5) Implement cost-effective demand-response

measures to reduce peak demand by 0.1% over the prior year for eligible retail customers, as defined in Section 16-111.5 of this Act, and for customers that elect hourly service from the utility pursuant to Section 16-107 of this Act, provided those customers have not been declared competitive. This requirement continues until December 31, 2026.

(5) Include a proposed or revised cost-recovery tariff mechanism, as provided for under subsection (d) of this Section, to fund the proposed energy efficiency and demand-response measures and to ensure the recovery of the prudently and reasonably incurred costs of Commission-approved programs.

(6) Provide for an annual independent evaluation of the performance of the cost-effectiveness of the utility's portfolio of measures, as well as a full review of the multi-year plan results of the broader net program impacts and, to the extent practical, for adjustment of the measures on a going-forward basis as a result of the evaluations. The resources dedicated to evaluation shall not exceed 3% of portfolio resources in any given year.

(7) For electric utilities that serve more than 3,000,000 retail customers in the State:

(A) Through December 31, 2025, provide for an adjustment to the return on equity component of the utility's weighted average cost of capital calculated

under subsection (d) of this Section:

(i) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is less than the applicable annual incremental goal, then the return on equity component shall be reduced by a maximum of 200 basis points in the event that the utility achieved no more than 75% of such goal. If the utility achieved more than 75% of the applicable annual incremental goal but less than 100% of such goal, then the return on equity component shall be reduced by 8 basis points for each percent by which the utility failed to achieve the goal.

(ii) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is more than the applicable annual incremental goal, then the return on equity component shall be increased by a maximum of 200 basis points in the event that the utility achieved at least 125% of such goal. If the utility achieved more than 100% of the applicable annual incremental goal but less than 125% of such goal, then the return on equity component shall be increased by 8 basis points for each percent by which the utility achieved above the goal. If the applicable annual incremental goal was reduced

1 under paragraphs (1) or (2) of subsection (f) of
2 this Section, then the following adjustments shall
3 be made to the calculations described in this item
4 (ii):

5 (aa) the calculation for determining
6 achievement that is at least 125% of the
7 applicable annual incremental goal shall use
8 the unreduced applicable annual incremental
9 goal to set the value; and

10 (bb) the calculation for determining
11 achievement that is less than 125% but more
12 than 100% of the applicable annual incremental
13 goal shall use the reduced applicable annual
14 incremental goal to set the value for 100%
15 achievement of the goal and shall use the
16 unreduced goal to set the value for 125%
17 achievement. The 8 basis point value shall
18 also be modified, as necessary, so that the
19 200 basis points are evenly apportioned among
20 each percentage point value between 100% and
21 125% achievement.

22 (B) For the period January 1, 2026 through
23 December 31, 2029 and in all subsequent 4-year periods
24 ~~2030~~, provide for an adjustment to the return on
25 equity component of the utility's weighted average
26 cost of capital calculated under subsection (d) of

1 this Section:

2 (i) If the independent evaluator determines
3 that the utility achieved a cumulative persisting
4 annual savings that is less than the applicable
5 annual incremental goal, then the return on equity
6 component shall be reduced by a maximum of 200
7 basis points in the event that the utility
8 achieved no more than 66% of such goal. If the
9 utility achieved more than 66% of the applicable
10 annual incremental goal but less than 100% of such
11 goal, then the return on equity component shall be
12 reduced by 6 basis points for each percent by
13 which the utility failed to achieve the goal.

14 (ii) If the independent evaluator determines
15 that the utility achieved a cumulative persisting
16 annual savings that is more than the applicable
17 annual incremental goal, then the return on equity
18 component shall be increased by a maximum of 200
19 basis points in the event that the utility
20 achieved at least 134% of such goal. If the
21 utility achieved more than 100% of the applicable
22 annual incremental goal but less than 134% of such
23 goal, then the return on equity component shall be
24 increased by 6 basis points for each percent by
25 which the utility achieved above the goal. If the
26 applicable annual incremental goal was reduced

1 under paragraph (3) of subsection (f) of this
2 Section, then the following adjustments shall be
3 made to the calculations described in this item
4 (ii):

5 (aa) the calculation for determining
6 achievement that is at least 134% of the
7 applicable annual incremental goal shall use
8 the unreduced applicable annual incremental
9 goal to set the value; and

10 (bb) the calculation for determining
11 achievement that is less than 134% but more
12 than 100% of the applicable annual incremental
13 goal shall use the reduced applicable annual
14 incremental goal to set the value for 100%
15 achievement of the goal and shall use the
16 unreduced goal to set the value for 134%
17 achievement. The 6 basis point value shall
18 also be modified, as necessary, so that the
19 200 basis points are evenly apportioned among
20 each percentage point value between 100% and
21 134% achievement.

22 (C) Notwithstanding the provisions of
23 subparagraphs (A) and (B) of this paragraph (7), if
24 the applicable annual incremental goal for an electric
25 utility is ever less than 0.6% of deemed average
26 weather normalized sales of electric power and energy

1 during calendar years 2014, 2015, and 2016, an
2 adjustment to the return on equity component of the
3 utility's weighted average cost of capital calculated
4 under subsection (d) of this Section shall be made as
5 follows:

6 (i) If the independent evaluator determines
7 that the utility achieved a cumulative persisting
8 annual savings that is less than would have been
9 achieved had the applicable annual incremental
10 goal been achieved, then the return on equity
11 component shall be reduced by a maximum of 200
12 basis points if the utility achieved no more than
13 75% of its applicable annual total savings
14 requirement as defined in paragraph (7.5) of this
15 subsection. If the utility achieved more than 75%
16 of the applicable annual total savings requirement
17 but less than 100% of such goal, then the return on
18 equity component shall be reduced by 8 basis
19 points for each percent by which the utility
20 failed to achieve the goal.

21 (ii) If the independent evaluator determines
22 that the utility achieved a cumulative persisting
23 annual savings that is more than would have been
24 achieved had the applicable annual incremental
25 goal been achieved, then the return on equity
26 component shall be increased by a maximum of 200

1 basis points if the utility achieved at least 125%
2 of its applicable annual total savings
3 requirement. If the utility achieved more than
4 100% of the applicable annual total savings
5 requirement but less than 125% of such goal, then
6 the return on equity component shall be increased
7 by 8 basis points for each percent by which the
8 utility achieved above the applicable annual total
9 savings requirement. If the applicable annual
10 incremental goal was reduced under paragraph (1)
11 or (2) of subsection (f) of this Section, then the
12 following adjustments shall be made to the
13 calculations described in this item (ii):

14 (aa) the calculation for determining
15 achievement that is at least 125% of the
16 applicable annual total savings requirement
17 shall use the unreduced applicable annual
18 incremental goal to set the value; and

19 (bb) the calculation for determining
20 achievement that is less than 125% but more
21 than 100% of the applicable annual total
22 savings requirement shall use the reduced
23 applicable annual incremental goal to set the
24 value for 100% achievement of the goal and
25 shall use the unreduced goal to set the value
26 for 125% achievement. The 8 basis point value

1 shall also be modified, as necessary, so that
2 the 200 basis points are evenly apportioned
3 among each percentage point value between 100%
4 and 125% achievement.

5 (7.5) For purposes of this Section, the term
6 "applicable annual incremental goal" means the difference
7 between the cumulative persisting annual savings goal for
8 the calendar year that is the subject of the independent
9 evaluator's determination and the cumulative persisting
10 annual savings goal for the immediately preceding calendar
11 year, as such goals are defined in subsections (b-5) and
12 (b-15) of this Section and as these goals may have been
13 modified as provided for under subsection (b-20) and
14 paragraphs (1) through (3) of subsection (f) of this
15 Section. Under subsections (b), (b-5), (b-10), and (b-15)
16 of this Section, a utility must first replace energy
17 savings from measures that have expired ~~reached the end of~~
18 ~~their measure lives and would otherwise have to be~~
19 ~~replaced to meet the applicable savings goals identified~~
20 ~~in subsection (b-5) or (b-15) of this Section before any~~
21 progress towards achievement of its applicable annual
22 incremental goal may be counted. Savings may expire
23 because measures installed in previous years have reached
24 the end of their lives, because measures installed in
25 previous years are producing lower savings in the current
26 year than in the previous year, or for other reasons

1 identified by independent evaluators. Notwithstanding
2 anything else set forth in this Section, the difference
3 between the actual annual incremental savings achieved in
4 any given year, including the replacement of energy
5 savings ~~from measures~~ that have expired, and the
6 applicable annual incremental goal shall not affect
7 adjustments to the return on equity for subsequent
8 calendar years under this subsection (g).

9 In this Section, "applicable annual total savings
10 requirement" means the total amount of new annual savings
11 that the utility must achieve in any given year to achieve
12 the applicable annual incremental goal. This is equal to
13 the applicable annual incremental goal plus the total new
14 annual savings that are required to replace savings that
15 expired in or at the end of the previous year.

16 (8) For electric utilities that serve less than
17 3,000,000 retail customers but more than 500,000 retail
18 customers in the State:

19 (A) Through December 31, 2025, the applicable
20 annual incremental goal shall be compared to the
21 annual incremental savings as determined by the
22 independent evaluator.

23 (i) The return on equity component shall be
24 reduced by 8 basis points for each percent by
25 which the utility did not achieve 84.4% of the
26 applicable annual incremental goal.

(ii) The return on equity component shall be increased by 8 basis points for each percent by which the utility exceeded 100% of the applicable annual incremental goal.

(iii) The return on equity component shall not be increased or decreased if the annual incremental savings as determined by the independent evaluator is greater than 84.4% of the applicable annual incremental goal and less than 100% of the applicable annual incremental goal.

(iv) The return on equity component shall not be increased or decreased by an amount greater than 200 basis points pursuant to this subparagraph (A).

(B) For the period of January 1, 2026 through December 31, 2029 and in all subsequent 4-year periods ~~2030~~, the applicable annual incremental goal shall be compared to the annual incremental savings as determined by the independent evaluator.

(i) The return on equity component shall be reduced by 6 basis points for each percent by which the utility did not achieve 100% of the applicable annual incremental goal.

(ii) The return on equity component shall be increased by 6 basis points for each percent by which the utility exceeded 100% of the applicable

1 annual incremental goal.

2 (iii) The return on equity component shall not
3 be increased or decreased by an amount greater
4 than 200 basis points pursuant to this
5 subparagraph (B).

6 (C) Notwithstanding provisions in subparagraphs
7 (A) and (B) of paragraph (7) of this subsection, if the
8 applicable annual incremental goal for an electric
9 utility is ever less than 0.6% of deemed average
10 weather normalized sales of electric power and energy
11 during calendar years 2014, 2015 and 2016, 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 shall be made as
15 follows:

16 (i) The return on equity component shall be
17 reduced by 8 basis points for each percent by
18 which the utility did not achieve 100% of the
19 applicable annual total savings requirement.

20 (ii) The return on equity component shall be
21 increased by 8 basis points for each percent by
22 which the utility exceeded 100% of the applicable
23 annual total savings requirement.

24 (iii) The return on equity component shall not
25 be increased or decreased by an amount greater
26 than 200 basis points pursuant to this

subparagraph (C).

(D) ~~(C)~~ If the applicable annual incremental goal was reduced under paragraph ~~paragraphs~~ (1), (2) , or (3), or (4) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in subparagraphs (A) , and (B) , and (C) of this paragraph (8):

(i) The calculation for determining achievement that is at least 125% or 134%, as applicable, of the applicable annual incremental goal or the applicable annual total savings requirement, as applicable, shall use the unreduced applicable annual incremental goal to set the value.

(ii) For the period through December 31, 2025, the calculation for determining achievement that is less than 125% but more than 100% of the applicable annual incremental goal or the applicable annual total savings requirement, as applicable, shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 8 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each

percentage point value between 100% and 125% achievement.

(iii) For the period of January 1, 2026 through December 31, 2029 and all subsequent 4-year periods, the calculation for determining achievement that is less than 125% or 134%, as applicable, but more than 100% of the applicable annual incremental goal or the applicable annual total savings requirement, as applicable, shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 6 basis-point value or 8 basis-point value, as applicable, shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% or between 100% and 134% achievement, as applicable 2030, the calculation for determining achievement that is less than 134% but more than 100% of the applicable annual incremental goal shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 6 basis point value shall also be modified, as necessary, so that the 200

1 ~~basis points are evenly apportioned among each~~
2 ~~percentage point value between 100% and 134%~~
3 ~~achievement.~~

4 (9) The utility shall submit the energy savings data
5 to the independent evaluator no later than 30 days after
6 the close of the plan year. The independent evaluator
7 shall determine the cumulative persisting annual savings
8 for a given plan year, as well as an estimate of job
9 impacts and other macroeconomic impacts of the efficiency
10 programs for that year, no later than 120 days after the
11 close of the plan year. The utility shall submit an
12 informational filing to the Commission no later than 160
13 days after the close of the plan year that attaches the
14 independent evaluator's final report identifying the
15 cumulative persisting annual savings for the year and
16 calculates, under paragraph (7) or (8) of this subsection
17 (g), as applicable, any resulting change to the utility's
18 return on equity component of the weighted average cost of
19 capital applicable to the next plan year beginning with
20 the January monthly billing period and extending through
21 the December monthly billing period. However, if the
22 utility recovers the costs incurred under this Section
23 under paragraphs (2) and (3) of subsection (d) of this
24 Section, then the utility shall not be required to submit
25 such informational filing, and shall instead submit the
26 information that would otherwise be included in the

1 informational filing as part of its filing under paragraph
2 (3) of such subsection (d) that is due on or before June 1
3 of each year.

4 For those utilities that must submit the informational
5 filing, the Commission may, on its own motion or by
6 petition, initiate an investigation of such filing,
7 provided, however, that the utility's proposed return on
8 equity calculation shall be deemed the final, approved
9 calculation on December 15 of the year in which it is filed
10 unless the Commission enters an order on or before
11 December 15, after notice and hearing, that modifies such
12 calculation consistent with this Section.

13 The adjustments to the return on equity component
14 described in paragraphs (7) and (8) of this subsection (g)
15 shall be applied as described in such paragraphs through a
16 separate tariff mechanism, which shall be filed by the
17 utility under subsections (f) and (g) of this Section.

18 (9.5) The utility must demonstrate how it will ensure
19 that program implementation contractors and energy
20 efficiency installation vendors will promote workforce
21 equity and quality jobs.

22 (9.6) Utilities shall collect data necessary to ensure
23 compliance with paragraph (9.5) no less than quarterly and
24 shall communicate progress toward compliance with
25 paragraph (9.5) to program implementation contractors and
26 energy efficiency installation vendors no less than

1 quarterly. Utilities shall work with relevant vendors,
2 providing education, training, and other resources needed
3 to ensure compliance and, where necessary, adjusting or
4 terminating work with vendors that cannot assist with
5 compliance.

6 (10) Utilities required to implement efficiency
7 programs under subsections (b-5) and (b-10) shall report
8 annually to the Illinois Commerce Commission and the
9 General Assembly on how hiring, contracting, job training,
10 and other practices related to its energy efficiency
11 programs enhance the diversity of vendors working on such
12 programs. These reports must include data on vendor and
13 employee diversity, including data on the implementation
14 of paragraphs (9.5) and (9.6). If the utility is not
15 meeting the requirements of paragraphs (9.5) and (9.6),
16 the utility shall submit a plan to adjust their activities
17 so that they meet the requirements of paragraphs (9.5) and
18 (9.6) within the following year.

19 (h) No more than 4% ~~6%~~ of energy efficiency and
20 demand-response program revenue may be allocated for research,
21 development, or pilot deployment of new equipment or measures.
22 Electric utilities shall work with interested stakeholders to
23 formulate a plan for how these funds should be spent,
24 incorporate statewide approaches for these allocations, and
25 file a 4-year plan that demonstrates that collaboration. If a
26 utility files a request for modified annual energy savings

1 goals with the Commission, then a utility shall forgo spending
2 portfolio dollars on research and development proposals.

3 (i) When practicable, electric utilities shall incorporate
4 advanced metering infrastructure data into the planning,
5 implementation, and evaluation of energy efficiency measures
6 and programs, subject to the data privacy and confidentiality
7 protections of applicable law.

8 (j) The independent evaluator shall follow the guidelines
9 and use the savings set forth in Commission-approved energy
10 efficiency policy manuals and technical reference manuals, as
11 each may be updated from time to time. Until such time as
12 measure life values for energy efficiency measures implemented
13 for low-income households under subsection (c) of this Section
14 are incorporated into such Commission-approved manuals, the
15 low-income measures shall have the same measure life values
16 that are established for same measures implemented in
17 households that are not low-income households.

18 (k) Notwithstanding any provision of law to the contrary,
19 an electric utility subject to the requirements of this
20 Section may file a tariff cancelling an automatic adjustment
21 clause tariff in effect under this Section or Section 8-103,
22 which shall take effect no later than one business day after
23 the date such tariff is filed. Thereafter, the utility shall
24 be authorized to defer and recover its expenditures incurred
25 under this Section through a new tariff authorized under
26 subsection (d) of this Section or in the utility's next rate

1 case under Article IX or Section 16-108.5 of this Act, with
2 interest at an annual rate equal to the utility's weighted
3 average cost of capital as approved by the Commission in such
4 case. If the utility elects to file a new tariff under
5 subsection (d) of this Section, the utility may file the
6 tariff within 10 days after June 1, 2017 (the effective date of
7 Public Act 99-906), and the cost inputs to such tariff shall be
8 based on the projected costs to be incurred by the utility
9 during the calendar year in which the new tariff is filed and
10 that were not recovered under the tariff that was cancelled as
11 provided for in this subsection. Such costs shall include
12 those incurred or to be incurred by the utility under its
13 multi-year plan approved under subsections (f) and (g) of this
14 Section, including, but not limited to, projected capital
15 investment costs and projected regulatory asset balances with
16 correspondingly updated depreciation and amortization reserves
17 and expense. The Commission shall, after notice and hearing,
18 approve, or approve with modification, such tariff and cost
19 inputs no later than 75 days after the utility filed the
20 tariff, provided that such approval, or approval with
21 modification, shall be consistent with the provisions of this
22 Section to the extent they do not conflict with this
23 subsection (k). The tariff approved by the Commission shall
24 take effect no later than 5 days after the Commission enters
25 its order approving the tariff.

26 No later than 60 days after the effective date of the

1 tariff cancelling the utility's automatic adjustment clause
2 tariff, the utility shall file a reconciliation that
3 reconciles the moneys collected under its automatic adjustment
4 clause tariff with the costs incurred during the period
5 beginning June 1, 2016 and ending on the date that the electric
6 utility's automatic adjustment clause tariff was cancelled. In
7 the event the reconciliation reflects an under-collection, the
8 utility shall recover the costs as specified in this
9 subsection (k). If the reconciliation reflects an
10 over-collection, the utility shall apply the amount of such
11 over-collection as a one-time credit to retail customers'
12 bills.

13 (l) (Blank). ~~For the calendar years covered by a~~
14 ~~multi year plan commencing after December 31, 2017,~~
15 ~~subsections (a) through (j) of this Section do not apply to any~~
16 ~~retail customers of an electric utility that serves more than~~
17 ~~3,000,000 retail customers in the State and whose total~~
18 ~~highest 30 minute demand was more than 10,000 kilowatts, or~~
19 ~~any retail customers of an electric utility that serves less~~
20 ~~than 3,000,000 retail customers but more than 500,000 retail~~
21 ~~customers in the State and whose total highest 15 minute~~
22 ~~demand was more than 10,000 kilowatts. For purposes of this~~
23 ~~subsection (l), "retail customer" has the meaning set forth in~~
24 ~~Section 16-102 of this Act. A determination of whether this~~
25 ~~subsection 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 first
4 year of each such multi year plan.

5 (m) Notwithstanding the requirements of this Section, as
6 part of a proceeding to approve a multi-year plan under
7 subsections (f) and (g) of this Section if the multi-year plan
8 has been designed to maximize savings, but does not meet the
9 cost cap limitations of this Section, the Commission shall
10 reduce the amount of energy efficiency measures implemented
11 for any single year, and whose costs are recovered under
12 subsection (d) of this Section, by an amount necessary to
13 limit the estimated average net increase due to the cost of the
14 measures to no more than

15 (1) 3.5% for each of the 4 years beginning January 1,
16 2018,

17 (2) (blank), 3.75% for each of the 4 years beginning
18 January 1, 2022, and

19 (3) 4% for each of the 4 ~~5~~ years beginning January 1,
20 2022 2026,

21 (4) 4.25% for the 4 years beginning January 1, 2026,
22 and

23 (5) 4.25% plus an increase sufficient to account for
24 the rate of inflation between January 1, 2026 and January
25 1 of the first year of each subsequent 4-year plan cycle,
26 of the average amount paid per kilowatthour by residential

1 eligible retail customers during calendar year 2015. An
2 electric utility may plan to spend up to 10% more in any year
3 during an applicable multi-year plan period to
4 cost-effectively achieve additional savings so long as the
5 average over the applicable multi-year plan period does not
6 exceed the percentages defined in items (1) through (5). To
7 determine the total amount that may be spent by an electric
8 utility in any single year, the applicable percentage of the
9 average amount paid per kilowatthour shall be multiplied by
10 the total amount of energy delivered by such electric utility
11 in the calendar year 2015, ~~adjusted to reflect the proportion~~
~~of the utility's load attributable to customers who are exempt~~
~~from subsections (a) through (j) of this Section under~~
~~subsection (l) of this Section.~~ For purposes of this
15 subsection (m), the amount paid per kilowatthour includes,
16 without limitation, estimated amounts paid for supply,
17 transmission, distribution, surcharges, and add-on taxes. For
18 purposes of this Section, "eligible retail customers" shall
19 have the meaning set forth in Section 16-111.5 of this Act.
20 Once the Commission has approved a plan under subsections (f)
21 and (g) of this Section, no subsequent rate impact
22 determinations shall be made.

23 (n) A utility shall take advantage of the efficiencies
24 available through existing Illinois Home Weatherization
25 Assistance Program infrastructure and services, such as
26 enrollment, marketing, quality assurance and implementation,

which can reduce the need for similar services at a lower cost than utility-only programs, subject to capacity constraints at community action agencies, for both single-family and multifamily weatherization services, to the extent Illinois Home Weatherization Assistance Program CAAs provide multifamily services. A utility's plan shall demonstrate that in formulating annual weatherization budgets, it has sought input and coordination with community action agencies regarding agencies' capacity to expand and maximize Illinois Home Weatherization Assistance Program delivery using the ratepayer dollars collected under this Section.

(Source: P.A. 100-840, eff. 8-13-18; 101-81, eff. 7-12-19.)

(220 ILCS 5/8-201.8 new)

Sec. 8-201.8. Prohibition on late payment fees for low-income residential customers or applicants.

(a) Notwithstanding any other provision of this Act, as of the effective date of this amendatory Act of the 102nd General Assembly, a utility shall not charge a low-income residential customer or applicant a fee, charge, or penalty for late payment of any utility bill or invoice.

(b) As used in this Section, "low-income residential customer or applicant" means: (i) a member of a household at or below 80% of the latest median household income as reported by the United States Census Bureau for the most applicable community or county; (ii) a member of a household at or below

1 150% of the federal poverty level; (iii) a person who is
2 eligible for the Illinois Low Income Home Energy Assistance
3 Program (LIHEAP) as defined in the Energy Assistance Act; (iv)
4 a person who is eligible to participate in the Percentage of
5 Income Payment Plan (PIPP or PIP Plan) as defined in the Energy
6 Assistance Act; or (v) a person who is eligible to receive
7 Lifeline service as defined in the Universal Service Telephone
8 Service Protection Law of 1985.

9 (220 ILCS 5/8-201.9 new)

10 Sec. 8-201.9. Prohibition on credit card convenience fees.

11 (a) No public utility shall assess any convenience fee,
12 surcharge, or other fee to any customer who elects to pay for
13 service using a credit card that the public utility would not
14 assess to the customer if the customer paid by other available
15 methods acceptable to the utility. The Commission may consider
16 as an operating expense, for the purpose of determining
17 whether a rate or other charge or classification is
18 sufficient, costs incurred by a utility to process payments
19 described in this Section so long as those costs are
20 determined to be prudent, just, and reasonable.

21 (b) As used in this Section, "credit card" means an
22 instrument or device, whether known as a credit card, bank
23 card, charge card, debit card, automated teller machine card,
24 secured credit card, smart card, electronic purse, prepaid
25 card, affinity card, or by any other name, issued with or

1 without fee by an issuer for the use of the holder to obtain
2 credit, money, goods, services, or anything else of value.

3 (220 ILCS 5/8-201.10 new)

4 Sec. 8-201.10. Disconnection and credit and collections
5 reporting.

6 (a) The Commission shall require all gas, electric, water
7 and sewer public utilities under its authority to submit an
8 annual report by May 1, 2022 and every May 1 thereafter,
9 reporting and making publicly available in executable,
10 electronic spreadsheet format, by zip code, on the number of
11 disconnections for nonpayment and reconnections that occurred
12 in the immediately preceding calendar year.

13 (b) Each such public utility in its annual report shall
14 report to the Commission and make publicly available in
15 executable, electronic spreadsheet format the following
16 information, by zip code, for the immediately preceding
17 calendar year:

18 (1) the number of customers, by customer class and
19 type of utility service provided, during each month;

20 (2) the number of customers, by customer class and
21 type of utility service, receiving disconnection notices
22 during each month;

23 (3) the number of customers, by customer class and
24 type of utility service, disconnected for nonpayment
25 during each month;

1 (4) the number of customers, by customer class and
2 type of utility service, reconnected because they have
3 paid in full or set up payment arrangements during each
4 month;

5 (5) the number of new deferred payment agreements, by
6 customer class and type of utility service, each month;

7 (6) the number of customers, by customer class and
8 type of utility service, taking service at the beginning
9 of the month under existing deferred payment arrangements;

10 (7) the number of customers, by customer class and
11 type of utility service, completing deferred payment
12 arrangements during the month;

13 (8) the number of payment agreements, by customer
14 class and type of utility service, that failed during each
15 month;

16 (9) the number of customers, by customer class and
17 type of utility service, renegotiating deferred payment
18 arrangements during the month;

19 (10) the number of customers, by customer class and
20 type of utility service, assessed late payment fees or
21 charges during the month;

22 (11) the number of customers, by customer class and
23 type of utility service, taking service at the beginning
24 of the month under existing medical payment arrangements;

25 (12) the number of customers, by utility service,
26 completing medical payment arrangements during the month;

1 (13) the number of customers, by utility service,
2 enrolling in new medical payment arrangements during the
3 month;

4 (14) the number of customers, by utility service,
5 renegotiating medical payment arrangements plans during
6 the month;

7 (15) the number of customers, by customer class and
8 utility service, with required deposits with the company
9 at the beginning of the month;

10 (16) the number of customers, by customer class and
11 utility service, required to submit new deposits or
12 increased deposits during the month;

13 (17) the number of customers, by customer class and
14 utility service, whose required deposits were reduced in
15 part or forgone during the month;

16 (18) the number of customers, by customer class and
17 utility service, whose deposits were returned in full
18 during the month;

19 (19) the number of customers, by customer class and
20 utility service, with past due amounts greater than 30
21 days past due at the beginning of the month and taking
22 service at the beginning of the month under existing
23 deferred payment arrangements;

24 (20) the dollar volume of past due accounts, by
25 customer class and utility service, for customers with
26 past due amounts greater than 30 days past due at the

beginning of the month and taking service at the beginning
of the month under existing deferred payment arrangements;

(21) the number of customers, by customer class and
utility service, with past due amounts greater than 30
days past due at the beginning of the month and not taking
service at the beginning of the month under existing
deferred payment arrangements; and

(22) the dollar volume of past due accounts, by
customer class and utility service, for customers with
past due amounts greater than 30 days past due at the
beginning of the month and not taking service at the
beginning of the month under existing deferred payment
arrangements.

(c) The Commission may specify the executable, electronic
spreadsheet format that utilities must adhere to when
submitting the information required by this Section.
Notwithstanding the requirements of this Section, the
Commission may establish an online reporting system and
require each public utility to report using the online
reporting system instead of filing information in executable,
electronic spreadsheet format. The Commission shall make each
annual report submitted by each public utility publicly
available on its website within 30 days of receipt.

(d) The Commission shall require all gas, electric, water
and sewer public utilities under its authority to submit an
annual report by May 1, 2022 and every May 1 thereafter,

1 detailling the number of disconnections for nonpayment and
2 reconnections that occurred in the immediately preceding
3 calendar year.

4 (e) Each such public utility in its annual report shall
5 include the following information for the immediately
6 preceding calendar year:

7 (1) the number of customers, by customer class, during
8 each month;

9 (2) the number of customers, by customer class,
10 disconnected for nonpayment during each month;

11 (3) the number of customers, by customer class,
12 reconnected because they have paid in full or set up
13 payment arrangements during each month; and

14 (4) the number of customers, by customer class, who
15 have set up payment arrangements each month.

16 (f) The Commission shall make each annual report submitted
17 by each public utility publicly available on its website
18 within 30 days of receipt.

19 (220 ILCS 5/8-402.2 new)

20 Sec. 8-402.2. Public Schools Carbon-Free Assessment
21 programs.

22 (a) Within one year after the effective date of this
23 amendatory Act of the 102nd General Assembly, each electric
24 utility serving over 500,000 retail customers in this State
25 shall implement a Public Schools Carbon-Free Assessment

1 program.

2 (b) Each utility's Public Schools Carbon-Free Assessment
3 program shall include the following requirements:

4 (1) Each plan shall be designed to offer within the
5 utility's service territory to assist public schools, as
6 defined by Section 1-3 of the School Code, to increase the
7 efficiency of their energy usage, to reduce the carbon
8 emissions associated with their energy usage, and to move
9 toward a goal of public schools being carbon-free in their
10 energy usage by 2030. The program shall include a target
11 of completing Public Schools Carbon-Free Assessment for
12 all public schools in the utility's service territory by
13 December 31, 2029.

14 (2) The Public Schools Carbon-Free Assessment shall be
15 a generally standardized assessment, but may incorporate
16 flexibility to reflect the circumstances of individual
17 public schools and public school districts.

18 (3) The Public Schools Carbon-Free Assessment shall
19 include, but not be limited to, comprehensive analyses of
20 the following subjects:

21 (A) The top energy efficiency savings
22 opportunities for the public school, by energy saved;

23 (B) The total achievable solar energy potential on
24 or nearby a public school's premises and able to
25 provide power to a school;

26 (C) The infrastructure required to support

1 electrification of the facility's space heating and
2 water heating needs;

3 (D) The infrastructure requirements to support
4 electrification of a school's transportation needs;
5 and

6 (E) The investments required to achieve a WELL
7 Certification or similar certification as determined
8 through methods developed and updated by the
9 International WELL Building Institute or similar or
10 successor organizations.

11 (4) The Public Schools Carbon-Free Assessment also
12 shall include, but not be limited to, mechanical
13 insulation evaluation inspection and inspection of the
14 building envelope(s).

15 (5) With respect to those public school construction
16 projects for public schools within the service territory
17 of a utility serving over 500,000 retail customers in this
18 State and for which a public school district applies for a
19 grant under Section 5-40 of the School Construction Law on
20 or after June 1, 2023, the district must submit a copy of
21 the applicable Public Schools Carbon-Free Assessment
22 report, or, if no such Public Schools Carbon-Free
23 Assessment has been performed, request the applicable
24 utility to perform such a Public Schools Carbon-Free
25 Assessment and submit a copy of the Public Schools
26 Carbon-Free Assessment report promptly when it becomes

1 available. The Public Schools Carbon-Free Assessment
2 report shall include a mechanical insulation evaluation
3 inspection and inspection of the building envelopes. The
4 district must demonstrate how the construction project is
5 designed and managed to achieve the goals that all public
6 elementary and secondary school facilities in the State
7 are able to be powered by clean energy by 2030, and for
8 such facilities to achieve carbon-free energy sources for
9 space heat, water heat, and transportation by 2050.

10 (6) The results of each Public Schools Carbon-Free
11 Assessment shall be memorialized by the utility or by a
12 third party acting on behalf of the utility in a usable
13 report form and shall be provided to the applicable public
14 school. Each utility shall be required to retain a copy of
15 each Public Schools Carbon-Free Assessment report and to
16 provide confidential copies of each report to the Illinois
17 Power Agency and the Illinois Capital Development Board
18 within 3 months of its completion.

19 (7) The Public School Carbon-Free Assessment shall be
20 conducted in coordination with each utility's energy
21 efficiency and demand-response plans under Sections 8-103,
22 8-103A, and 8-103B of this Act, to the extent applicable.
23 Nothing in this Section is intended to modify or require
24 modification of those plans. However, the utility may
25 request a modification of a plan approved by the
26 Commission, and the Commission may approve the requested

1 modification, if the modification is consistent with the
2 provisions of this Section and Section 8-103B of this Act.

3 (8) If there are no other providers of assessments
4 that are substantively the same as those being performed
5 by utilities pursuant to this Section by 2024, a utility
6 that has a Public Schools Carbon-Free Assessment program
7 may offer assessments to public schools that are not
8 served by a utility subject to this Section at the
9 utility's cost.

10 (9) The Public Schools Carbon-Free Assessment shall be
11 offered to and performed for public schools in the
12 utility's service territory on a complementary basis by
13 each utility, with no Assessment fee charged to the public
14 schools for the Assessments. Nothing in this Section is
15 intended to prohibit the utility from recovering through
16 rates approved by the Commission the utility's prudent and
17 reasonable costs of complying with this Section.

18 (10) Utilities shall make efforts to prioritize the
19 completion of Public Schools Carbon-Free Assessments for
20 the following school districts by December 31, 2022: East
21 St. Louis School District 189, Harvey School District 152,
22 Thornton Township High School District 205.

23 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

24 Sec. 8-406. Certificate of public convenience and
25 necessity.

1 (a) No public utility not owning any city or village
2 franchise nor engaged in performing any public service or in
3 furnishing any product or commodity within this State as of
4 July 1, 1921 and not possessing a certificate of public
5 convenience and necessity from the Illinois Commerce
6 Commission, the State Public Utilities Commission or the
7 Public Utilities Commission, at the time this amendatory Act
8 of 1985 goes into effect, shall transact any business in this
9 State until it shall have obtained a certificate from the
10 Commission that public convenience and necessity require the
11 transaction of such business.

12 (b) No public utility shall begin the construction of any
13 new plant, equipment, property or facility which is not in
14 substitution of any existing plant, equipment, property or
15 facility or any extension or alteration thereof or in addition
16 thereto, unless and until it shall have obtained from the
17 Commission a certificate that public convenience and necessity
18 require such construction. Whenever after a hearing the
19 Commission determines that any new construction or the
20 transaction of any business by a public utility will promote
21 the public convenience and is necessary thereto, it shall have
22 the power to issue certificates of public convenience and
23 necessity. The Commission shall determine that proposed
24 construction will promote the public convenience and necessity
25 only if the utility demonstrates: (1) that the proposed
26 construction is necessary to provide adequate, reliable, and

1 efficient service to its customers and is the least-cost means
2 of satisfying the service needs of its customers or that the
3 proposed construction will promote the development of an
4 effectively competitive electricity market that operates
5 efficiently, is equitable to all customers, and is the least
6 cost means of satisfying those objectives; (2) that the
7 utility is capable of efficiently managing and supervising the
8 construction process and has taken sufficient action to ensure
9 adequate and efficient construction and supervision thereof;
10 and (3) that the utility is capable of financing the proposed
11 construction without significant adverse financial
12 consequences for the utility or its customers.

13 (b-5) As used in this subsection (b-5):

14 "Qualifying direct current applicant" means an entity that
15 seeks to provide direct current bulk transmission service for
16 the purpose of transporting electric energy in interstate
17 commerce.

18 "Qualifying direct current project" means a high voltage
19 direct current electric service line that crosses at least one
20 Illinois border, the Illinois portion of which is physically
21 located within the region of the Midcontinent Independent
22 System Operator, Inc. or its successor organization, is
23 capable of transmitting electricity at voltages of 345kv or
24 above, and may also include associated interconnected
25 alternating current interconnection facilities in this State
26 that are part of the proposed project and reasonably necessary

1 to connect the project with other portions of the grid.

2 Notwithstanding any other provision of this Act, a
3 qualifying direct current applicant that does not own,
4 control, operate, or manage, within this State, any plant,
5 equipment, or property used or to be used for the transmission
6 of electricity at the time of its application or of the
7 Commission's order may file an application on or before
8 December 31, 2024 with the Commission pursuant to this Section
9 or Section 8-406.1 for, and the Commission may grant, a
10 certificate of public convenience and necessity to construct,
11 operate, and maintain a qualifying direct current project. The
12 qualifying direct current applicant may also include in the
13 application requests for authority under Section 8-503. The
14 Commission shall grant the application for a certificate of
15 public convenience and necessity and requests for authority
16 under Section 8-503 if it finds that the qualifying direct
17 current applicant and the proposed qualifying direct current
18 project satisfy the requirements of this subsection and
19 otherwise satisfy the criteria of this Section or Section
20 8-406.1 and the criteria of Section 8-503, as applicable to
21 the application and to the extent such criteria are not
22 superseded by the provisions of this subsection. The
23 Commission's order on the application for the certificate of
24 public convenience and necessity shall also include the
25 Commission's findings and determinations on the request or
26 requests for authority pursuant to Section 8-503. Prior to

1 filing its application under either this Section or Section
2 8-406.1, the qualifying direct current applicant shall conduct
3 2 public meetings in accordance with subsection (h) of this
4 Section. If the qualifying direct current applicant
5 demonstrates in its application that the proposed qualifying
6 direct current project is designed to deliver electricity to a
7 point or points on the electric transmission grid in either or
8 both the PJM Interconnection, LLC or the Midcontinent
9 Independent System Operator, Inc., or their respective
10 successor organizations, the proposed qualifying direct
11 current project shall be deemed to be, and the Commission
12 shall find it to be, for public use. If the qualifying direct
13 current applicant further demonstrates in its application that
14 the proposed transmission project has a capacity of 1,000
15 megawatts or larger and a voltage level of 345 kilovolts or
16 greater, the proposed transmission project shall be deemed to
17 satisfy, and the Commission shall find that it satisfies, the
18 criteria stated in item (1) of subsection (b) of this Section
19 or in paragraph (1) of subsection (f) of Section 8-406.1, as
20 applicable to the application, without the taking of
21 additional evidence on these criteria. Prior to the transfer
22 of functional control of any transmission assets to a regional
23 transmission organization, a qualifying direct current
24 applicant shall request Commission approval to join a regional
25 transmission organization in an application filed pursuant to
26 this subsection (b-5) or separately pursuant to Section 7-102

1 of this Act. The Commission may grant permission to a
2 qualifying direct current applicant to join a regional
3 transmission organization if it finds that the membership, and
4 associated transfer of functional control of transmission
5 assets, benefits Illinois customers in light of the attendant
6 costs and is otherwise in the public interest. Nothing in this
7 subsection (b-5) requires a qualifying direct current
8 applicant to join a regional transmission organization.

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 (4) ~~(3)~~ of this subsection (g)
16 or that has obtained approval pursuant to Section 8-406.1 of
17 this Act shall not be required to comply with the requirements
18 of this Section to the extent such requirements otherwise
19 would apply. For purposes of this Section and Section 8-406.1
20 of 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; or.

13 (4) notwithstanding any other provision of this Act,
14 install fiber optic communication equipment that is to be
15 used for operational purposes and also may be used by
16 third-party telecommunications service providers.

17 (h) A public utility seeking to construct a high-voltage
18 electric service line and related facilities (Project) must
19 show that the utility has held a minimum of 2 pre-filing public
20 meetings to receive public comment concerning the Project in
21 each county where the Project is to be located, no earlier than
22 6 months prior to filing an application for a certificate of
23 public convenience and necessity from the Commission. Notice
24 of the public meeting shall be published in a newspaper of
25 general circulation within the affected county once a week for
26 3 consecutive weeks, beginning no earlier than one month prior

1 to the first public meeting. If the Project traverses 2
2 contiguous counties and where in one county the transmission
3 line mileage and number of landowners over whose property the
4 proposed route traverses is one-fifth or less of the
5 transmission line mileage and number of such landowners of the
6 other county, then the utility may combine the 2 pre-filing
7 meetings in the county with the greater transmission line
8 mileage and affected landowners. All other requirements
9 regarding pre-filing meetings shall apply in both counties.
10 Notice of the public meeting, including a description of the
11 Project, must be provided in writing to the clerk of each
12 county where the Project is to be located. A representative of
13 the Commission shall be invited to each pre-filing public
14 meeting.

15 (i) For applications filed after the effective date of
16 this amendatory Act of the 99th General Assembly, the
17 Commission shall by registered mail notify each owner of
18 record of land, as identified in the records of the relevant
19 county tax assessor, included in the right-of-way over which
20 the utility seeks in its application to construct a
21 high-voltage electric line of the time and place scheduled for
22 the initial hearing on the public utility's application. The
23 utility shall reimburse the Commission for the cost of the
24 postage and supplies incurred for mailing the notice.

25 (j) A certificate or approval under this Section shall not
26 be modified or denied on the basis of the common law doctrine

1 of first in the field if the plant, equipment, property, or
2 facility is subject to a competitive process under the
3 authority of the Federal Energy Regulatory Commission.

4 (Source: P.A. 99-399, eff. 8-18-15.)

5 (220 ILCS 5/8-512 new)

6 Sec. 8-512. Renewable energy access plan.

7 (a) It is the policy of this State to promote
8 cost-effective transmission system development that ensures
9 reliability of the electric transmission system, lowers carbon
10 emissions, minimizes long-term costs for consumers, and
11 supports the electric policy goals of this State. The General
12 Assembly finds that:

13 (1) Transmission planning, primarily for reliability
14 purposes, but also for economic and public policy reasons
15 is conducted by regional transmission organizations in
16 which transmission-owning Illinois utilities and other
17 stakeholders are members.

18 (2) Order No. 1000 of the Federal Energy Regulatory
19 Commission requires regional transmission organizations to
20 plan for transmission system needs in light of State
21 public policies and to accept input from states during the
22 transmission system planning processes.

23 (3) The State of Illinois does not currently have a
24 comprehensive power and environmental policy planning
25 process to identify transmission infrastructure needs that

1 can serve as a vital input into the regional and
2 inter-regional transmission organization planning
3 processes conducted under Order No. 1000 and other laws
4 and regulations.

5 (4) This State is an electricity generation and power
6 transmission hub, and can leverage that position to invest
7 in infrastructure that enables new and existing Illinois
8 generators to meet the public policy goals of the State of
9 Illinois and of interconnected states while
10 cost-effectively supporting tens of thousands of jobs in
11 the renewable energy sector in this State.

12 (5) The nation has a need to readily access this
13 State's low-cost, clean electric power, and this State
14 also desires access to clean energy resources in other
15 states to develop and support its low-carbon economy and
16 keep electricity prices low in Illinois and interconnected
17 States.

18 (6) Existing transmission infrastructure may constrain
19 the State's achievement of 100% renewable energy by 2050,
20 the accelerated adoption of electric vehicles in a just
21 and equitable way, and electrification of additional
22 sectors of the Illinois economy.

23 (7) Transmission system congestion within this State
24 and the regional transmission organizations serving this
25 State limits the ability of this State's existing and new
26 electric generation facilities that do not emit carbon

1 dioxide, including renewable energy resources and zero
2 emission facilities, to serve the public policy goals of
3 this State and other states, which constrains investment
4 in this State.

5 (8) Investment in infrastructure to support existing
6 and new electric generation facilities that do not emit
7 carbon dioxide, including renewable energy resources and
8 zero emission facilities, stimulates significant economic
9 development and job growth in this State, as well as
10 creates environmental and public health benefits in this
11 State.

12 (9) Creating a forward-looking plan for this State's
13 electric transmission infrastructure, as opposed to
14 relying on case-by-case development and repeated marginal
15 upgrades, will achieve a lower-cost system for Illinois'
16 electricity customers. A forward-looking plan can also
17 help integrate and achieve a comprehensive set of
18 objectives and multiple state, regional, and national
19 policy goals.

20 (10) Alternatives to overhead electric transmission
21 lines can achieve cost-effective resolution of system
22 impacts and warrant investigation of the circumstances
23 under which those alternatives should be considered and
24 approved. The alternatives are likely to be beneficial as
25 investment in electric transmission infrastructure moves
26 forward.

1 (11) Because transmission planning is conducted
2 primarily by the regional transmission organizations, the
3 Commission should be advocating for the State's interests
4 at the regional transmission organizations to ensure that
5 such planning facilitates the State's policies and goals,
6 including overall consumer savings, power system
7 reliability, economic development, environmental
8 improvement, and carbon reduction.

9 (b) Consistent with the findings identified in subsection
10 (a), the Commission shall open an investigation to develop and
11 adopt a renewable energy access plan no later than December
12 31, 2022. To assist and support the Commission in the
13 development of the plan, the Commission shall retain the
14 services of technical and policy experts with relevant fields
15 of expertise, solicit technical and policy analysis from the
16 public, and provide for a 120-day open public comment period
17 after publication of a draft report, which shall be published
18 no later than 90 days after the comment period ends. The plan
19 shall, at a minimum, do the following:

20 (1) designate renewable energy access plan zones
21 throughout this State in areas in which renewable energy
22 resources and suitable land areas are sufficient for
23 developing generating capacity from renewable energy
24 technologies;

25 (2) develop a plan to achieve transmission capacity
26 necessary to deliver the electric output from renewable

1 energy technologies in the renewable energy access plan
2 zones to customers in Illinois and other states in a
3 manner that is most beneficial and cost-effective to
4 customers;

5 (3) use this State's position as an electricity
6 generation and power transmission hub to create new
7 investment in this State's renewable energy resources;

8 (4) consider programs, policies, and electric
9 transmission projects that can be adopted within this
10 State that promote the cost-effective delivery of power
11 from renewable energy resources interconnected to the bulk
12 electric system to meet the renewable portfolio standard
13 targets under subsection (c) of Section 1-75 of the
14 Illinois Power Agency Act;

15 (5) consider proposals to improve regional
16 transmission organizations' regional and interregional
17 system planning processes, especially proposals that
18 reduce costs and emissions, create jobs, and increase
19 State and regional power system reliability to prevent
20 high-cost outages that can endanger lives, and analyze of
21 how those proposals would improve reliability and
22 cost-effective delivery of electricity in Illinois and the
23 region;

24 (6) make findings and policy recommendations based on
25 technical and policy analysis regarding locations of
26 renewable energy access plan zones and the transmission

1 system developments needed to cost-effectively achieve the
2 public policy goals identified herein; and

3 (7) present the Commission's conclusions and proposed
4 recommendations based on its analysis.

5 (c) No later than December 31, 2025, and every other year
6 thereafter, the Commission shall open an investigation to
7 develop and adopt an updated renewable energy access plan
8 that, at a minimum, evaluates the implementation and
9 effectiveness of the renewable energy access plan, recommends
10 improvements to the renewable energy access plan, and provides
11 changes to transmission capacity necessary to deliver electric
12 output from the renewable energy access plan zones.

13 (220 ILCS 5/9-228 new)

14 Sec. 9-228. Limits on public utility expenses. The
15 Commission shall not consider any of the following as an
16 expense of any public utility company, including any
17 allocation of those costs to the public utility from an
18 affiliate or corporate parent, for the purpose of determining
19 any rate or charge, any amount expended for:

20 (1) the pension or other post-employment benefits for
21 an employee convicted of committing a criminal act in the
22 course of his or her work with the utility;

23 (2) any severance or post-employment costs for an
24 employee convicted of committing a criminal act in the
25 course of his or her work with the utility; or

1 (3) criminal penalties, fines, fees, and costs related
2 to criminal charges, criminal investigations, or deferred
3 prosecution agreements.

4 (220 ILCS 5/16-107.5)

5 Sec. 16-107.5. Net electricity metering.

6 (a) The General Assembly Legislature finds and declares
7 that a program to provide net electricity metering, as defined
8 in this Section, for eligible customers can encourage private
9 investment in renewable energy resources, stimulate economic
10 growth, enhance the continued diversification of Illinois'
11 energy resource mix, and protect the Illinois environment.
12 Further, to achieve the goals of this Act that robust options
13 for customer-site distributed generation continue to thrive in
14 Illinois, the General Assembly finds that a predictable
15 transition must be ensured for customers between full net
16 metering at the retail electricity rate to the distribution
17 generation rebate described in Section 16-107.6.

18 (b) As used in this Section, (i) "community renewable
19 generation project" shall have the meaning set forth in
20 Section 1-10 of the Illinois Power Agency Act; (ii) "eligible
21 customer" means a retail customer that owns, hosts, or
22 operates, including any third-party owned systems, a solar,
23 wind, or other eligible renewable electrical generating
24 facility ~~with a rated capacity of not more than 2,000~~
25 ~~kilowatts~~ that is located on the customer's premises or

1 customer's side of the billing meter and is intended primarily
2 to offset the customer's own current or future electrical
3 requirements; (iii) "electricity provider" means an electric
4 utility or alternative retail electric supplier; (iv)
5 "eligible renewable electrical generating facility" means a
6 generator, which may include the co-location of an energy
7 storage system, that is interconnected under rules adopted by
8 the Commission and is powered by solar electric energy, wind,
9 dedicated crops grown for electricity generation, agricultural
10 residues, untreated and unadulterated wood waste, landscape
11 trimmings, livestock manure, anaerobic digestion of livestock
12 or food processing waste, fuel cells or microturbines powered
13 by renewable fuels, or hydroelectric energy; (v) "net
14 electricity metering" (or "net metering") means the
15 measurement, during the billing period applicable to an
16 eligible customer, of the net amount of electricity supplied
17 by an electricity provider to the customer ~~customer's premises~~
18 or provided to the electricity provider by the customer or
19 subscriber; (vi) "subscriber" shall have the meaning as set
20 forth in Section 1-10 of the Illinois Power Agency Act; and
21 (vii) "subscription" shall have the meaning set forth in
22 Section 1-10 of the Illinois Power Agency Act; (viii) "energy
23 storage system" means commercially available technology that
24 is capable of absorbing energy and storing it for a period of
25 time for use at a later time, including, but not limited to,
26 electrochemical, thermal, and electromechanical technologies,

1 and may be interconnected behind the customer's meter or
2 interconnected behind its own meter; and (ix) "future
3 electrical requirements" means modeled electrical requirements
4 upon occupation of a new or vacant property, and other
5 reasonable expectations of future electrical use, as well as,
6 for occupied properties, a reasonable approximation of the
7 annual load of 2 electric vehicles and, for non-electric
8 heating customers, a reasonable approximation of the
9 incremental electric load associated with fuel switching. The
10 approximations shall be applied to the appropriate net
11 metering tariff and do not need to be unique to each individual
12 eligible customer. The utility shall submit these
13 approximations to the Commission for review, modification, and
14 approval.

15 (c) A net metering facility shall be equipped with
16 metering equipment that can measure the flow of electricity in
17 both directions at the same rate.

18 (1) For eligible customers whose electric service has
19 not been declared competitive pursuant to Section 16-113
20 of this Act as of July 1, 2011 and whose electric delivery
21 service is provided and measured on a kilowatt-hour basis
22 and electric supply service is not provided based on
23 hourly pricing, this shall typically be accomplished
24 through use of a single, bi-directional meter. If the
25 eligible customer's existing electric revenue meter does
26 not meet this requirement, the electricity provider shall

1 arrange for the local electric utility or a meter service
2 provider to install and maintain a new revenue meter at
3 the electricity provider's expense, which may be the smart
4 meter described by subsection (b) of Section 16-108.5 of
5 this Act.

6 (2) For eligible customers whose electric service has
7 not been declared competitive pursuant to Section 16-113
8 of this Act as of July 1, 2011 and whose electric delivery
9 service is provided and measured on a kilowatt demand
10 basis and electric supply service is not provided based on
11 hourly pricing, this shall typically be accomplished
12 through use of a dual channel meter capable of measuring
13 the flow of electricity both into and out of the
14 customer's facility at the same rate and ratio. If such
15 customer's existing electric revenue meter does not meet
16 this requirement, then the electricity provider shall
17 arrange for the local electric utility or a meter service
18 provider to install and maintain a new revenue meter at
19 the electricity provider's expense, which may be the smart
20 meter described by subsection (b) of Section 16-108.5 of
21 this Act.

22 (3) For all other eligible customers, until such time
23 as the local electric utility installs a smart meter, as
24 described by subsection (b) of Section 16-108.5 of this
25 Act, the electricity provider may arrange for the local
26 electric utility or a meter service provider to install

1 and maintain metering equipment capable of measuring the
2 flow of electricity both into and out of the customer's
3 facility at the same rate and ratio, typically through the
4 use of a dual channel meter. If the eligible customer's
5 existing electric revenue meter does not meet this
6 requirement, then the costs of installing such equipment
7 shall be paid for by the customer.

8 (d) An electricity provider shall measure and charge or
9 credit for the net electricity supplied to eligible customers
10 or provided by eligible customers whose electric service has
11 not been declared competitive pursuant to Section 16-113 of
12 this Act as of July 1, 2011 and whose electric delivery service
13 is provided and measured on a kilowatt-hour basis and electric
14 supply service is not provided based on hourly pricing in the
15 following manner:

16 (1) If the amount of electricity used by the customer
17 during the billing period exceeds the amount of
18 electricity produced by the customer, the electricity
19 provider shall charge the customer for the net electricity
20 supplied to and used by the customer as provided in
21 subsection (e-5) of this Section.

22 (2) If the amount of electricity produced by a
23 customer during the billing period exceeds the amount of
24 electricity used by the customer during that billing
25 period, the electricity provider supplying that customer
26 shall apply a 1:1 kilowatt-hour credit to a subsequent

1 bill for service to the customer for the net electricity
2 supplied to the electricity provider. The electricity
3 provider shall continue to carry over any excess
4 kilowatt-hour credits earned and apply those credits to
5 subsequent billing periods to offset any
6 customer-generator consumption in those billing periods
7 until all credits are used or until the end of the
8 annualized period.

9 (3) At the end of the year or annualized over the
10 period that service is supplied by means of net metering,
11 or in the event that the retail customer terminates
12 service with the electricity provider prior to the end of
13 the year or the annualized period, any remaining credits
14 in the customer's account shall expire.

15 (d-5) An electricity provider shall measure and charge or
16 credit for the net electricity supplied to eligible customers
17 or provided by eligible customers whose electric service has
18 not been declared competitive pursuant to Section 16-113 of
19 this Act as of July 1, 2011 and whose electric delivery service
20 is provided and measured on a kilowatt-hour basis and electric
21 supply service is provided based on hourly pricing or
22 time-of-use rates in the following manner:

23 (1) If the amount of electricity used by the customer
24 during any hourly period or time-of-use period exceeds the
25 amount of electricity produced by the customer, the
26 electricity provider shall charge the customer for the net

1 electricity supplied to and used by the customer according
2 to the terms of the contract or tariff to which the same
3 customer would be assigned to or be eligible for if the
4 customer was not a net metering customer.

5 (2) If the amount of electricity produced by a
6 customer during any hourly period or time-of-use period
7 exceeds the amount of electricity used by the customer
8 during that hourly period or time-of-use period, the
9 energy provider shall apply a credit for the net
10 kilowatt-hours produced in such period. The credit shall
11 consist of an energy credit and a delivery service credit.
12 The energy credit shall be valued at the same price per
13 kilowatt-hour as the electric service provider would
14 charge for kilowatt-hour energy sales during that same
15 hourly period or time-of-use period. The delivery credit
16 shall be equal to the net kilowatt-hours produced in such
17 hourly period or time-of-use period times a credit that
18 reflects all kilowatt-hour based charges in the customer's
19 electric service rate, excluding energy charges.

20 (e) An electricity provider shall measure and charge or
21 credit for the net electricity supplied to eligible customers
22 whose electric service has not been declared competitive
23 pursuant to Section 16-113 of this Act as of July 1, 2011 and
24 whose electric delivery service is provided and measured on a
25 kilowatt demand basis and electric supply service is not
26 provided based on hourly pricing in the following manner:

1 (1) If the amount of electricity used by the customer
2 during the billing period exceeds the amount of
3 electricity produced by the customer, then the electricity
4 provider shall charge the customer for the net electricity
5 supplied to and used by the customer as provided in
6 subsection (e-5) of this Section. The customer shall
7 remain responsible for all taxes, fees, and utility
8 delivery charges that would otherwise be applicable to the
9 net amount of electricity used by the customer.

10 (2) If the amount of electricity produced by a
11 customer during the billing period exceeds the amount of
12 electricity used by the customer during that billing
13 period, then the electricity provider supplying that
14 customer shall apply a 1:1 kilowatt-hour credit that
15 reflects the kilowatt-hour based charges in the customer's
16 electric service rate to a subsequent bill for service to
17 the customer for the net electricity supplied to the
18 electricity provider. The electricity provider shall
19 continue to carry over any excess kilowatt-hour credits
20 earned and apply those credits to subsequent billing
21 periods to offset any customer-generator consumption in
22 those billing periods until all credits are used or until
23 the end of the annualized period.

24 (3) At the end of the year or annualized over the
25 period that service is supplied by means of net metering,
26 or in the event that the retail customer terminates

1 service with the electricity provider prior to the end of
2 the year or the annualized period, any remaining credits
3 in the customer's account shall expire.

4 (e-5) An electricity provider shall provide electric
5 service to eligible customers who utilize net metering at
6 non-discriminatory rates that are identical, with respect to
7 rate structure, retail rate components, and any monthly
8 charges, to the rates that the customer would be charged if not
9 a net metering customer. An electricity provider shall not
10 charge net metering customers any fee or charge or require
11 additional equipment, insurance, or any other requirements not
12 specifically authorized by interconnection standards
13 authorized by the Commission, unless the fee, charge, or other
14 requirement would apply to other similarly situated customers
15 who are not net metering customers. The customer will remain
16 responsible for all taxes, fees, and utility delivery charges
17 that would otherwise be applicable to the net amount of
18 electricity used by the customer. Subsections (c) through (e)
19 of this Section shall not be construed to prevent an
20 arms-length agreement between an electricity provider and an
21 eligible customer that sets forth different prices, terms, and
22 conditions for the provision of net metering service,
23 including, but not limited to, the provision of the
24 appropriate metering equipment for non-residential customers.

25 (f) Notwithstanding the requirements of subsections (c)
26 through (e-5) of this Section, an electricity provider must

1 require dual-channel metering for customers operating eligible
2 renewable electrical generating facilities ~~with a nameplate~~
3 ~~rating up to 2,000 kilowatts~~ and to whom the provisions of
4 neither subsection (d), (d-5), nor (e) of this Section apply.
5 In such cases, electricity charges and credits shall be
6 determined as follows:

7 (1) The electricity provider shall assess and the
8 customer remains responsible for all taxes, fees, and
9 utility delivery charges that would otherwise be
10 applicable to the gross amount of kilowatt-hours supplied
11 to the eligible customer by the electricity provider.

12 (2) Each month that service is supplied by means of
13 dual-channel metering, the electricity provider shall
14 compensate the eligible customer for any excess
15 kilowatt-hour credits at the electricity provider's
16 avoided cost of electricity supply over the monthly period
17 or as otherwise specified by the terms of a power-purchase
18 agreement negotiated between the customer and electricity
19 provider.

20 (3) For all eligible net metering customers taking
21 service from an electricity provider under contracts or
22 tariffs employing hourly or time-of-use ~~time of use~~ rates,
23 any monthly consumption of electricity shall be calculated
24 according to the terms of the contract or tariff to which
25 the same customer would be assigned to or be eligible for
26 if the customer was not a net metering customer. When

1 those same customer-generators are net generators during
2 any discrete hourly or time-of-use ~~time of use~~ period, the
3 net kilowatt-hours produced shall be valued at the same
4 price per kilowatt-hour as the electric service provider
5 would charge for retail kilowatt-hour sales during that
6 same time-of-use ~~time of use~~ period.

7 (g) For purposes of federal and State laws providing
8 renewable energy credits or greenhouse gas credits, the
9 eligible customer shall be treated as owning and having title
10 to the renewable energy attributes, renewable energy credits,
11 and greenhouse gas emission credits related to any electricity
12 produced by the qualified generating unit. The electricity
13 provider may not condition participation in a net metering
14 program on the signing over of a customer's renewable energy
15 credits; provided, however, this subsection (g) shall not be
16 construed to prevent an arms-length agreement between an
17 electricity provider and an eligible customer that sets forth
18 the ownership or title of the credits.

19 (h) Within 120 days after the effective date of this
20 amendatory Act of the 95th General Assembly, the Commission
21 shall establish standards for net metering and, if the
22 Commission has not already acted on its own initiative,
23 standards for the interconnection of eligible renewable
24 generating equipment to the utility system. The
25 interconnection standards shall address any procedural
26 barriers, delays, and administrative costs associated with the

1 interconnection of customer-generation while ensuring the
2 safety and reliability of the units and the electric utility
3 system. The Commission shall consider the Institute of
4 Electrical and Electronics Engineers (IEEE) Standard 1547 and
5 the issues of (i) reasonable and fair fees and costs, (ii)
6 clear timelines for major milestones in the interconnection
7 process, (iii) nondiscriminatory terms of agreement, and (iv)
8 any best practices for interconnection of distributed
9 generation.

10 (h-5) Within 90 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, the Commission
12 shall:

13 (1) establish an Interconnection Working Group. The
14 working group shall include representatives from electric
15 utilities, developers of renewable electric generating
16 facilities, other industries that regularly apply for
17 interconnection with the electric utilities,
18 representatives of distributed generation customers, the
19 Commission Staff, and such other stakeholders with a
20 substantial interest in the topics addressed by the
21 Interconnection Working Group. The Interconnection Working
22 Group shall address at least the following issues:

23 (A) cost and best available technology for
24 interconnection and metering, including the
25 standardization and publication of standard costs;

26 (B) transparency, accuracy and use of the

1 distribution interconnection queue and hosting
2 capacity maps;

3 (C) distribution system upgrade cost avoidance
4 through use of advanced inverter functions;

5 (D) predictability of the queue management process
6 and enforcement of timelines;

7 (E) benefits and challenges associated with group
8 studies and cost sharing;

9 (F) minimum requirements for application to the
10 interconnection process and throughout the
11 interconnection process to avoid queue clogging
12 behavior;

13 (G) process and customer service for
14 interconnecting customers adopting distributed energy
15 resources, including energy storage;

16 (H) options for metering distributed energy
17 resources, including energy storage;

18 (I) interconnection of new technologies, including
19 smart inverters and energy storage;

20 (J) collect, share, and examine data on Level 1
21 interconnection costs, including cost and type of
22 upgrades required for interconnection, and use this
23 data to inform the final standardized cost of Level 1
24 interconnection; and

25 (K) such other technical, policy, and tariff
26 issues related to and affecting interconnection

1 performance and customer service as determined by the
2 Interconnection Working Group.

3 The Commission may create subcommittees of the
4 Interconnection Working Group to focus on specific issues
5 of importance, as appropriate. The Interconnection Working
6 Group shall report to the Commission on recommended
7 improvements to interconnection rules and tariffs and
8 policies as determined by the Interconnection Working
9 Group at least every 6 months. Such reports shall include
10 consensus recommendations of the Interconnection Working
11 Group and, if applicable, additional recommendations for
12 which consensus was not reached. The Commission shall use
13 the report from the Interconnection Working Group to
14 determine whether processes should be commenced to
15 formally codify or implement the recommendations;

16 (2) create or contract for an Ombudsman to resolve
17 interconnection disputes through non-binding arbitration.
18 The Ombudsman may be paid in full or in part through fees
19 levied on the initiators of the dispute; and

20 (3) determine a single standardized cost for Level 1
21 interconnections, which shall not exceed \$200.

22 (i) All electricity providers shall begin to offer net
23 metering no later than April 1, 2008.

24 (j) An electricity provider shall provide net metering to
25 eligible customers according to subsections (d), (d-5), and
26 (e). Eligible renewable electrical generating facilities for

which eligible customers registered for net metering before January 1, 2025 shall continue to receive net metering services according to subsections (d), (d-5), and (e) of this Section for the lifetime of the system, regardless of whether those retail customers change electricity providers or whether the retail customer benefiting from the system changes. On and after January 1, 2025, any eligible customer that applies for net metering and previously would have qualified under subsections (d), (d-5), or (e) shall only be eligible for net metering as described in subsection (n). until the load of its net metering customers equals 5% of the total peak demand supplied by that electricity provider during the previous year. After such time as the load of the electricity provider's net metering customers equals 5% of the total peak demand supplied by that electricity provider during the previous year, eligible customers that begin taking net metering shall only be eligible for netting of energy.

(k) Each electricity provider shall maintain records and report annually to the Commission the total number of net metering customers served by the provider, as well as the type, capacity, and energy sources of the generating systems used by the net metering customers. Nothing in this Section shall limit the ability of an electricity provider to request the redaction of information deemed by the Commission to be confidential business information.

(l)(1) Notwithstanding the definition of "eligible

1 customer" in item (ii) of subsection (b) of this Section,
2 each electricity provider shall allow net metering as set
3 forth in this subsection (1) and for the following
4 projects, provided that only electric utilities shall
5 provide net metering for projects that are eligible for
6 subparagraph (C) of this paragraph (1) and have energized
7 after the effective date of this amendatory Act of the
8 102nd General Assembly:

9 (A) properties owned or leased by multiple
10 customers that contribute to the operation of an
11 eligible renewable electrical generating facility
12 through an ownership or leasehold interest of at least
13 200 watts in such facility, such as a community-owned
14 wind project, a community-owned biomass project, a
15 community-owned solar project, or a community methane
16 digester processing livestock waste from multiple
17 sources, provided that the facility is also located
18 within the utility's service territory;

19 (B) individual units, apartments, or properties
20 located in a single building that are owned or leased
21 by multiple customers and collectively served by a
22 common eligible renewable electrical generating
23 facility, such as an office or apartment building, a
24 shopping center or strip mall served by photovoltaic
25 panels on the roof; and

26 (C) subscriptions to community renewable

1 generation projects, including community renewable
2 generation projects on the customer's side of the
3 billing meter of a host facility and partially used
4 for the customer's own load.

5 In addition, the nameplate capacity of the eligible
6 renewable electric generating facility that serves the
7 demand of the properties, units, or apartments identified
8 in paragraphs (1) and (2) of this subsection (1) shall not
9 exceed 2,000 kilowatts in nameplate capacity in total. Any
10 eligible renewable electrical generating facility or
11 community renewable generation project that is powered by
12 photovoltaic electric energy and installed after the
13 effective date of this amendatory Act of the 99th General
14 Assembly must be installed by a qualified person in
15 compliance with the requirements of Section 16-128A of the
16 Public Utilities Act and any rules or regulations adopted
17 thereunder.

18 (2) Notwithstanding anything to the contrary, an
19 electricity provider shall provide credits for the
20 electricity produced by the projects described in
21 paragraph (1) of this subsection (1). The electricity
22 provider shall provide credits that include at least
23 energy supply, capacity, transmission, and, if applicable,
24 the purchased energy adjustment at the subscriber's energy
25 ~~supply rate~~ on the subscriber's monthly bill equal to the
26 subscriber's share of the production of electricity from

the project, as determined by paragraph (3) of this subsection (1). For customers with transmission or capacity charges not charged on a kilowatt-hour basis, the electricity provider shall prepare a reasonable approximation of the kilowatt-hour equivalent value and provide that value as a monetary credit. The electricity provider shall submit these approximation methodologies to the Commission for review, modification, and approval. Notwithstanding anything to the contrary, customers on payment plans or participating in budget billing programs shall have credits applied on a monthly basis.

(3) Notwithstanding anything to the contrary and regardless of whether a subscriber to an eligible community renewable generation project receives power and energy service from the electric utility or an alternative retail electric supplier, for projects eligible under paragraph (C) of subparagraph (1) of this subsection (1) the electric utility shall provide the monetary credits to a subscriber's subsequent bill for the electricity produced by community renewable generation projects. The electric utility shall provide monetary credits to a subscriber's subsequent bill at the utility's total price to compare equal to the subscriber's share of the production of electricity from the project, as determined by paragraph (5) of this subsection (1). For the purposes of this subsection, "total price to compare" means the

1 rate or rates published by the Illinois Commerce
2 Commission for energy supply for eligible customers
3 receiving supply service from the electric utility, and
4 shall include energy, capacity, transmission, and the
5 purchased energy adjustment. Notwithstanding anything to
6 the contrary, customers on payment plans or participating
7 in budget billing programs shall have credits applied on a
8 monthly basis. Any applicable credit or reduction in load
9 obligation from the production of the community renewable
10 generating projects receiving a credit under this
11 subsection shall be credited to the electric utility to
12 offset the cost of providing the credit. To the extent
13 that the credit or load obligation reduction does not
14 completely offset the cost of providing the credit to
15 subscribers of community renewable generation projects as
16 described in this subsection the electric utility may
17 recover the remaining costs through its Multi-Year Rate
18 Plan.

19 (4) If requested by the owner or operator of a
20 community renewable generating project, an electric
21 utility shall enter into a net crediting agreement with
22 the owner or operator to include a subscriber's
23 subscription fee on the subscriber's monthly electric bill
24 and provide the subscriber with a net credit equivalent to
25 the total bill credit value for that generation period
26 minus the subscription fee, provided the subscription fee

1 is structured as a fixed percentage of bill credit value.
2 The net crediting agreement shall set forth payment terms
3 from the electric utility to the owner or operator of the
4 community renewable generating project, and the electric
5 utility may charge a net crediting fee to the owner or
6 operator of a community renewable generating project that
7 may not exceed 2% of the bill credit value.

8 (5) ~~(3)~~ For the purposes of facilitating net metering,
9 the owner or operator of the eligible renewable electrical
10 generating facility or community renewable generation
11 project shall be responsible for determining the amount of
12 the credit that each customer or subscriber participating
13 in a project under this subsection (l) is to receive in the
14 following manner:

15 (A) The owner or operator shall, on a monthly
16 basis, provide to the electric utility the
17 kilowatthours of generation attributable to each of
18 the utility's retail customers and subscribers
19 participating in projects under this subsection (l) in
20 accordance with the customer's or subscriber's share
21 of the eligible renewable electric generating
22 facility's or community renewable generation project's
23 output of power and energy for such month. The owner or
24 operator shall electronically transmit such
25 calculations and associated documentation to the
26 electric utility, in a format or method set forth in

1 the applicable tariff, on a monthly basis so that the
2 electric utility can reflect the monetary credits on
3 customers' and subscribers' electric utility bills.
4 The electric utility shall be permitted to revise its
5 tariffs to implement the provisions of this amendatory
6 Act of the 102nd General Assembly ~~this amendatory Act~~
7 ~~of the 99th General Assembly~~. The owner or operator
8 shall separately provide the electric utility with the
9 documentation detailing the calculations supporting
10 the credit in the manner set forth in the applicable
11 tariff.

12 (B) For those participating customers and
13 subscribers who receive their energy supply from an
14 alternative retail electric supplier, the electric
15 utility shall remit to the applicable alternative
16 retail electric supplier the information provided
17 under subparagraph (A) of this paragraph (3) for such
18 customers and subscribers in a manner set forth in
19 such alternative retail electric supplier's net
20 metering program, or as otherwise agreed between the
21 utility and the alternative retail electric supplier.
22 The alternative retail electric supplier shall then
23 submit to the utility the amount of the charges for
24 power and energy to be applied to such customers and
25 subscribers, including the amount of the credit
26 associated with net metering.

(C) A participating customer or subscriber may provide authorization as required by applicable law that directs the electric utility to submit information to the owner or operator of the eligible renewable electrical generating facility or community renewable generation project to which the customer or subscriber has an ownership or leasehold interest or a subscription. Such information shall be limited to the components of the net metering credit calculated under this subsection (1), including the bill credit rate, total kilowatthours, and total monetary credit value applied to the customer's or subscriber's bill for the monthly billing period.

(1-5) Within 90 days after the effective date of this amendatory Act of the 102nd General Assembly ~~this amendatory Act of the 99th General Assembly~~, each electric utility subject to this Section shall file a tariff or tariffs to implement the provisions of subsection (1) of this Section, which shall, consistent with the provisions of subsection (1), describe the terms and conditions under which owners or operators of qualifying properties, units, or apartments may participate in net metering. The Commission shall approve, or approve with modification, the tariff within 120 days after the effective date of this amendatory Act of the 102nd General Assembly ~~this amendatory Act of the 99th General Assembly~~.

(m) Nothing in this Section shall affect the right of an

1 electricity provider to continue to provide, or the right of a
2 retail customer to continue to receive service pursuant to a
3 contract for electric service between the electricity provider
4 and the retail customer in accordance with the prices, terms,
5 and conditions provided for in that contract. Either the
6 electricity provider or the customer may require compliance
7 with the prices, terms, and conditions of the contract.

8 (n) On and after January 1, 2025 At such time, if any, that
9 the load of the electricity provider's net metering customers
10 equals 5% of the total peak demand supplied by that
11 electricity provider during the previous year, as specified in
12 subsection (j) of this Section, the net metering services
13 described in subsections (d), (d-5), and (e), (e-5), and (f)
14 of this Section shall no longer be offered, except as to those
15 eligible renewable electrical generating facilities for which
16 retail customers that are receiving net metering service under
17 these subsections at the time the net metering services under
18 those subsections are no longer offered; those systems shall
19 continue to receive net metering services described in
20 subsections (d), (d-5), and (e) of this Section for the
21 lifetime of the system, regardless of if those retail
22 customers change electricity providers or whether the retail
23 customer benefiting from the system changes. The electric
24 utility is responsible for ensuring billing credits continue
25 without lapse for the lifetime of systems, as required in
26 subsection (o). Those retail customers that begin taking net

1 metering service after the date that net metering services are
2 no longer offered under such subsections shall be subject to
3 the provisions set forth in the following paragraphs (1)
4 through (3) of this subsection (n):

5 (1) An electricity provider shall charge or credit for
6 the net electricity supplied to eligible customers or
7 provided by eligible customers whose electric supply
8 service is not provided based on hourly pricing in the
9 following manner:

10 (A) If the amount of electricity used by the
11 customer during the monthly billing period exceeds the
12 amount of electricity produced by the customer, then
13 the electricity provider shall charge the customer for
14 the net kilowatt-hour based electricity charges
15 reflected in the customer's electric service rate
16 supplied to and used by the customer as provided in
17 paragraph (3) of this subsection (n).

18 (B) If the amount of electricity produced by a
19 customer during the monthly billing period exceeds the
20 amount of electricity used by the customer during that
21 billing period, then the electricity provider
22 supplying that customer shall apply a 1:1
23 kilowatt-hour energy or monetary credit kilowatt-hour
24 supply charges to the customer's subsequent bill. The
25 customer shall choose between 1:1 kilowatt-hour or
26 monetary credit at the time of application. For the

1 purposes of this subsection, "kilowatt-hour supply
2 charges" means the kilowatt-hour equivalent values for
3 energy, capacity, transmission, and the purchased
4 energy adjustment, if applicable. Notwithstanding
5 anything to the contrary, customers on payment plans
6 or participating in budget billing programs shall have
7 credits applied on a monthly basis. ~~that reflects the~~
8 ~~kilowatt hour based energy charges in the customer's~~
9 ~~electric service rate to a subsequent bill for service~~
10 ~~to the customer for the net electricity supplied to~~
11 ~~the electricity provider.~~ The electricity provider
12 shall continue to carry over any excess kilowatt-hour
13 or monetary energy credits earned and apply those
14 credits to subsequent billing periods. 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. ~~to~~
22 ~~offset any customer generator consumption in those~~
23 ~~billing periods until all credits are used or until~~
24 ~~the end of the annualized period.~~

25 (C) (Blank). ~~At the end of the year or annualized~~
26 ~~over the period that service is supplied by means of~~

1 ~~net metering, or in the event that the retail customer~~
2 ~~terminates service with the electricity provider prior~~
3 ~~to the end of the year or the annualized period, any~~
4 ~~remaining credits in the customer's account shall~~
5 ~~expire.~~

6 (2) An electricity provider shall charge or credit for
7 the net electricity supplied to eligible customers or
8 provided by eligible customers whose electric supply
9 service is provided based on hourly pricing in the
10 following manner:

11 (A) If the amount of electricity used by the
12 customer during any hourly period exceeds the amount
13 of electricity produced by the customer, then the
14 electricity provider shall charge the customer for the
15 net electricity supplied to and used by the customer
16 as provided in paragraph (3) of this subsection (n).

17 (B) If the amount of electricity produced by a
18 customer during any hourly period exceeds the amount
19 of electricity used by the customer during that hourly
20 period, the energy provider shall calculate an energy
21 credit for the net kilowatt-hours produced in such
22 period, and shall apply that credit as a monetary
23 credit to the customer's subsequent bill. The value of
24 the energy credit shall be calculated using the same
25 price per kilowatt-hour as the electric service
26 provider would charge for kilowatt-hour energy sales

1 during that same hourly period and shall also include
2 values for capacity and transmission. For customers
3 with transmission or capacity charges not charged on a
4 kilowatt-hour basis, the electricity provider shall
5 prepare a reasonable approximation of the
6 kilowatt-hour equivalent value and provide that value
7 as a monetary credit. The electricity provider shall
8 submit these approximation methodologies to the
9 Commission for review, modification, and approval.
10 Notwithstanding anything to the contrary, customers on
11 payment plans or participating in budget billing
12 programs shall have credits applied on a monthly
13 basis.

14 (3) An electricity provider shall provide electric
15 service to eligible customers who utilize net metering at
16 non-discriminatory rates that are identical, with respect
17 to rate structure, retail rate components, and any monthly
18 charges, to the rates that the customer would be charged
19 if not a net metering customer. An electricity provider
20 shall charge the customer for the net electricity supplied
21 to and used by the customer according to the terms of the
22 contract or tariff to which the same customer would be
23 assigned or be eligible for if the customer was not a net
24 metering customer. An electricity provider shall not
25 charge net metering customers any fee or charge or require
26 additional equipment, insurance, or any other requirements

1 not specifically authorized by interconnection standards
2 authorized by the Commission, unless the fee, charge, or
3 other requirement would apply to other similarly situated
4 customers who are not net metering customers. ~~The charge~~
5 ~~or credit that the customer receives for net electricity~~
6 ~~shall be at a rate equal to the customer's energy supply~~
7 ~~rate.~~ The customer remains responsible for the gross
8 amount of delivery services charges, supply-related
9 charges that are kilowatt based, and all taxes and fees
10 related to such charges. The customer also remains
11 responsible for all taxes and fees that would otherwise be
12 applicable to the net amount of electricity used by the
13 customer. Paragraphs (1) and (2) of this subsection (n)
14 shall not be construed to prevent an arms-length agreement
15 between an electricity provider and an eligible customer
16 that sets forth different prices, terms, and conditions
17 for the provision of net metering service, including, but
18 not limited to, the provision of the appropriate metering
19 equipment for non-residential customers. Nothing in this
20 paragraph (3) shall be interpreted to mandate that a
21 utility that is only required to provide delivery services
22 to a given customer must also sell electricity to such
23 customer.

24 (o) Within 90 days after the effective date of this
25 amendatory Act of the 102nd General Assembly, each electric
26 utility subject to this Section and Section 16-107.6 shall

1 file a tariff, which shall, consistent with the provisions of
2 this Section, propose the terms and conditions under which a
3 customer may participate in net metering. The tariff shall
4 also provide a streamlined and transparent bill crediting
5 system for net metering to be managed by the electric
6 utilities. The terms and conditions shall include, but are not
7 limited to, that an electric utility shall manage and maintain
8 billing of net metering credits and charges regardless of if
9 the eligible customer takes net metering under an electric
10 utility or alternative retail electric supplier. The electric
11 utility shall process and approve all net metering
12 applications, even if an eligible customer is served by an
13 alternative retail electric supplier; and the utility shall
14 forward application approval to the appropriate alternative
15 retail electric supplier. Eligibility for net metering shall
16 remain with the owner of the utility billing address such
17 that, if an eligible renewable electrical generating facility
18 changes ownership, the net metering eligibility transfers to
19 the new owner. The electric utility shall manage net metering
20 billing for eligible customers to ensure full crediting occurs
21 on electricity bills, including, but not limited to, ensuring
22 net metering crediting begins upon commercial operation date,
23 net metering billing transfers immediately if an eligible
24 customer switches from an electric utility to alternative
25 retail electric supplier or vice versa, and net metering
26 billing transfers between ownership of a valid billing

1 address. All transfers referenced in the preceding sentence
2 shall include transfer of all banked credits.

3 (Source: P.A. 99-906, eff. 6-1-17.)

4 (220 ILCS 5/16-107.6)

5 Sec. 16-107.6. Distributed generation rebate.

6 (a) In this Section:

7 "Additive services" means the services that distributed
8 energy resources provide to the energy system and society that
9 are not (1) already included in the base rebates for
10 system-wide grid services; or (2) otherwise already
11 compensated. Additive services may reflect, but shall not be
12 limited to, any geographic, time-based, performance-based, and
13 other benefits of distributed energy resources, as well as the
14 present and future technological capabilities of distributed
15 energy resources and present and future grid needs.

16 "Distributed energy resource" means a wide range of
17 technologies that are located on the customer side of the
18 customer's electric meter, including, but not limited to,
19 distributed generation, energy storage, electric vehicles, and
20 demand response technologies.

21 "Energy storage system" means commercially available
22 technology that is capable of absorbing energy and storing it
23 for a period of time for use at a later time, including, but
24 not limited to, electrochemical, thermal, and
25 electromechanical technologies, and may be interconnected

1 behind the customer's meter or interconnected behind its own
2 meter.

3 "Smart inverter" means a device that converts direct
4 current into alternating current and meets the IEEE 1547-2018
5 equipment standards. Until devices that meet the IEEE
6 1547-2018 standard are available, devices that meet the UL
7 1741 SA standard are acceptable. ~~can autonomously contribute~~
8 ~~to grid support during excursions from normal operating~~
9 ~~voltage and frequency conditions by providing each of the~~
10 ~~following: dynamic reactive and real power support, voltage~~
11 ~~and frequency ride through, ramp rate controls, communication~~
12 ~~systems with ability to accept external commands, and other~~
13 ~~functions from the electric utility.~~

14 "Subscriber" has the meaning set forth in Section 1-10 of
15 the Illinois Power Agency Act.

16 "Subscription" has the meaning set forth in Section 1-10
17 of the Illinois Power Agency Act.

18 "System-wide grid services" means the benefits that a
19 distributed energy resource provides to the distribution grid
20 for a period of no less than 25 years. System-wide grid
21 services do not vary by location, time, or the performance
22 characteristics of the distributed energy resource.
23 System-wide grid services include, but are not limited to,
24 avoided or deferred distribution capacity costs, resilience
25 and reliability benefits, avoided or deferred distribution
26 operation and maintenance costs, distribution voltage and

1 power quality benefits, and line loss reductions.

2 "Threshold date" means December 31, 2024 or the date on
3 which the utility's tariff or tariffs setting the new
4 compensation values established under subsection (e) take
5 effect, whichever is later. ~~the load of an electricity~~
6 ~~provider's net metering customers equals 5% of the total peak~~
7 ~~demand supplied by that electricity provider during the~~
8 ~~previous year, as specified under subsection (j) of Section~~
9 ~~16~~ 107.5 of this Act.

10 (b) An electric utility that serves ~~more than 200,000~~
11 customers in the State shall file a petition with the
12 Commission requesting approval of the utility's tariff to
13 provide a rebate to the owner or operator of a retail customer
14 ~~who owns or operates~~ distributed generation, including
15 third-party owned systems, that meets the following criteria:

16 (1) has a nameplate generating capacity no greater
17 than 5,000 ~~2,000~~ kilowatts and is primarily used to offset
18 ~~a that~~ customer's electricity load;

19 (2) is located on the customer's side of the billing
20 meter and premises, for the customer's own use, and ~~not~~
21 ~~for commercial use or sales, including, but not limited~~
22 ~~to, wholesale sales of electric power and energy;~~

23 (3) is located in the electric utility's service
24 territory; and

25 (3) ~~(4)~~ is interconnected to electric distribution
26 facilities owned by the electric utility under rules

1 adopted by the Commission by means of the inverter or
2 smart inverter required by this Section, as applicable.

3 For purposes of this Section, "distributed generation"
4 shall satisfy the definition of distributed renewable energy
5 generation device set forth in Section 1-10 of the Illinois
6 Power Agency Act to the extent such definition is consistent
7 with the requirements of this Section.

8 In addition, any new photovoltaic distributed generation
9 that is installed after June 1, 2017 (the effective date of
10 Public Act 99-906) ~~this amendatory Act of the 99th General~~
~~Assembly~~ must be installed by a qualified person, as defined
11 by subsection (i) of Section 1-56 of the Illinois Power Agency
12 Act.
13

14 The tariff shall include a base rebate that compensated
15 distributed generation for the system-wide grid services
16 associated with distributed generation and, after the
17 proceeding described in subsection (e) of this Section, an
18 additional payment or payments for the additive services. The
19 tariff shall provide that the smart inverter associated with
20 the distributed generation shall provide autonomous response
21 to grid conditions through its default settings as approved by
22 the Commission. Default settings may not be changed after the
23 execution of the interconnection agreement except by mutual
24 agreement between the utility and the owner or operator of the
25 distributed generation. provide that the utility shall be
26 permitted to operate and control the smart inverter associated

with the distributed generation that is the subject of the rebate for the purpose of preserving reliability during distribution system reliability events and shall address the terms and conditions of the operation and the compensation associated with the operation. Nothing in this Section shall negate or supersede Institute of Electrical and Electronics Engineers equipment interconnection requirements or standards or other similar standards or requirements. The tariff shall not limit the ability of the smart inverter or other distributed energy resource to provide wholesale market products such as regulation, demand response, or other services, or limit the ability of the owner of the smart inverter or the other distributed energy resource to receive compensation for providing those wholesale market products or services. The tariff shall also provide for additional uses of the smart inverter that shall be separately compensated and which may include, but are not limited to, voltage and VAR support, regulation, and other grid services. As part of the proceeding described in subsection (e) of this Section, the Commission shall review and determine whether smart inverters can provide any additional uses or services. If the Commission determines that an additional use or service would be beneficial, the Commission shall determine the terms and conditions of the operation and how the use or service should be separately compensated.

26 (c) The proposed tariff authorized by subsection (b) of

1 this Section shall include the following participation terms
2 ~~for and formulae to calculate the value of the rebates to be~~
3 applied under this Section for distributed generation that
4 satisfies the criteria set forth in subsection (b) of this
5 Section:

6 The owner or operator of distributed generation that
7 services (1) Until the utility files its tariff or tariffs
8 to place into effect the rebate values established by the
9 Commission under subsection (c) of this Section,
10 non-residential customers not eligible for net metering
11 under subsection (d), (d-5), or (e) of Section 16-107.5 of
12 this Act that are taking service under a net metering
13 program offered by an electricity provider under the terms
14 of Section 16-107.5 of this Act may apply for a rebate as
15 provided for in this Section. Until the threshold date,
16 the ~~The~~ value of the rebate shall be \$250 per kilowatt of
17 nameplate generating capacity, measured as nominal DC
18 power output, of that a non-residential customer's
19 distributed generation. To the extent the distributed
20 generation also has an associated energy storage, and said
21 energy storage system uses the same smart inverter as the
22 distributed generation, then the energy storage system
23 shall be separately compensated with a base rebate of \$250
24 per kilowatt-hour of nameplate capacity. Any distributed
25 generation device that is compensated for storage in this
26 subsection (1) before the threshold date shall participate

1 in one or more programs determined through the Multi-Year
2 Integrated Grid Planning process that are designed to meet
3 peak reduction and flexibility. After the threshold date,
4 the value of the base rebate and additional compensation
5 for any additive services shall be as determined by the
6 Commission in the proceeding described in subsection (e)
7 of this Section, provided that the value of the base
8 rebate for system-wide grid services shall not be lower
9 than \$250 per kilowatt of nameplate generating capacity of
10 distributed generation or community renewable generation
11 project.

12 (2) The owner or operator of distributed generation that,
13 before the threshold date, would have been eligible for net
14 metering under subsection (d), (d-5), or (e) of Section
15 16-107.5 of this Act and that has not previously received a
16 distributed generation rebate, may apply for a rebate as
17 provided for in this Section. Until the threshold date, the
18 value of the base rebate shall be \$300 per kilowatt of
19 nameplate generating capacity, measured as nominal DC power
20 output, of the distributed generation. The owner or operator
21 of distributed generation that, before the threshold date, is
22 eligible for net metering under subsection (d), (d-5), or (e)
23 of Section 16-107.5 of this Act may apply for a base rebate for
24 an energy storage device that uses the same smart inverter as
25 the distributed generation, regardless of whether the
26 distributed generation applies for a rebate for the

1 distributed generation device. The energy storage system shall
2 be separately compensated at a base payment of \$300 per
3 kilowatt-hour of nameplate capacity. Any distributed
4 generation device that is compensated for storage in this
5 subsection (2) before the threshold date shall participate in
6 a peak time rebate program, hourly pricing program, or
7 time-of-use rate program offered by the applicable electric
8 utility. After the threshold date, the value of the base
9 rebate and additional compensation for any additive services
10 shall be as determined by the Commission in the proceeding
11 described in subsection (e) of this Section, provided that,
12 prior to December 31, 2029, the value of the base rebate for
13 system-wide services shall not be lower than \$300 per kilowatt
14 of nameplate generating capacity of distributed generation,
15 after which it shall not be lower than \$250 per kilowatt of
16 nameplate capacity.

17 (2) After the utility's tariff or tariffs setting the
18 ~~new rebate values established under subsection (d) of this~~
19 ~~Section take effect, retail customers may, as applicable,~~
20 ~~make the following elections:~~

21 (A) Residential customers that are taking service
22 ~~under a net metering program offered by an electricity~~
23 ~~provider under the terms of Section 16-107.5 of this~~
24 ~~Act on the threshold date may elect to either continue~~
25 ~~to take such service under the terms of such program as~~
26 ~~in effect on such threshold date for the useful life of~~

1 ~~the customer's eligible renewable electric generating~~
2 ~~facility as defined in such Section, or file an~~
3 ~~application to receive a rebate under the terms of~~
4 ~~this Section, provided that such application must be~~
5 ~~submitted within 6 months after the effective date of~~
6 ~~the tariff approved under subsection (d) of this~~
7 ~~Section. The value of the rebate shall be the amount~~
8 ~~established by the Commission and reflected in the~~
9 ~~utility's tariff pursuant to subsection (e) of this~~
10 ~~Section.~~

11 ~~(B) Non residential customers that are taking~~
12 ~~service under a net metering program offered by an~~
13 ~~electricity provider under the terms of Section~~
14 ~~16-107.5 of this Act on the threshold date may apply~~
15 ~~for a rebate as provided for in this Section. The value~~
16 ~~of the rebate shall be the amount established by the~~
17 ~~Commission and reflected in the utility's tariff~~
18 ~~pursuant to subsection (e) of this Section.~~

19 (3) Upon approval of a rebate application submitted
20 under this subsection (c), the retail customer shall no
21 longer be entitled to receive any delivery service credits
22 for the excess electricity generated by its facility and
23 shall be subject to the provisions of subsection (n) of
24 Section 16-107.5 of this Act.

25 (4) To be eligible for a rebate described in this
26 subsection (c), the owner or operator of the distributed

1 generation customers who begin taking service after the
2 effective date of this amendatory Act of the 99th General
3 Assembly under a net metering program offered by an
4 electricity provider under the terms of Section 16-107.5
5 of this Act must have a smart inverter installed and in
6 operation on the associated with the customer's
7 distributed generation.

8 (d) The Commission shall review the proposed tariff
9 authorized by subsection submitted under subsections (b) and
10 (c) of this Section and may make changes to the tariff that are
11 consistent with this Section and with the Commission's
12 authority under Article IX of this Act, subject to notice and
13 hearing. Following notice and hearing, the Commission shall
14 issue an order approving, or approving with modification, such
15 tariff no later than 240 days after the utility files its
16 tariff. Upon the effective date of this amendatory Act of the
17 102nd General Assembly, an electric utility shall file a
18 petition with the Commission to amend and update any existing
19 tariffs to comply with subsections (b) and (c).

20 (e) By no later than June 30, 2023, when the total
21 generating capacity of the electricity provider's net metering
22 customers is equal to 3%, the Commission shall open an
23 independent, statewide investigation into the value of, and
24 compensation for, distributed energy resources. The Commission
25 shall conduct the investigation, but may arrange for experts
26 or consultants independent of the utilities and selected by

the Commission to assist with the investigation. The cost of the investigation shall be shared by the utilities filing tariffs under subsection (b) of this Section but may be recovered as an expense through normal ratemaking procedures. an annual process and formula for calculating the value of rebates for the retail customers described in subsections (b) and (f) of this Section that submit rebate applications after the threshold date for an electric utility that elected to file a tariff pursuant to this Section.

(1) The Commission shall ensure that the investigation includes, at minimum, diverse sets of stakeholders; a review of best practices in calculating the value of distributed energy resource benefits; a review of the full value of the distributed energy resources and the manner in which each component of that value is or is not otherwise compensated; and assessments of how the value of distributed energy resources may evolve based on the present and future technological capabilities of distributed energy resources and based on present and future grid needs.

(2) The Commission's final order concluding this investigation shall establish an annual process and formula for the compensation of distributed generation and energy storage systems, and an initial set of inputs for that formula. The Commission's final order concluding this investigation shall establish base rebates that compensate

1 distributed generation, community renewable generation
2 projects and energy storage systems for the system-wide
3 grid services that they provide. Those base rebate values
4 shall be consistent across the state, and shall not vary
5 by customer, customer class, customer location, or any
6 other variable. With respect to rebates for distributed
7 generation or community renewable generation projects,
8 that rebate shall not be lower than \$250 per kilowatt of
9 nameplate generating capacity of the distributed
10 generation or community renewable generation project. The
11 Commission's final order concluding this proceeding shall
12 also direct the utilities to update the formula, on an
13 annual basis, with inputs derived from their integrated
14 grid plans developed pursuant to Section 16-105.17. The
15 base rebate shall be updated annually based on the annual
16 updates to the formula inputs, but, with respect to
17 rebates for distributed generation or community renewable
18 generation projects, shall be no lower than \$250 per
19 kilowatt of nameplate generating capacity of the
20 distributed generation or community renewable generation
21 project.

22 (3) The Commission shall also determine, as a part of
23 its investigation under this subsection, whether
24 distributed energy resources can provide any additive
25 services. Those additive services may include services
26 that are provided through utility-controlled responses to

grid conditions. If the Commission determines that distributed energy resources can provide additive grid services, the Commission shall determine the terms and conditions for the operation and compensation of those services. That compensation shall be above and beyond the base rebate that the distributed energy generation, community renewable generation project and energy storage system receives. Compensation for additive services may vary by location, time, performance characteristics, technology types, or other variables.

(4) The Commission shall ensure that compensation for distributed energy resources, including base rebates and any payments for additive services, shall reflect all reasonably known and measurable values of the distributed generation over its full expected useful life. Compensation for additive services shall reflect, but shall not be limited to, any geographic, time-based, performance-based, and other benefits of distributed generation, as well as the present and future technological capabilities of distributed energy resources and present and future grid needs.

(5) The Commission shall consider the electric utility's integrated grid plan developed pursuant to Section 16-105.17 of this Act to help identify the value of distributed energy resources for the purpose of calculating the compensation described in this subsection.

1 (6) The Commission shall determine additional
2 compensation for distributed energy resources that creates
3 savings and value on the distribution system by being
4 co-located or in close proximity to electric vehicle
5 charging infrastructure in use by medium-duty and
6 heavy-duty vehicles, primarily serving environmental
7 justice communities, as outlined in the utility integrated
8 grid planning process under Section 16-105.17 of this Act.

9 No later than 60 days after the Commission enters its
10 final order under this subsection (e), each utility shall file
11 its updated tariff or tariffs in compliance with the order,
12 including new tariffs for the recovery of costs incurred under
13 this subsection (e) that shall provide for volumetric-based
14 cost recovery, and the Commission shall approve, or approve
15 with modification, the tariff or tariffs within 240 days after
16 the utility's filing.

17 The investigation shall include diverse sets of
18 stakeholders, calculations for valuing distributed energy
19 resource benefits to the grid based on best practices, and
20 assessments of present and future technological capabilities
21 of distributed energy resources. The value of such rebates
22 shall reflect the value of the distributed generation to the
23 distribution system at the location at which it is
24 interconnected, taking into account the geographic,
25 time based, and performance based benefits, as well as
26 technological capabilities and present and future grid needs.

1 No later than 10 days after the Commission enters its final
2 order under this subsection (e), the utility shall file its
3 tariff or tariffs in compliance with the order, and the
4 Commission shall approve, or approve with modification, the
5 tariff or tariffs within 45 days after the utility's filing.
6 For those rebate applications filed after the threshold date
7 but before the utility's tariff or tariffs filed pursuant to
8 this subsection (e) take effect, the value of the rebate shall
9 remain at the value established in subsection (c) of this
10 Section until the tariff is approved.

11 (f) Notwithstanding any provision of this Act to the
12 contrary, the owner or operator, developer, or subscriber of
13 a community renewable generation project as defined in Section
14 1-10 of the Illinois Power Agency Act facility that is part of
15 a net metering program provided under subsection (l) of
16 Section 16 107.5 shall also be eligible to apply for the
17 rebate described in this Section. The owner or operator of the
18 community renewable A subscriber to the generation project
19 facility may apply for a rebate in the amount of the
20 subscriber's subscription only if the owner or operator, or
21 previous owner or operator, of the community renewable
22 generation project, developer, or previous subscriber to the
23 same panel or panels has not already submitted an application,
24 and, regardless of whether the subscriber is a residential or
25 non-residential customer, may be allowed the amount identified
26 in paragraph (1) of subsection (c) or in subsection (e) of this

1 Section applicable to such customer on the date that the
2 application is submitted. An application for a rebate for a
3 portion of a project described in this subsection (f) may be
4 submitted at or after the time that a related request for net
5 metering is made.

6 (g) The owner of the distributed generation or community
7 renewable generation project may apply for the rebate or
8 rebates approved under this Section at the time of execution
9 of an interconnection agreement with the distribution utility
10 and shall receive the value available at that time of
11 execution of the interconnection agreement, provided the
12 project reaches mechanical completion within 24 months after
13 execution of the interconnection agreement. If the project has
14 not reached mechanical completion within 24 months after
15 execution, the owner may reapply for the rebate or rebates
16 approved under this Section available at the time of
17 application and shall receive the value available at the time
18 of application. The utility shall issue the rebate no ~~no~~ later
19 than 60 days after the project is energized. utility receives
20 an application for a rebate under its tariff approved under
21 subsection (d) or (e) of this Section, the utility shall issue
22 a rebate to the applicant under the terms of the tariff. In the
23 event the application is incomplete or the utility is
24 otherwise unable to calculate the payment based on the
25 information provided by the owner, the utility shall issue the
26 payment no later than 60 days after the application is

1 complete or all requested information is received.

2 (h) An electric utility shall recover from its retail
3 customers all of the costs of the rebates made under a tariff
4 or tariffs approved under subsection (d) of placed into effect
5 under this Section, including, but not limited to, the value
6 of the rebates and all costs incurred by the utility to comply
7 with and implement subsections (b) and (c) of this Section,
8 but not including costs incurred by the utility to comply with
9 and implement subsection (e) of this Section, consistent with
10 the following provisions:

11 (1) The utility shall defer the full amount of its
12 costs incurred under this Section as a regulatory asset.
13 The total costs deferred as a regulatory asset shall be
14 amortized over a 15-year period. The unamortized balance
15 shall be recognized as of December 31 for a given year. The
16 utility shall also earn a return on the total of the
17 unamortized balance of the regulatory assets, less any
18 deferred taxes related to the unamortized balance, at an
19 annual rate equal to the utility's weighted average cost
20 of capital that includes, based on a year-end capital
21 structure, the utility's actual cost of debt for the
22 applicable calendar year and a cost of equity, which shall
23 be calculated as the sum of (i) the average for the
24 applicable calendar year of the monthly average yields of
25 30-year U.S. Treasury bonds published by the Board of
26 Governors of the Federal Reserve System in its weekly H.15

1 Statistical Release or successor publication; and (ii) 580
2 basis points, including a revenue conversion factor
3 calculated to recover or refund all additional income
4 taxes that may be payable or receivable as a result of that
5 return.

6 When an electric utility creates a regulatory asset
7 under the provisions of this paragraph (1) of subsection
8 (h) Section, the costs are recovered over a period during
9 which customers also receive a benefit, which is in the
10 public interest. Accordingly, it is the intent of the
11 General Assembly that an electric utility that elects to
12 create a regulatory asset under the provisions of this
13 paragraph (1) Section shall recover all of the associated
14 costs, including, but not limited to, its cost of capital
15 as set forth in this paragraph (1) Section. After the
16 Commission has approved the prudence and reasonableness of
17 the costs that comprise the regulatory asset, the electric
18 utility shall be permitted to recover all such costs, and
19 the value and recoverability through rates of the
20 associated regulatory asset shall not be limited, altered,
21 impaired, or reduced. To enable the financing of the
22 incremental capital expenditures, including regulatory
23 assets, for electric utilities that serve less than
24 3,000,000 retail customers but more than 500,000 retail
25 customers in the State, the utility's actual year-end
26 capital structure that includes a common equity ratio,

1 excluding goodwill, of up to and including 50% of the
2 total capital structure shall be deemed reasonable and
3 used to set rates.

4 (2) The utility, at its election, may recover all of
5 the costs ~~it incurs under this Section~~ as part of a filing
6 for a general increase in rates under Article IX of this
7 Act, as part of an annual filing to update a
8 performance-based formula rate under subsection (d) of
9 Section 16-108.5 of this Act, or through an automatic
10 adjustment clause tariff, provided that nothing in this
11 paragraph (2) permits the double recovery of such costs
12 from customers. If the utility elects to recover the costs
13 it incurs under subsections (b) and (c) ~~this Section~~
14 through an automatic adjustment clause tariff, the utility
15 may file its proposed tariff together with the tariff it
16 files under subsection (b) of this Section or at a later
17 time. The proposed tariff shall provide for an annual
18 reconciliation, less any deferred taxes related to the
19 reconciliation, with interest at an annual rate of return
20 equal to the utility's weighted average cost of capital as
21 calculated under paragraph (1) of this subsection (h),
22 including a revenue conversion factor calculated to
23 recover or refund all additional income taxes that may be
24 payable or receivable as a result of that return, of the
25 revenue requirement reflected in rates for each calendar
26 year, beginning with the calendar year in which the

1 utility files its automatic adjustment clause tariff under
2 this subsection (h), with what the revenue requirement
3 would have been had the actual cost information for the
4 applicable calendar year been available at the filing
5 date. The Commission shall review the proposed tariff and
6 may make changes to the tariff that are consistent with
7 this Section and with the Commission's authority under
8 Article IX of this Act, subject to notice and hearing.
9 Following notice and hearing, the Commission shall issue
10 an order approving, or approving with modification, such
11 tariff no later than 240 days after the utility files its
12 tariff.

13 (i) An electric utility shall recover from its retail
14 customers, on a volumetric basis, all of the costs of the
15 rebates made under a tariff or tariffs placed into effect
16 under subsection (e) of this Section, including, but not
17 limited to, the value of the rebates and all costs incurred by
18 the utility to comply with and implement subsection (e) of
19 this Section, consistent with the following provisions:

20 (1) The utility may defer a portion of its costs as a
21 regulatory asset. The Commission shall determine the
22 portion that may be appropriately deferred as a regulatory
23 asset. Factors that the Commission shall consider in
24 determining the portion of costs that shall be deferred as
25 a regulatory asset include, but are not limited to: (i)
26 whether and the extent to which a cost effectively

1 deferred or avoided other distribution system operating
2 costs or capital expenditures; (ii) the extent to which a
3 cost provides environmental benefits; (iii) the extent to
4 which a cost improves system reliability or resilience;
5 (iv) the electric utility's distribution system plan
6 developed pursuant to Section 16-108.17 of this Act; (v)
7 the extent to which a cost advances equity principles; and
8 (vi) such other factors as the Commission deems
9 appropriate. The remainder of costs shall be deemed an
10 operating expense and shall be recoverable if found
11 prudent and reasonable by the Commission.

12 The total costs deferred as a regulatory asset shall be
13 amortized over a 15-year period. The unamortized balance shall
14 be recognized as of December 31 for a given year. The utility
15 shall also earn a return on the total of the unamortized
16 balance of the regulatory assets, less any deferred taxes
17 related to the unamortized balance, at an annual rate equal to
18 the utility's weighted average cost of capital that includes,
19 based on a year-end capital structure, the utility's actual
20 cost of debt for the applicable calendar year and a cost of
21 equity, which shall be calculated as the sum of: (I) the
22 average for the applicable calendar year of the monthly
23 average yields of 30-year U.S. Treasury bonds published by the
24 Board of Governors of the Federal Reserve System in its weekly
25 H.15 Statistical Release or successor publication; and (II)
26 580 basis points, including a revenue conversion factor

1 calculated to recover or refund all additional income taxes
2 that may be payable or receivable as a result of that return.

3 The total costs deferred as a regulatory asset shall be
4 amortized over a 15-year period. The unamortized balance shall
5 be recognized as of December 31 for a given year. The utility
6 shall also earn a return on the total of the unamortized
7 balance of the regulatory assets, less any deferred taxes
8 related to the unamortized balance, at an annual rate equal to
9 the utility's weighted average cost of capital that includes,
10 based on a year-end capital structure, the utility's actual
11 cost of debt for the applicable calendar year and a cost of
12 equity, which shall be calculated as the sum of: (I) the
13 average for the applicable calendar year of the monthly
14 average yields of 30-year U.S. Treasury bonds published by the
15 Board of Governors of the Federal Reserve System in its weekly
16 H.15 Statistical Release or successor publication; and (II)
17 580 basis points, including a revenue conversion factor
18 calculated to recover or refund all additional income taxes
19 that may be payable or receivable as a result of that return.

20 (2) The utility may recover all of the costs through
21 an automatic adjustment clause tariff, on a volumetric
22 basis. The utility may file its proposed cost-recovery
23 tariff together with the tariff it files under subsection
24 (e) of this Section or at a later time. The proposed tariff
25 shall provide for an annual reconciliation, less any
26 deferred taxes related to the reconciliation, with

1 interest at an annual rate of return equal to the
2 utility's weighted average cost of capital as calculated
3 under paragraph (1) of this subsection (i), including a
4 revenue conversion factor calculated to recover or refund
5 all additional income taxes that may be payable or
6 receivable as a result of that return, of the revenue
7 requirement reflected in rates for each calendar year,
8 beginning with the calendar year in which the utility
9 files its automatic adjustment clause tariff under this
10 subsection (i), with what the revenue requirement would
11 have been had the actual cost information for the
12 applicable calendar year been available at the filing
13 date. The Commission shall review the proposed tariff and
14 may make changes to the tariff that are consistent with
15 this Section and with the Commission's authority under
16 Article IX of this Act, subject to notice and hearing.
17 Following notice and hearing, the Commission shall issue
18 an order approving, or approving with modification, such
19 tariff no later than 240 days after the utility files its
20 tariff.

21 (j) ~~(i)~~ No later than 90 days after the Commission enters
22 an order, or order on rehearing, whichever is later, approving
23 an electric utility's proposed tariff under ~~subsection (d) of~~
24 this Section, the electric utility shall provide notice of the
25 availability of rebates under this Section. ~~Subsequent to the~~
26 ~~utility's notice, any entity that offers in the State, for~~

1 ~~sale or lease, distributed generation and estimates the dollar~~
2 ~~saving attributable to such distributed generation shall~~
3 ~~provide estimates based on both delivery service credits and~~
4 ~~the rebates available under this Section.~~

5 (Source: P.A. 99-906, eff. 6-1-17.)

6 (220 ILCS 5/16-108)

7 Sec. 16-108. Recovery of costs associated with the
8 provision of delivery and other services.

9 (a) An electric utility shall file a delivery services
10 tariff with the Commission at least 210 days prior to the date
11 that it is required to begin offering such services pursuant
12 to this Act. An electric utility shall provide the components
13 of delivery services that are subject to the jurisdiction of
14 the Federal Energy Regulatory Commission at the same prices,
15 terms and conditions set forth in its applicable tariff as
16 approved or allowed into effect by that Commission. The
17 Commission shall otherwise have the authority pursuant to
18 Article IX to review, approve, and modify the prices, terms
19 and conditions of those components of delivery services not
20 subject to the jurisdiction of the Federal Energy Regulatory
21 Commission, including the authority to determine the extent to
22 which such delivery services should be offered on an unbundled
23 basis. In making any such determination the Commission shall
24 consider, at a minimum, the effect of additional unbundling on
25 (i) the objective of just and reasonable rates, (ii) electric

1 utility employees, and (iii) the development of competitive
2 markets for electric energy services in Illinois.

3 (b) The Commission shall enter an order approving, or
4 approving as modified, the delivery services tariff no later
5 than 30 days prior to the date on which the electric utility
6 must commence offering such services. The Commission may
7 subsequently modify such tariff pursuant to this Act.

8 (c) The electric utility's tariffs shall define the
9 classes of its customers for purposes of delivery services
10 charges. Delivery services shall be priced and made available
11 to all retail customers electing delivery services in each
12 such class on a nondiscriminatory basis regardless of whether
13 the retail customer chooses the electric utility, an affiliate
14 of the electric utility, or another entity as its supplier of
15 electric power and energy. Charges for delivery services shall
16 be cost based, and shall allow the electric utility to recover
17 the costs of providing delivery services through its charges
18 to its delivery service customers that use the facilities and
19 services associated with such costs. Such costs shall include
20 the costs of owning, operating and maintaining transmission
21 and distribution facilities. The Commission shall also be
22 authorized to consider whether, and if so to what extent, the
23 following costs are appropriately included in the electric
24 utility's delivery services rates: (i) the costs of that
25 portion of generation facilities used for the production and
26 absorption of reactive power in order that retail customers

1 located in the electric utility's service area can receive
2 electric power and energy from suppliers other than the
3 electric utility, and (ii) the costs associated with the use
4 and redispatch of generation facilities to mitigate
5 constraints on the transmission or distribution system in
6 order that retail customers located in the electric utility's
7 service area can receive electric power and energy from
8 suppliers other than the electric utility. Nothing in this
9 subsection shall be construed as directing the Commission to
10 allocate any of the costs described in (i) or (ii) that are
11 found to be appropriately included in the electric utility's
12 delivery services rates to any particular customer group or
13 geographic area in setting delivery services rates.

14 (d) The Commission shall establish charges, terms and
15 conditions for delivery services that are just and reasonable
16 and shall take into account customer impacts when establishing
17 such charges. In establishing charges, terms and conditions
18 for delivery services, the Commission shall take into account
19 voltage level differences. A retail customer shall have the
20 option to request to purchase electric service at any delivery
21 service voltage reasonably and technically feasible from the
22 electric facilities serving that customer's premises provided
23 that there are no significant adverse impacts upon system
24 reliability or system efficiency. A retail customer shall also
25 have the option to request to purchase electric service at any
26 point of delivery that is reasonably and technically feasible

1 provided that there are no significant adverse impacts on
2 system reliability or efficiency. Such requests shall not be
3 unreasonably denied.

4 (e) Electric utilities shall recover the costs of
5 installing, operating or maintaining facilities for the
6 particular benefit of one or more delivery services customers,
7 including without limitation any costs incurred in complying
8 with a customer's request to be served at a different voltage
9 level, directly from the retail customer or customers for
10 whose benefit the costs were incurred, to the extent such
11 costs are not recovered through the charges referred to in
12 subsections (c) and (d) of this Section.

13 (f) An electric utility shall be entitled but not required
14 to implement transition charges in conjunction with the
15 offering of delivery services pursuant to Section 16-104. If
16 an electric utility implements transition charges, it shall
17 implement such charges for all delivery services customers and
18 for all customers described in subsection (h), but shall not
19 implement transition charges for power and energy that a
20 retail customer takes from cogeneration or self-generation
21 facilities located on that retail customer's premises, if such
22 facilities meet the following criteria:

23 (i) the cogeneration or self-generation facilities
24 serve a single retail customer and are located on that
25 retail customer's premises (for purposes of this
26 subparagraph and subparagraph (ii), an industrial or

1 manufacturing retail customer and a third party contractor
2 that is served by such industrial or manufacturing
3 customer through such retail customer's own electrical
4 distribution facilities under the circumstances described
5 in subsection (vi) of the definition of "alternative
6 retail electric supplier" set forth in Section 16-102,
7 shall be considered a single retail customer);

8 (ii) the cogeneration or self-generation facilities
9 either (A) are sized pursuant to generally accepted
10 engineering standards for the retail customer's electrical
11 load at that premises (taking into account standby or
12 other reliability considerations related to that retail
13 customer's operations at that site) or (B) if the facility
14 is a cogeneration facility located on the retail
15 customer's premises, the retail customer is the thermal
16 host for that facility and the facility has been designed
17 to meet that retail customer's thermal energy requirements
18 resulting in electrical output beyond that retail
19 customer's electrical demand at that premises, comply with
20 the operating and efficiency standards applicable to
21 "qualifying facilities" specified in title 18 Code of
22 Federal Regulations Section 292.205 as in effect on the
23 effective date of this amendatory Act of 1999;

24 (iii) the retail customer on whose premises the
25 facilities are located either has an exclusive right to
26 receive, and corresponding obligation to pay for, all of

the electrical capacity of the facility, or in the case of a cogeneration facility that has been designed to meet the retail customer's thermal energy requirements at that premises, an identified amount of the electrical capacity of the facility, over a minimum 5-year period; and

(iv) if the cogeneration facility is sized for the retail customer's thermal load at that premises but exceeds the electrical load, any sales of excess power or energy are made only at wholesale, are subject to the jurisdiction of the Federal Energy Regulatory Commission, and are not for the purpose of circumventing the provisions of this subsection (f).

If a generation facility located at a retail customer's premises does not meet the above criteria, an electric utility implementing transition charges shall implement a transition charge until December 31, 2006 for any power and energy taken by such retail customer from such facility as if such power and energy had been delivered by the electric utility. Provided, however, that an industrial retail customer that is taking power from a generation facility that does not meet the above criteria but that is located on such customer's premises will not be subject to a transition charge for the power and energy taken by such retail customer from such generation facility if the facility does not serve any other retail customer and either was installed on behalf of the customer and for its own use prior to January 1, 1997, or is both predominantly fueled

1 by byproducts of such customer's manufacturing process at such
2 premises and sells or offers an average of 300 megawatts or
3 more of electricity produced from such generation facility
4 into the wholesale market. Such charges shall be calculated as
5 provided in Section 16-102, and shall be collected on each
6 kilowatt-hour delivered under a delivery services tariff to a
7 retail customer from the date the customer first takes
8 delivery services until December 31, 2006 except as provided
9 in subsection (h) of this Section. Provided, however, that an
10 electric utility, other than an electric utility providing
11 service to at least 1,000,000 customers in this State on
12 January 1, 1999, shall be entitled to petition for entry of an
13 order by the Commission authorizing the electric utility to
14 implement transition charges for an additional period ending
15 no later than December 31, 2008. The electric utility shall
16 file its petition with supporting evidence no earlier than 16
17 months, and no later than 12 months, prior to December 31,
18 2006. The Commission shall hold a hearing on the electric
19 utility's petition and shall enter its order no later than 8
20 months after the petition is filed. The Commission shall
21 determine whether and to what extent the electric utility
22 shall be authorized to implement transition charges for an
23 additional period. The Commission may authorize the electric
24 utility to implement transition charges for some or all of the
25 additional period, and shall determine the mitigation factors
26 to be used in implementing such transition charges; provided,

1 that the Commission shall not authorize mitigation factors
2 less than 110% of those in effect during the 12 months ended
3 December 31, 2006. In making its determination, the Commission
4 shall consider the following factors: the necessity to
5 implement transition charges for an additional period in order
6 to maintain the financial integrity of the electric utility;
7 the prudence of the electric utility's actions in reducing its
8 costs since the effective date of this amendatory Act of 1997;
9 the ability of the electric utility to provide safe, adequate
10 and reliable service to retail customers in its service area;
11 and the impact on competition of allowing the electric utility
12 to implement transition charges for the additional period.

13 (g) The electric utility shall file tariffs that establish
14 the transition charges to be paid by each class of customers to
15 the electric utility in conjunction with the provision of
16 delivery services. The electric utility's tariffs shall define
17 the classes of its customers for purposes of calculating
18 transition charges. The electric utility's tariffs shall
19 provide for the calculation of transition charges on a
20 customer-specific basis for any retail customer whose average
21 monthly maximum electrical demand on the electric utility's
22 system during the 6 months with the customer's highest monthly
23 maximum electrical demands equals or exceeds 3.0 megawatts for
24 electric utilities having more than 1,000,000 customers, and
25 for other electric utilities for any customer that has an
26 average monthly maximum electrical demand on the electric

1 utility's system of one megawatt or more, and (A) for which
2 there exists data on the customer's usage during the 3 years
3 preceding the date that the customer became eligible to take
4 delivery services, or (B) for which there does not exist data
5 on the customer's usage during the 3 years preceding the date
6 that the customer became eligible to take delivery services,
7 if in the electric utility's reasonable judgment there exists
8 comparable usage information or a sufficient basis to develop
9 such information, and further provided that the electric
10 utility can require customers for which an individual
11 calculation is made to sign contracts that set forth the
12 transition charges to be paid by the customer to the electric
13 utility pursuant to the tariff.

14 (h) An electric utility shall also be entitled to file
15 tariffs that allow it to collect transition charges from
16 retail customers in the electric utility's service area that
17 do not take delivery services but that take electric power or
18 energy from an alternative retail electric supplier or from an
19 electric utility other than the electric utility in whose
20 service area the customer is located. Such charges shall be
21 calculated, in accordance with the definition of transition
22 charges in Section 16-102, for the period of time that the
23 customer would be obligated to pay transition charges if it
24 were taking delivery services, except that no deduction for
25 delivery services revenues shall be made in such calculation,
26 and usage data from the customer's class shall be used where

historical usage data is not available for the individual customer. The customer shall be obligated to pay such charges on a lump sum basis on or before the date on which the customer commences to take service from the alternative retail electric supplier or other electric utility, provided, that the electric utility in whose service area the customer is located shall offer the customer the option of signing a contract pursuant to which the customer pays such charges ratably over the period in which the charges would otherwise have applied.

(i) An electric utility shall be entitled to add to the bills of delivery services customers charges pursuant to Sections 9-221, 9-222 (except as provided in Section 9-222.1), and Section 16-114 of this Act, Section 5-5 of the Electricity Infrastructure Maintenance Fee Law, Section 6-5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997, and Section 13 of the Energy Assistance Act.

(i-5) An electric utility required to impose the Coal to Solar and Energy Storage Initiative Charge provided for in subsection (c-5) of Section 1-75 of the Illinois Power Agency Act shall add such charge to the bills of its delivery services customers pursuant to the terms of a tariff conforming to the requirements of subsection (c-5) of Section 1-75 of the Illinois Power Agency Act and this subsection (i-5) and filed with and approved by the Commission. The electric utility shall file its proposed tariff with the Commission on or

1 before July 1, 2022 to be effective, after review and approval
2 or modification by the Commission, beginning January 1, 2023.
3 On or before December 1, 2022, the Commission shall review the
4 electric utility's proposed tariff, including by conducting a
5 docketed proceeding if deemed necessary by the Commission, and
6 shall approve the proposed tariff or direct the electric
7 utility to make modifications the Commission finds necessary
8 for the tariff to conform to the requirements of subsection
9 (c-5) of Section 1-75 of the Illinois Power Agency Act and this
10 subsection (i-5). The electric utility's tariff shall provide
11 for imposition of the Coal to Solar and Energy Storage
12 Initiative Charge on a per-kilowatthour basis to all
13 kilowatthours delivered by the electric utility to its
14 delivery services customers. The tariff shall provide for the
15 calculation of the Coal to Solar and Energy Storage Initiative
16 Charge to be in effect for the year beginning January 1, 2023
17 and each year beginning January 1 thereafter, sufficient to
18 collect the electric utility's estimated payment obligations
19 for the delivery year beginning the following June 1 under
20 contracts for purchase of renewable energy credits entered
21 into pursuant to subsection (c-5) of Section 1-75 of the
22 Illinois Power Agency Act and the obligations of the
23 Department of Commerce and Economic Development, which for
24 purposes of this subsection (i-5) shall be referred to as the
25 Department, to make grant payments during such delivery year
26 from the Coal to Solar and Energy Storage Initiative Fund

1 pursuant to grant contracts entered into pursuant to
2 subsection (c-5) of Section 1-75 of the Illinois Power Agency
3 Act, and using the electric utility's kilowatthour deliveries
4 to its delivery services customers during the delivery year
5 ended May 31 of the preceding calendar year. On or before
6 November 1 of each year beginning November 1, 2022, the
7 Department shall notify the electric utilities of the amount
8 of the Department's estimated obligations for grant payments
9 during the delivery year beginning the following June 1
10 pursuant to grant contracts entered into pursuant to
11 subsection (c-5) of Section 1-75 of the Illinois Power Agency
12 Act; and each electric utility shall incorporate in the
13 calculation of its Coal to Solar and Energy Storage Initiative
14 Charge the fractional portion of the Department's estimated
15 obligations equal to the electric utility's kilowatthour
16 deliveries to its delivery services customers in the delivery
17 year ended the preceding May 31 to the aggregate deliveries of
18 both electric utilities to delivery services customers in such
19 delivery year. The electric utility shall remit on a monthly
20 basis to the State Treasurer, for deposit in the Coal to Solar
21 and Energy Storage Initiative Fund provided for in subsection
22 (c-5) of Section 1-75 of the Illinois Power Agency Act, the
23 electric utility's collections of the Coal to Solar and Energy
24 Storage Initiative Charge estimated to be needed by the
25 Department for grant payments pursuant to grant contracts
26 entered into pursuant to subsection (c-5) of Section 1-75 of

1 the Illinois Power Agency Act. The initial charge under the
2 electric utility's tariff shall be effective for kilowatthours
3 delivered beginning January 1, 2023, and thereafter shall be
4 revised to be effective January 1, 2024 and each January 1
5 thereafter, based on the payment obligations for the delivery
6 year beginning the following June 1. The tariff shall provide
7 for the electric utility to make an annual filing with the
8 Commission on or before November 15 of each year, beginning in
9 2023, setting forth the Coal to Solar and Energy Storage
10 Initiative Charge to be in effect for the year beginning the
11 following January 1. The electric utility's tariff shall also
12 provide that the electric utility shall make a filing with the
13 Commission on or before August 1 of each year beginning in 2024
14 setting forth a reconciliation, for the delivery year ended
15 the preceding May 31, of the electric utility's collections of
16 the Coal to Solar and Energy Storage Initiative Charge against
17 actual payments for renewable energy credits pursuant to
18 contracts entered into, and the actual grant payments by the
19 Department pursuant to grant contracts entered into, pursuant
20 to subsection (c-5) of Section 1-75 of the Illinois Power
21 Agency Act. The tariff shall provide that any excess or
22 shortfall of collections to payments shall be deducted from or
23 added to, on a per-kilowatthour basis, the Coal to Solar and
24 Energy Storage Initiative Charge, over the 6-month period
25 beginning October 1 of that calendar year.

26 (j) If a retail customer that obtains electric power and

1 energy from cogeneration or self-generation facilities
2 installed for its own use on or before January 1, 1997,
3 subsequently takes service from an alternative retail electric
4 supplier or an electric utility other than the electric
5 utility in whose service area the customer is located for any
6 portion of the customer's electric power and energy
7 requirements formerly obtained from those facilities
8 (including that amount purchased from the utility in lieu of
9 such generation and not as standby power purchases, under a
10 cogeneration displacement tariff in effect as of the effective
11 date of this amendatory Act of 1997), the transition charges
12 otherwise applicable pursuant to subsections (f), (g), or (h)
13 of this Section shall not be applicable in any year to that
14 portion of the customer's electric power and energy
15 requirements formerly obtained from those facilities,
16 provided, that for purposes of this subsection (j), such
17 portion shall not exceed the average number of kilowatt-hours
18 per year obtained from the cogeneration or self-generation
19 facilities during the 3 years prior to the date on which the
20 customer became eligible for delivery services, except as
21 provided in subsection (f) of Section 16-110.

22 (k) The electric utility shall be entitled to recover
23 through tariffed charges all of the costs associated with the
24 purchase of zero emission credits from zero emission
25 facilities to meet the requirements of subsection (d-5) of
26 Section 1-75 of the Illinois Power Agency Act. Such costs

1 shall include the costs of procuring the zero emission
2 credits, as well as the reasonable costs that the utility
3 incurs as part of the procurement processes and to implement
4 and comply with plans and processes approved by the Commission
5 under such subsection (d-5). The costs shall be allocated
6 across all retail customers through a single, uniform cents
7 per kilowatt-hour charge applicable to all retail customers,
8 which shall appear as a separate line item on each customer's
9 bill. Beginning June 1, 2017, the electric utility shall be
10 entitled to recover through tariffed charges all of the costs
11 associated with the purchase of renewable energy resources to
12 meet the renewable energy resource standards of subsection (c)
13 of Section 1-75 of the Illinois Power Agency Act, under
14 procurement plans as approved in accordance with that Section
15 and Section 16-111.5 of this Act. Such costs shall include the
16 costs of procuring the renewable energy resources, as well as
17 the reasonable costs that the utility incurs as part of the
18 procurement processes and to implement and comply with plans
19 and processes approved by the Commission under such Sections.
20 The costs associated with the purchase of renewable energy
21 resources shall be allocated across all retail customers in
22 proportion to the amount of renewable energy resources the
23 utility procures for such customers through a single, uniform
24 cents per kilowatt-hour charge applicable to such retail
25 customers, which shall appear as a separate line item on each
26 such customer's bill.

1 Notwithstanding whether the Commission has approved the
2 initial long-term renewable resources procurement plan as of
3 June 1, 2017, an electric utility shall place new tariffed
4 charges into effect beginning with the June 2017 monthly
5 billing period, to the extent practicable, to begin recovering
6 the costs of procuring renewable energy resources, as those
7 charges are calculated under the limitations described in
8 subparagraph (E) of paragraph (1) of subsection (c) of Section
9 1-75 of the Illinois Power Agency Act. Notwithstanding the
10 date on which the utility places such new tariffed charges
11 into effect, the utility shall be permitted to collect the
12 charges under such tariff as if the tariff had been in effect
13 beginning with the first day of the June 2017 monthly billing
14 period. For the delivery years commencing June 1, 2017, June
15 1, 2018, and June 1, 2019, and each delivery year thereafter,
16 the electric utility shall deposit into a separate interest
17 bearing account of a financial institution the monies
18 collected under the tariffed charges. Money collected from
19 customers for the procurement of renewable energy resources in
20 a given delivery year may be spent by the utility for the
21 procurement of renewable resources over any of the following 5
22 delivery years, after which money shall be credited back to
23 retail customers. The electric utility shall spend all money
24 collected in earlier delivery years that has not yet been
25 returned to customers, first, before spending money collected
26 in later delivery years. Any interest earned shall be credited

1 back to retail customers under the reconciliation proceeding
2 provided for in this subsection (k), provided that the
3 electric utility shall first be reimbursed from the interest
4 for the administrative costs that it incurs to administer and
5 manage the account. Any taxes due on the funds in the account,
6 or interest earned on it, will be paid from the account or, if
7 insufficient monies are available in the account, from the
8 monies collected under the tariffed charges to recover the
9 costs of procuring renewable energy resources. Monies
10 deposited in the account shall be subject to the review,
11 reconciliation, and true-up process described in this
12 subsection (k) that is applicable to the funds collected and
13 costs incurred for the procurement of renewable energy
14 resources.

15 The electric utility shall be entitled to recover all of
16 the costs identified in this subsection (k) through automatic
17 adjustment clause tariffs applicable to all of the utility's
18 retail customers that allow the electric utility to adjust its
19 tariffed charges consistent with this subsection (k). The
20 determination as to whether any excess funds were collected
21 during a given delivery year for the purchase of renewable
22 energy resources, and the crediting of any excess funds back
23 to retail customers, shall not be made until after the close of
24 the delivery year, which will ensure that the maximum amount
25 of funds is available to implement the approved long-term
26 renewable resources procurement plan during a given delivery

1 year. The amount of excess funds credited back to retail
2 customers shall be reduced by an amount equal to the payment
3 obligations required by any contracts entered into by an
4 electric utility under contracts described in subsection (b)
5 of Section 1-56 and subsection (c) of Section 1-75 of the
6 Illinois Power Agency Act, even if such payments have not yet
7 been made. The electric utility's collections under such
8 automatic adjustment clause tariffs to recover the costs of
9 renewable energy resources and zero emission credits from zero
10 emission facilities shall be subject to separate annual
11 review, reconciliation, and true-up against actual costs by
12 the Commission under a procedure that shall be specified in
13 the electric utility's automatic adjustment clause tariffs and
14 that shall be approved by the Commission in connection with
15 its approval of such tariffs. The procedure shall provide that
16 any difference between the electric utility's collections for
17 zero emission credits under the automatic adjustment charges
18 for an annual period and the electric utility's actual costs
19 of ~~renewable energy resources~~ and zero emission credits from
20 zero emission facilities for that same annual period shall be
21 refunded to or collected from, as applicable, the electric
22 utility's retail customers in subsequent periods.

23 Nothing in this subsection (k) is intended to affect,
24 limit, or change the right of the electric utility to recover
25 the costs associated with the procurement of renewable energy
26 resources for periods commencing before, on, or after June 1,

1 2017, as otherwise provided in the Illinois Power Agency Act.

2 ~~Notwithstanding anything to the contrary, the Commission~~
3 ~~shall not conduct an annual review, reconciliation, and~~
4 ~~true up associated with renewable energy resources'~~
5 ~~collections and costs for the delivery years commencing June~~
6 ~~1, 2017, June 1, 2018, June 1, 2019, and June 1, 2020, and~~
7 ~~shall instead conduct a single review, reconciliation, and~~
8 ~~true up associated with renewable energy resources'~~
9 ~~collections and costs for the 4 year period beginning June 1,~~
10 ~~2017 and ending May 31, 2021, provided that the review,~~
11 ~~reconciliation, and true up shall not be initiated until after~~
12 ~~August 31, 2021. During the 4 year period, the utility shall~~
13 ~~be permitted to collect and retain funds under this subsection~~
14 ~~(k) and to purchase renewable energy resources under an~~
15 ~~approved long term renewable resources procurement plan using~~
16 ~~those funds regardless of the delivery year in which the funds~~
17 ~~were collected during the 4 year period.~~

18 ~~If the amount of funds collected during the delivery year~~
19 ~~commencing June 1, 2017, exceeds the costs incurred during~~
20 ~~that delivery year, then up to half of this excess amount, as~~
21 ~~calculated on June 1, 2018, may be used to fund the programs~~
22 ~~under subsection (b) of Section 1-56 of the Illinois Power~~
23 ~~Agency Act in the same proportion the programs are funded~~
24 ~~under that subsection (b). However, any amount identified~~
25 ~~under this subsection (k) to fund programs under subsection~~
26 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~

1 ~~reduced if it exceeds the funding shortfall. For purposes of~~
2 ~~this Section, "funding shortfall" means the difference between~~
3 ~~\$200,000,000 and the amount appropriated by the General~~
4 ~~Assembly to the Illinois Power Agency Renewable Energy~~
5 ~~Resources Fund during the period that commences on the~~
6 ~~effective date of this amendatory act of the 99th General~~
7 ~~Assembly and ends on August 1, 2018.~~

8 ~~If the amount of funds collected during the delivery year~~
9 ~~commencing June 1, 2018, exceeds the costs incurred during~~
10 ~~that delivery year, then up to half of this excess amount, as~~
11 ~~calculated on June 1, 2019, may be used to fund the programs~~
12 ~~under subsection (b) of Section 1-56 of the Illinois Power~~
13 ~~Agency Act in the same proportion the programs are funded~~
14 ~~under that subsection (b). However, any amount identified~~
15 ~~under this subsection (k) to fund programs under subsection~~
16 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
17 ~~reduced if it exceeds the funding shortfall.~~

18 ~~If the amount of funds collected during the delivery year~~
19 ~~commencing June 1, 2019, exceeds the costs incurred during~~
20 ~~that delivery year, then up to half of this excess amount, as~~
21 ~~calculated on June 1, 2020, may be used to fund the programs~~
22 ~~under subsection (b) of Section 1-56 of the Illinois Power~~
23 ~~Agency Act in the same proportion the programs are funded~~
24 ~~under that subsection (b). However, any amount identified~~
25 ~~under this subsection (k) to fund programs under subsection~~
26 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~

1 ~~reduced if it exceeds the funding shortfall.~~

2 The funding available under this subsection (k), if any,
3 for the programs described under subsection (b) of Section
4 1-56 of the Illinois Power Agency Act shall not reduce the
5 amount of funding for the programs described in subparagraph
6 (O) of paragraph (1) of subsection (c) of Section 1-75 of the
7 Illinois Power Agency Act. If funding is available under this
8 subsection (k) for programs described under subsection (b) of
9 Section 1-56 of the Illinois Power Agency Act, then the
10 long-term renewable resources plan shall provide for the
11 Agency to procure contracts in an amount that does not exceed
12 the funding, and the contracts approved by the Commission
13 shall be executed by the applicable utility or utilities.

14 (1) A utility that has terminated any contract executed
15 under subsection (d-5) of Section 1-75 of the Illinois Power
16 Agency Act shall be entitled to recover any remaining balance
17 associated with the purchase of zero emission credits prior to
18 such termination, and such utility shall also apply a credit
19 to its retail customer bills in the event of any
20 over-collection.

21 (m) (1) An electric utility that recovers its costs of
22 procuring zero emission credits from zero emission
23 facilities through a cents-per-kilowatthour charge under
24 to subsection (k) of this Section shall be subject to the
25 requirements of this subsection (m). Notwithstanding
26 anything to the contrary, such electric utility shall,

beginning on April 30, 2018, and each April 30 thereafter until April 30, 2026, calculate whether any reduction must be applied to such cents-per-kilowatthour charge that is paid by retail customers of the electric utility that are exempt from subsections (a) through (j) of Section 8-103B of this Act under subsection (l) of Section 8-103B. Such charge shall be reduced for such customers for the next delivery year commencing on June 1 based on the amount necessary, if any, to limit the annual estimated average net increase for the prior calendar year due to the future energy investment costs to no more than 1.3% of 5.98 cents per kilowatt-hour, which is the average amount paid per kilowatthour for electric service during the year ending December 31, 2015 by Illinois industrial retail customers, as reported to the Edison Electric Institute.

The calculations required by this subsection (m) shall be made only once for each year, and no subsequent rate impact determinations shall be made.

(2) For purposes of this Section, "future energy investment costs" shall be calculated by subtracting the cents-per-kilowatthour charge identified in subparagraph (A) of this paragraph (2) from the sum of the cents-per-kilowatthour charges identified in subparagraph (B) of this paragraph (2):

(A) The cents-per-kilowatthour charge identified in the electric utility's tariff placed into effect

1 under Section 8-103 of the Public Utilities Act that,
2 on December 1, 2016, was applicable to those retail
3 customers that are exempt from subsections (a) through
4 (j) of Section 8-103B of this Act under subsection (l)
5 of Section 8-103B.

6 (B) The sum of the following
7 cents-per-kilowatthour charges applicable to those
8 retail customers that are exempt from subsections (a)
9 through (j) of Section 8-103B of this Act under
10 subsection (l) of Section 8-103B, provided that if one
11 or more of the following charges has been in effect and
12 applied to such customers for more than one calendar
13 year, then each charge shall be equal to the average of
14 the charges applied over a period that commences with
15 the calendar year ending December 31, 2017 and ends
16 with the most recently completed calendar year prior
17 to the calculation required by this subsection (m):

18 (i) the cents-per-kilowatthour charge to
19 recover the costs incurred by the utility under
20 subsection (d-5) of Section 1-75 of the Illinois
21 Power Agency Act, adjusted for any reductions
22 required under this subsection (m); and

23 (ii) the cents-per-kilowatthour charge to
24 recover the costs incurred by the utility under
25 Section 16-107.6 of the Public Utilities Act.

26 If no charge was applied for a given calendar year

1 under item (i) or (ii) of this subparagraph (B), then
2 the value of the charge for that year shall be zero.

3 (3) If a reduction is required by the calculation
4 performed under this subsection (m), then the amount of
5 the reduction shall be multiplied by the number of years
6 reflected in the averages calculated under subparagraph
7 (B) of paragraph (2) of this subsection (m). Such
8 reduction shall be applied to the cents-per-kilowatthour
9 charge that is applicable to those retail customers that
10 are exempt from subsections (a) through (j) of Section
11 8-103B of this Act under subsection (l) of Section 8-103B
12 beginning with the next delivery year commencing after the
13 date of the calculation required by this subsection (m).

14 (4) The electric utility shall file a notice with the
15 Commission on May 1 of 2018 and each May 1 thereafter until
16 May 1, 2026 containing the reduction, if any, which must
17 be applied for the delivery year which begins in the year
18 of the filing. The notice shall contain the calculations
19 made pursuant to this Section. By October 1 of each year
20 beginning in 2018, each electric utility shall notify the
21 Commission if it appears, based on an estimate of the
22 calculation required in this subsection (m), that a
23 reduction will be required in the next year.

24 (Source: P.A. 99-906, eff. 6-1-17.)

1 Sec. 16-111.5. Provisions relating to procurement.

2 (a) An electric utility that on December 31, 2005 served
3 at least 100,000 customers in Illinois shall procure power and
4 energy for its eligible retail customers in accordance with
5 the applicable provisions set forth in Section 1-75 of the
6 Illinois Power Agency Act and this Section. Beginning with the
7 delivery year commencing on June 1, 2017, such electric
8 utility shall also procure zero emission credits from zero
9 emission facilities in accordance with the applicable
10 provisions set forth in Section 1-75 of the Illinois Power
11 Agency Act, and, for years beginning on or after June 1, 2017,
12 the utility shall procure renewable energy resources in
13 accordance with the applicable provisions set forth in Section
14 1-75 of the Illinois Power Agency Act and this Section. A small
15 multi-jurisdictional electric utility that on December 31,
16 2005 served less than 100,000 customers in Illinois may elect
17 to procure power and energy for all or a portion of its
18 eligible Illinois retail customers in accordance with the
19 applicable provisions set forth in this Section and Section
20 1-75 of the Illinois Power Agency Act. This Section shall not
21 apply to a small multi-jurisdictional utility until such time
22 as a small multi-jurisdictional utility requests the Illinois
23 Power Agency to prepare a procurement plan for its eligible
24 retail customers. "Eligible retail customers" for the purposes
25 of this Section means those retail customers that purchase
26 power and energy from the electric utility under fixed-price

1 bundled service tariffs, other than those retail customers
2 whose service is declared or deemed competitive under Section
3 16-113 and those other customer groups specified in this
4 Section, including self-generating customers, customers
5 electing hourly pricing, or those customers who are otherwise
6 ineligible for fixed-price bundled tariff service. For those
7 customers that are excluded from the procurement plan's
8 electric supply service requirements, and the utility shall
9 procure any supply requirements, including capacity, ancillary
10 services, and hourly priced energy, in the applicable markets
11 as needed to serve those customers, provided that the utility
12 may include in its procurement plan load requirements for the
13 load that is associated with those retail customers whose
14 service has been declared or deemed competitive pursuant to
15 Section 16-113 of this Act to the extent that those customers
16 are purchasing power and energy during one of the transition
17 periods identified in subsection (b) of Section 16-113 of this
18 Act.

19 (b) A procurement plan shall be prepared for each electric
20 utility consistent with the applicable requirements of the
21 Illinois Power Agency Act and this Section. For purposes of
22 this Section, Illinois electric utilities that are affiliated
23 by virtue of a common parent company are considered to be a
24 single electric utility. Small multi-jurisdictional utilities
25 may request a procurement plan for a portion of or all of its
26 Illinois load. Each procurement plan shall analyze the

1 projected balance of supply and demand for those retail
2 customers to be included in the plan's electric supply service
3 requirements over a 5-year period, with the first planning
4 year beginning on June 1 of the year following the year in
5 which the plan is filed. The plan shall specifically identify
6 the wholesale products to be procured following plan approval,
7 and shall follow all the requirements set forth in the Public
8 Utilities Act and all applicable State and federal laws,
9 statutes, rules, or regulations, as well as Commission orders.
10 Nothing in this Section precludes consideration of contracts
11 longer than 5 years and related forecast data. Unless
12 specified otherwise in this Section, in the procurement plan
13 or in the implementing tariff, any procurement occurring in
14 accordance with this plan shall be competitively bid through a
15 request for proposals process. Approval and implementation of
16 the procurement plan shall be subject to review and approval
17 by the Commission according to the provisions set forth in
18 this Section. A procurement plan shall include each of the
19 following components:

- 20 (1) Hourly load analysis. This analysis shall include:
21 (i) multi-year historical analysis of hourly
22 loads;
23 (ii) switching trends and competitive retail
24 market analysis;
25 (iii) known or projected changes to future loads;
26 and

(iv) growth forecasts by customer class.

(2) Analysis of the impact of any demand side and renewable energy initiatives. This analysis shall include:

(i) the impact of demand response programs and energy efficiency programs, both current and projected; for small multi-jurisdictional utilities, the impact of demand response and energy efficiency programs approved pursuant to Section 8-408 of this Act, both current and projected; and

(ii) supply side needs that are projected to be offset by purchases of renewable energy resources, if any.

(3) A plan for meeting the expected load requirements that will not be met through preexisting contracts. This plan shall include:

(i) definitions of the different Illinois retail customer classes for which supply is being purchased;

(ii) the proposed mix of demand-response products for which contracts will be executed during the next year. For small multi-jurisdictional electric utilities that on December 31, 2005 served fewer than 100,000 customers in Illinois, these shall be defined as demand-response products offered in an energy efficiency plan approved pursuant to Section 8-408 of this Act. The cost-effective demand-response measures shall be procured whenever the cost is lower than

1 procuring comparable capacity products, provided that
2 such products shall:

3 (A) be procured by a demand-response provider
4 from those retail customers included in the plan's
5 electric supply service requirements;

6 (B) at least satisfy the demand-response
7 requirements of the regional transmission
8 organization market in which the utility's service
9 territory is located, including, but not limited
10 to, any applicable capacity or dispatch
11 requirements;

12 (C) provide for customers' participation in
13 the stream of benefits produced by the
14 demand-response products;

15 (D) provide for reimbursement by the
16 demand-response provider of the utility for any
17 costs incurred as a result of the failure of the
18 supplier of such products to perform its
19 obligations thereunder; and

20 (E) meet the same credit requirements as apply
21 to suppliers of capacity, in the applicable
22 regional transmission organization market;

23 (iii) monthly forecasted system supply
24 requirements, including expected minimum, maximum, and
25 average values for the planning period;

26 (iv) the proposed mix and selection of standard

1 wholesale products for which contracts will be
2 executed during the next year, separately or in
3 combination, to meet that portion of its load
4 requirements not met through pre-existing contracts,
5 including but not limited to monthly 5 x 16 peak period
6 block energy, monthly off-peak wrap energy, monthly 7
7 x 24 energy, annual 5 x 16 energy, annual off-peak wrap
8 energy, annual 7 x 24 energy, monthly capacity, annual
9 capacity, peak load capacity obligations, capacity
10 purchase plan, and ancillary services;

11 (v) proposed term structures for each wholesale
12 product type included in the proposed procurement plan
13 portfolio of products; and

14 (vi) an assessment of the price risk, load
15 uncertainty, and other factors that are associated
16 with the proposed procurement plan; this assessment,
17 to the extent possible, shall include an analysis of
18 the following factors: contract terms, time frames for
19 securing products or services, fuel costs, weather
20 patterns, transmission costs, market conditions, and
21 the governmental regulatory environment; the proposed
22 procurement plan shall also identify alternatives for
23 those portfolio measures that are identified as having
24 significant price risk.

25 (4) Proposed procedures for balancing loads. The
26 procurement plan shall include, for load requirements

1 included in the procurement plan, the process for (i)
2 hourly balancing of supply and demand and (ii) the
3 criteria for portfolio re-balancing in the event of
4 significant shifts in load.

5 (5) Long-Term Renewable Resources Procurement Plan.
6 The Agency shall prepare a long-term renewable resources
7 procurement plan for the procurement of renewable energy
8 credits under Sections 1-56 and 1-75 of the Illinois Power
9 Agency Act for delivery beginning in the 2017 delivery
10 year.

11 (i) The initial long-term renewable resources
12 procurement plan and all subsequent revisions shall be
13 subject to review and approval by the Commission. For
14 the purposes of this Section, "delivery year" has the
15 same meaning as in Section 1-10 of the Illinois Power
16 Agency Act. For purposes of this Section, "Agency"
17 shall mean the Illinois Power Agency.

18 (ii) The long-term renewable resources planning
19 process shall be conducted as follows:

20 (A) Electric utilities shall provide a range
21 of load forecasts to the Illinois Power Agency
22 within 45 days of the Agency's request for
23 forecasts, which request shall specify the length
24 and conditions for the forecasts including, but
25 not limited to, the quantity of distributed
26 generation expected to be interconnected for each

1 year.

2 (B) The Agency shall publish for comment the
3 initial long-term renewable resources procurement
4 plan no later than 120 days after the effective
5 date of this amendatory Act of the 99th General
6 Assembly and shall review, and may revise, the
7 plan at least every 2 years thereafter. To the
8 extent practicable, the Agency shall review and
9 propose any revisions to the long-term renewable
10 energy resources procurement plan in conjunction
11 with the Agency's other planning and approval
12 processes conducted under this Section. The
13 initial long-term renewable resources procurement
14 plan shall:

15 (aa) Identify the procurement programs and
16 competitive procurement events consistent with
17 the applicable requirements of the Illinois
18 Power Agency Act and shall be designed to
19 achieve the goals set forth in subsection (c)
20 of Section 1-75 of that Act.

21 (bb) Include a schedule for procurements
22 for renewable energy credits from
23 utility-scale wind projects, utility-scale
24 solar projects, and brownfield site
25 photovoltaic projects consistent with
26 subparagraph (G) of paragraph (1) of

1 subsection (c) of Section 1-75 of the Illinois
2 Power Agency Act.

3 (cc) Identify the process whereby the
4 Agency will submit to the Commission for
5 review and approval the proposed contracts to
6 implement the programs required by such plan.

7 Copies of the initial long-term renewable
8 resources procurement plan and all subsequent
9 revisions shall be posted and made publicly
10 available on the Agency's and Commission's
11 websites, and copies shall also be provided to
12 each affected electric utility. An affected
13 utility and other interested parties shall have 45
14 days following the date of posting to provide
15 comment to the Agency on the initial long-term
16 renewable resources procurement plan and all
17 subsequent revisions. All comments submitted to
18 the Agency shall be specific, supported by data or
19 other detailed analyses, and, if objecting to all
20 or a portion of the procurement plan, accompanied
21 by specific alternative wording or proposals. All
22 comments shall be posted on the Agency's and
23 Commission's websites. During this 45-day comment
24 period, the Agency shall hold at least one public
25 hearing within each utility's service area that is
26 subject to the requirements of this paragraph (5)

1 for the purpose of receiving public comment.
2 Within 21 days following the end of the 45-day
3 review period, the Agency may revise the long-term
4 renewable resources procurement plan based on the
5 comments received and shall file the plan with the
6 Commission for review and approval.

7 (C) Within 14 days after the filing of the
8 initial long-term renewable resources procurement
9 plan or any subsequent revisions, any person
10 objecting to the plan may file an objection with
11 the Commission. Within 21 days after the filing of
12 the plan, the Commission shall determine whether a
13 hearing is necessary. The Commission shall enter
14 its order confirming or modifying the initial
15 long-term renewable resources procurement plan or
16 any subsequent revisions within 120 days after the
17 filing of the plan by the Illinois Power Agency.

18 (D) The Commission shall approve the initial
19 long-term renewable resources procurement plan and
20 any subsequent revisions, including expressly the
21 forecast used in the plan and taking into account
22 that funding will be limited to the amount of
23 revenues actually collected by the utilities, if
24 the Commission determines that the plan will
25 reasonably and prudently accomplish the
26 requirements of Section 1-56 and subsection (c) of

1 Section 1-75 of the Illinois Power Agency Act. The
2 Commission shall also approve the process for the
3 submission, review, and approval of the proposed
4 contracts to procure renewable energy credits or
5 implement the programs authorized by the
6 Commission pursuant to a long-term renewable
7 resources procurement plan approved under this
8 Section.

9 (iii) The Agency or third parties contracted by
10 the Agency shall implement all programs authorized by
11 the Commission in an approved long-term renewable
12 resources procurement plan without further review and
13 approval by the Commission. Third parties shall not
14 begin implementing any programs or receive any payment
15 under this Section until the Commission has approved
16 the contract or contracts under the process authorized
17 by the Commission in item (D) of subparagraph (ii) of
18 paragraph (5) of this subsection (b) and the third
19 party and the Agency or utility, as applicable, have
20 executed the contract. For those renewable energy
21 credits subject to procurement through a competitive
22 bid process under the plan or under the initial
23 forward procurements for wind and solar resources
24 described in subparagraph (G) of paragraph (1) of
25 subsection (c) of Section 1-75 of the Illinois Power
26 Agency Act, the Agency shall follow the procurement

1 process specified in the provisions relating to
2 electricity procurement in subsections (e) through (i)
3 of this Section.

4 (iv) An electric utility shall recover its costs
5 associated with the procurement of renewable energy
6 credits under this Section and pursuant to subsection
7 (c-5) of Section 1-75 of the Illinois Power Agency Act
8 through an automatic adjustment clause tariff under
9 subsection (k) or a tariff pursuant to subsection
10 (i-5), as applicable, of Section 16-108 of this Act. A
11 utility shall not be required to advance any payment
12 or pay any amounts under this Section that exceed the
13 actual amount of revenues collected by the utility
14 under paragraph (6) of subsection (c) of Section 1-75
15 of the Illinois Power Agency Act, subsection (c-5) of
16 Section 1-75 of the Illinois Power Agency Act, and
17 subsection (k) or subsection (i-5), as applicable, of
18 Section 16-108 of this Act, and contracts executed
19 under this Section shall expressly incorporate this
20 limitation.

21 (v) For the public interest, safety, and welfare,
22 the Agency and the Commission may adopt rules to carry
23 out the provisions of this Section on an emergency
24 basis immediately following the effective date of this
25 amendatory Act of the 99th General Assembly.

26 (vi) On or before July 1 of each year, the

1 Commission shall hold an informal hearing for the
2 purpose of receiving comments on the prior year's
3 procurement process and any recommendations for
4 change.

5 (b-5) An electric utility that as of January 1, 2019
6 served more than 300,000 retail customers in this State shall
7 purchase renewable energy credits from new renewable energy
8 resources constructed at or adjacent to the sites of
9 coal-fueled electric generating facilities in this State in
10 accordance with subsection (c-5) of Section 1-75 of the
11 Illinois Power Agency Act. Except as expressly provided in
12 this Section, the plans and procedures for such procurements
13 shall not be included in the procurement plans provided for in
14 this Section, but rather shall be conducted and implemented
15 solely in accordance with subsection (c-5) of Section 1-75 of
16 the Illinois Power Agency Act.

17 (c) The provisions of this subsection (c) shall not apply
18 to procurements conducted pursuant to subsection (c-5) of
19 Section 1-75 of the Illinois Power Agency Act. However, the
20 Agency may retain a procurement administrator to assist the
21 Agency in planning and carrying out the procurement events and
22 implementing the other requirements specified in such
23 subsection (c-5) of Section 1-75 of the Illinois Power Agency
24 Act, with the costs incurred by the Agency for the procurement
25 administrator to be recovered through fees charged to
26 applicants for selection to sell and deliver renewable energy

1 credits to electric utilities pursuant to subsection (c-5) of
2 Section 1-75 of the Illinois Power Agency Act. The procurement
3 process set forth in Section 1-75 of the Illinois Power Agency
4 Act and subsection (e) of this Section shall be administered
5 by a procurement administrator and monitored by a procurement
6 monitor.

- 7 (1) The procurement administrator shall:
- 8 (i) design the final procurement process in
9 accordance with Section 1-75 of the Illinois Power
10 Agency Act and subsection (e) of this Section
11 following Commission approval of the procurement plan;
- 12 (ii) develop benchmarks in accordance with
13 subsection (e)(3) to be used to evaluate bids; these
14 benchmarks shall be submitted to the Commission for
15 review and approval on a confidential basis prior to
16 the procurement event;
- 17 (iii) serve as the interface between the electric
18 utility and suppliers;
- 19 (iv) manage the bidder pre-qualification and
20 registration process;
- 21 (v) obtain the electric utilities' agreement to
22 the final form of all supply contracts and credit
23 collateral agreements;
- 24 (vi) administer the request for proposals process;
- 25 (vii) have the discretion to negotiate to
26 determine whether bidders are willing to lower the

1 price of bids that meet the benchmarks approved by the
2 Commission; any post-bid negotiations with bidders
3 shall be limited to price only and shall be completed
4 within 24 hours after opening the sealed bids and
5 shall be conducted in a fair and unbiased manner; in
6 conducting the negotiations, there shall be no
7 disclosure of any information derived from proposals
8 submitted by competing bidders; if information is
9 disclosed to any bidder, it shall be provided to all
10 competing bidders;

11 (viii) maintain confidentiality of supplier and
12 bidding information in a manner consistent with all
13 applicable laws, rules, regulations, and tariffs;

14 (ix) submit a confidential report to the
15 Commission recommending acceptance or rejection of
16 bids;

17 (x) notify the utility of contract counterparties
18 and contract specifics; and

19 (xi) administer related contingency procurement
20 events.

21 (2) The procurement monitor, who shall be retained by
22 the Commission, shall:

23 (i) monitor interactions among the procurement
24 administrator, suppliers, and utility;

25 (ii) monitor and report to the Commission on the
26 progress of the procurement process;

1 (iii) provide an independent confidential report
2 to the Commission regarding the results of the
3 procurement event;

4 (iv) assess compliance with the procurement plans
5 approved by the Commission for each utility that on
6 December 31, 2005 provided electric service to at
7 least 100,000 customers in Illinois and for each small
8 multi-jurisdictional utility that on December 31, 2005
9 served less than 100,000 customers in Illinois;

10 (v) preserve the confidentiality of supplier and
11 bidding information in a manner consistent with all
12 applicable laws, rules, regulations, and tariffs;

13 (vi) provide expert advice to the Commission and
14 consult with the procurement administrator regarding
15 issues related to procurement process design, rules,
16 protocols, and policy-related matters; and

17 (vii) consult with the procurement administrator
18 regarding the development and use of benchmark
19 criteria, standard form contracts, credit policies,
20 and bid documents.

21 (d) Except as provided in subsection (j), the planning
22 process shall be conducted as follows:

23 (1) Beginning in 2008, each Illinois utility procuring
24 power pursuant to this Section shall annually provide a
25 range of load forecasts to the Illinois Power Agency by
26 July 15 of each year, or such other date as may be required

1 by the Commission or Agency. The load forecasts shall
2 cover the 5-year procurement planning period for the next
3 procurement plan and shall include hourly data
4 representing a high-load, low-load, and expected-load
5 scenario for the load of those retail customers included
6 in the plan's electric supply service requirements. The
7 utility shall provide supporting data and assumptions for
8 each of the scenarios.

9 (2) Beginning in 2008, the Illinois Power Agency shall
10 prepare a procurement plan by August 15th of each year, or
11 such other date as may be required by the Commission. The
12 procurement plan shall identify the portfolio of
13 demand-response and power and energy products to be
14 procured. Cost-effective demand-response measures shall be
15 procured as set forth in item (iii) of subsection (b) of
16 this Section. Copies of the procurement plan shall be
17 posted and made publicly available on the Agency's and
18 Commission's websites, and copies shall also be provided
19 to each affected electric utility. An affected utility
20 shall have 30 days following the date of posting to
21 provide comment to the Agency on the procurement plan.
22 Other interested entities also may comment on the
23 procurement plan. All comments submitted to the Agency
24 shall be specific, supported by data or other detailed
25 analyses, and, if objecting to all or a portion of the
26 procurement plan, accompanied by specific alternative

1 wording or proposals. All comments shall be posted on the
2 Agency's and Commission's websites. During this 30-day
3 comment period, the Agency shall hold at least one public
4 hearing within each utility's service area for the purpose
5 of receiving public comment on the procurement plan.
6 Within 14 days following the end of the 30-day review
7 period, the Agency shall revise the procurement plan as
8 necessary based on the comments received and file the
9 procurement plan with the Commission and post the
10 procurement plan on the websites.

11 (3) Within 5 days after the filing of the procurement
12 plan, any person objecting to the procurement plan shall
13 file an objection with the Commission. Within 10 days
14 after the filing, the Commission shall determine whether a
15 hearing is necessary. The Commission shall enter its order
16 confirming or modifying the procurement plan within 90
17 days after the filing of the procurement plan by the
18 Illinois Power Agency.

19 (4) The Commission shall approve the procurement plan,
20 including expressly the forecast used in the procurement
21 plan, if the Commission determines that it will 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.

26 (4.5) The Commission shall review the Agency's

1 recommendations for the selection of applicants to enter
2 into long-term contracts for the sale and delivery of
3 renewable energy credits from new renewable energy
4 resources to be constructed at or adjacent to the sites of
5 coal-fueled electric generating facilities in this State
6 in accordance with the provisions of subsection (c-5) of
7 Section 1-75 of the Illinois Power Agency Act, and shall
8 approve the Agency's recommendations if the Commission
9 determines that the applicants recommended by the Agency
10 for selection, the proposed new renewable energy resources
11 to be constructed, the amounts of renewable energy credits
12 to be delivered pursuant to the contracts, and the other
13 terms of the contracts, are consistent with the
14 requirements of subsection (c-5) of Section 1-75 of the
15 Illinois Power Agency Act.

16 (e) The procurement process shall include each of the
17 following components:

18 (1) Solicitation, pre-qualification, and registration
19 of bidders. The procurement administrator shall
20 disseminate information to potential bidders to promote a
21 procurement event, notify potential bidders that the
22 procurement administrator may enter into a post-bid price
23 negotiation with bidders that meet the applicable
24 benchmarks, provide supply requirements, and otherwise
25 explain the competitive procurement process. In addition
26 to such other publication as the procurement administrator

1 determines is appropriate, this information shall be
2 posted on the Illinois Power Agency's and the Commission's
3 websites. The procurement administrator shall also
4 administer the prequalification process, including
5 evaluation of credit worthiness, compliance with
6 procurement rules, and agreement to the standard form
7 contract developed pursuant to paragraph (2) of this
8 subsection (e). The procurement administrator shall then
9 identify and register bidders to participate in the
10 procurement event.

11 (2) Standard contract forms and credit terms and
12 instruments. The procurement administrator, in
13 consultation with the utilities, the Commission, and other
14 interested parties and subject to Commission oversight,
15 shall develop and provide standard contract forms for the
16 supplier contracts that meet generally accepted industry
17 practices. Standard credit terms and instruments that meet
18 generally accepted industry practices shall be similarly
19 developed. The procurement administrator shall make
20 available to the Commission all written comments it
21 receives on the contract forms, credit terms, or
22 instruments. If the procurement administrator cannot reach
23 agreement with the applicable electric utility as to the
24 contract terms and conditions, the procurement
25 administrator must notify the Commission of any disputed
26 terms and the Commission shall resolve the dispute. The

1 terms of the contracts shall not be subject to negotiation
2 by winning bidders, and the bidders must agree to the
3 terms of the contract in advance so that winning bids are
4 selected solely on the basis of price.

5 (3) Establishment of a market-based price benchmark.
6 As part of the development of the procurement process, the
7 procurement administrator, in consultation with the
8 Commission staff, Agency staff, and the procurement
9 monitor, shall establish benchmarks for evaluating the
10 final prices in the contracts for each of the products
11 that will be procured through the procurement process. The
12 benchmarks shall be based on price data for similar
13 products for the same delivery period and same delivery
14 hub, or other delivery hubs after adjusting for that
15 difference. The price benchmarks may also be adjusted to
16 take into account differences between the information
17 reflected in the underlying data sources and the specific
18 products and procurement process being used to procure
19 power for the Illinois utilities. The benchmarks shall be
20 confidential but shall be provided to, and will be subject
21 to Commission review and approval, prior to a procurement
22 event.

23 (4) Request for proposals competitive procurement
24 process. The procurement administrator shall design and
25 issue a request for proposals to supply electricity in
26 accordance with each utility's procurement plan, as

1 approved by the Commission. The request for proposals
2 shall set forth a procedure for sealed, binding commitment
3 bidding with pay-as-bid settlement, and provision for
4 selection of bids on the basis of price.

5 (5) A plan for implementing contingencies in the event
6 of supplier default or failure of the procurement process
7 to fully meet the expected load requirement due to
8 insufficient supplier participation, Commission rejection
9 of results, or any other cause.

10 (i) Event of supplier default: In the event of
11 supplier default, the utility shall review the
12 contract of the defaulting supplier to determine if
13 the amount of supply is 200 megawatts or greater, and
14 if there are more than 60 days remaining of the
15 contract term. If both of these conditions are met,
16 and the default results in termination of the
17 contract, the utility shall immediately notify the
18 Illinois Power Agency that a request for proposals
19 must be issued to procure replacement power, and the
20 procurement administrator shall run an additional
21 procurement event. If the contracted supply of the
22 defaulting supplier is less than 200 megawatts or
23 there are less than 60 days remaining of the contract
24 term, the utility shall procure power and energy from
25 the applicable regional transmission organization
26 market, including ancillary services, capacity, and

1 day-ahead or real time energy, or both, for the
2 duration of the contract term to replace the
3 contracted supply; provided, however, that if a needed
4 product is not available through the regional
5 transmission organization market it shall be purchased
6 from the wholesale market.

7 (ii) Failure of the procurement process to fully
8 meet the expected load requirement: If the procurement
9 process fails to fully meet the expected load
10 requirement due to insufficient supplier participation
11 or due to a Commission rejection of the procurement
12 results, the procurement administrator, the
13 procurement monitor, and the Commission staff shall
14 meet within 10 days to analyze potential causes of low
15 supplier interest or causes for the Commission
16 decision. If changes are identified that would likely
17 result in increased supplier participation, or that
18 would address concerns causing the Commission to
19 reject the results of the prior procurement event, the
20 procurement administrator may implement those changes
21 and rerun the request for proposals process according
22 to a schedule determined by those parties and
23 consistent with Section 1-75 of the Illinois Power
24 Agency Act and this subsection. In any event, a new
25 request for proposals process shall be implemented by
26 the procurement administrator within 90 days after the

1 determination that the procurement process has failed
2 to fully meet the expected load requirement.

3 (iii) In all cases where there is insufficient
4 supply provided under contracts awarded through the
5 procurement process to fully meet the electric
6 utility's load requirement, the utility shall meet the
7 load requirement by procuring power and energy from
8 the applicable regional transmission organization
9 market, including ancillary services, capacity, and
10 day-ahead or real time energy, or both; provided,
11 however, that if a needed product is not available
12 through the regional transmission organization market
13 it shall be purchased from the wholesale market.

14 (6) The procurement processes ~~process~~ described in
15 this subsection and in subsection (c-5) of Section 1-75 of
16 the Illinois Power Agency Act are ~~is~~ exempt from the
17 requirements of the Illinois Procurement Code, pursuant to
18 Section 20-10 of that Code.

19 (f) Within 2 business days after opening the sealed bids,
20 the procurement administrator shall submit a confidential
21 report to the Commission. The report shall contain the results
22 of the bidding for each of the products along with the
23 procurement administrator's recommendation for the acceptance
24 and rejection of bids based on the price benchmark criteria
25 and other factors observed in the process. The procurement
26 monitor also shall submit a confidential report to the

1 Commission within 2 business days after opening the sealed
2 bids. The report shall contain the procurement monitor's
3 assessment of bidder behavior in the process as well as an
4 assessment of the procurement administrator's compliance with
5 the procurement process and rules. The Commission shall review
6 the confidential reports submitted by the procurement
7 administrator and procurement monitor, and shall accept or
8 reject the recommendations of the procurement administrator
9 within 2 business days after receipt of the reports.

10 (g) Within 3 business days after the Commission decision
11 approving the results of a procurement event, the utility
12 shall enter into binding contractual arrangements with the
13 winning suppliers using the standard form contracts; except
14 that the utility shall not be required either directly or
15 indirectly to execute the contracts if a tariff that is
16 consistent with subsection (l) of this Section has not been
17 approved and placed into effect for that utility.

18 (h) The names of the successful bidders and the load
19 weighted average of the winning bid prices for each contract
20 type and for each contract term shall be made available to the
21 public at the time of Commission approval of a procurement
22 event. The Commission, the procurement monitor, the
23 procurement administrator, the Illinois Power Agency, and all
24 participants in the procurement process shall maintain the
25 confidentiality of all other supplier and bidding information
26 in a manner consistent with all applicable laws, rules,

1 regulations, and tariffs. Confidential information, including
2 the confidential reports submitted by the procurement
3 administrator and procurement monitor pursuant to subsection
4 (f) of this Section, shall not be made publicly available and
5 shall not be discoverable by any party in any proceeding,
6 absent a compelling demonstration of need, nor shall those
7 reports be admissible in any proceeding other than one for law
8 enforcement purposes.

9 (i) Within 2 business days after a Commission decision
10 approving the results of a procurement event or such other
11 date as may be required by the Commission from time to time,
12 the utility shall file for informational purposes with the
13 Commission its actual or estimated retail supply charges, as
14 applicable, by customer supply group reflecting the costs
15 associated with the procurement and computed in accordance
16 with the tariffs filed pursuant to subsection (l) of this
17 Section and approved by the Commission.

18 (j) Within 60 days following August 28, 2007 (the
19 effective date of Public Act 95-481), each electric utility
20 that on December 31, 2005 provided electric service to at
21 least 100,000 customers in Illinois shall prepare and file
22 with the Commission an initial procurement plan, which shall
23 conform in all material respects to the requirements of the
24 procurement plan set forth in subsection (b); provided,
25 however, that the Illinois Power Agency Act shall not apply to
26 the initial procurement plan prepared pursuant to this

1 subsection. The initial procurement plan shall identify the
2 portfolio of power and energy products to be procured and
3 delivered for the period June 2008 through May 2009, and shall
4 identify the proposed procurement administrator, who shall
5 have the same experience and expertise as is required of a
6 procurement administrator hired pursuant to Section 1-75 of
7 the Illinois Power Agency Act. Copies of the procurement plan
8 shall be posted and made publicly available on the
9 Commission's website. The initial procurement plan may include
10 contracts for renewable resources that extend beyond May 2009.

11 (i) Within 14 days following filing of the initial
12 procurement plan, any person may file a detailed objection
13 with the Commission contesting the procurement plan
14 submitted by the electric utility. All objections to the
15 electric utility's plan shall be specific, supported by
16 data or other detailed analyses. The electric utility may
17 file a response to any objections to its procurement plan
18 within 7 days after the date objections are due to be
19 filed. Within 7 days after the date the utility's response
20 is due, the Commission shall determine whether a hearing
21 is necessary. If it determines that a hearing is
22 necessary, it shall require the hearing to be completed
23 and issue an order on the procurement plan within 60 days
24 after the filing of the procurement plan by the electric
25 utility.

26 (ii) The order shall approve or modify the procurement

1 plan, approve an independent procurement administrator,
2 and approve or modify the electric utility's tariffs that
3 are proposed with the initial procurement plan. The
4 Commission shall approve the procurement plan if the
5 Commission determines that it will ensure adequate,
6 reliable, affordable, efficient, and environmentally
7 sustainable electric service at the lowest total cost over
8 time, taking into account any benefits of price stability.

9 (k) (Blank).

10 (k-5) (Blank).

11 (l) An electric utility shall recover its costs incurred
12 under this Section and subsection (c-5) of Section 1-75 of the
13 Illinois Power Agency Act, including, but not limited to, the
14 costs of procuring power and energy demand-response resources
15 under this Section and its costs for purchasing renewable
16 energy credits pursuant to subsection (c-5) of Section 1-75 of
17 the Illinois Power Agency Act. The utility shall file with the
18 initial procurement plan its proposed tariffs through which
19 its costs of procuring power that are incurred pursuant to a
20 Commission-approved procurement plan and those other costs
21 identified in this subsection (l), will be recovered. The
22 tariffs shall include a formula rate or charge designed to
23 pass through both the costs incurred by the utility in
24 procuring a supply of electric power and energy for the
25 applicable customer classes with no mark-up or return on the
26 price paid by the utility for that supply, plus any just and

1 reasonable costs that the utility incurs in arranging and
2 providing for the supply of electric power and energy. The
3 formula rate or charge shall also contain provisions that
4 ensure that its application does not result in over or under
5 recovery due to changes in customer usage and demand patterns,
6 and that provide for the correction, on at least an annual
7 basis, of any accounting errors that may occur. A utility
8 shall recover through the tariff all reasonable costs incurred
9 to implement or comply with any procurement plan that is
10 developed and put into effect pursuant to Section 1-75 of the
11 Illinois Power Agency Act and this Section, and for the
procurement of renewable energy credits pursuant to subsection
(c-5) of Section 1-75 of the Illinois Power Agency Act,
14 including any fees assessed by the Illinois Power Agency,
15 costs associated with load balancing, and contingency plan
16 costs. The electric utility shall also recover its full costs
17 of procuring electric supply for which it contracted before
18 the effective date of this Section in conjunction with the
19 provision of full requirements service under fixed-price
20 bundled service tariffs subsequent to December 31, 2006. All
21 such costs shall be deemed to have been prudently incurred.
22 The pass-through tariffs that are filed and approved pursuant
23 to this Section shall not be subject to review under, or in any
24 way limited by, Section 16-111(i) of this Act. All of the costs
25 incurred by the electric utility associated with the purchase
26 of zero emission credits in accordance with subsection (d-5)

1 of Section 1-75 of the Illinois Power Agency Act and,
2 beginning June 1, 2017, all of the costs incurred by the
3 electric utility associated with the purchase of renewable
4 energy resources in accordance with Sections 1-56 and 1-75 of
5 the Illinois Power Agency Act, and all of the costs incurred by
6 the electric utility in purchasing renewable energy credits in
7 accordance with subsection (c-5) of Section 1-75 of the
8 Illinois Power Agency Act, shall be recovered through the
9 electric utility's tariffed charges applicable to all of its
10 retail customers, as specified in subsection (k) or subsection
11 (i-5), as applicable, of Section 16-108 of this Act, and shall
12 not be recovered through the electric utility's tariffed
13 charges for electric power and energy supply to its eligible
14 retail customers.

15 (m) The Commission has the authority to adopt rules to
16 carry out the provisions of this Section. For the public
17 interest, safety, and welfare, the Commission also has
18 authority to adopt rules to carry out the provisions of this
19 Section on an emergency basis immediately following August 28,
20 2007 (the effective date of Public Act 95-481).

21 (n) Notwithstanding any other provision of this Act, any
22 affiliated electric utilities that submit a single procurement
23 plan covering their combined needs may procure for those
24 combined needs in conjunction with that plan, and may enter
25 jointly into power supply contracts, purchases, and other
26 procurement arrangements, and allocate capacity and energy and

1 cost responsibility therefor among themselves in proportion to
2 their requirements.

3 (o) On or before June 1 of each year, the Commission shall
4 hold an informal hearing for the purpose of receiving comments
5 on the prior year's procurement process and any
6 recommendations for change.

7 (p) An electric utility subject to this Section may
8 propose to invest, lease, own, or operate an electric
9 generation facility as part of its procurement plan, provided
10 the utility demonstrates that such facility is the least-cost
11 option to provide electric service to those retail customers
12 included in the plan's electric supply service requirements.
13 If the facility is shown to be the least-cost option and is
14 included in a procurement plan prepared in accordance with
15 Section 1-75 of the Illinois Power Agency Act and this
16 Section, then the electric utility shall make a filing
17 pursuant to Section 8-406 of this Act, and may request of the
18 Commission any statutory relief required thereunder. If the
19 Commission grants all of the necessary approvals for the
20 proposed facility, such supply shall thereafter be considered
21 as a pre-existing contract under subsection (b) of this
22 Section. The Commission shall in any order approving a
23 proposal under this subsection specify how the utility will
24 recover the prudently incurred costs of investing in, leasing,
25 owning, or operating such generation facility through just and
26 reasonable rates charged to those retail customers included in

1 the plan's electric supply service requirements. Cost recovery
2 for facilities included in the utility's procurement plan
3 pursuant to this subsection shall not be subject to review
4 under or in any way limited by the provisions of Section
5 16-111(i) of this Act. Nothing in this Section is intended to
6 prohibit a utility from filing for a fuel adjustment clause as
7 is otherwise permitted under Section 9-220 of this Act.

8 (q) If the Illinois Power Agency filed with the
9 Commission, under Section 16-111.5 of this Act, its proposed
10 procurement plan for the period commencing June 1, 2017, and
11 the Commission has not yet entered its final order approving
12 the plan on or before the effective date of this amendatory Act
13 of the 99th General Assembly, then the Illinois Power Agency
14 shall file a notice of withdrawal with the Commission, after
15 the effective date of this amendatory Act of the 99th General
16 Assembly, to withdraw the proposed procurement of renewable
17 energy resources to be approved under the plan, other than the
18 procurement of renewable energy credits from distributed
19 renewable energy generation devices using funds previously
20 collected from electric utilities' retail customers that take
21 service pursuant to electric utilities' hourly pricing tariff
22 or tariffs and, for an electric utility that serves less than
23 100,000 retail customers in the State, other than the
24 procurement of renewable energy credits from distributed
25 renewable energy generation devices. Upon receipt of the
26 notice, the Commission shall enter an order that approves the

1 withdrawal of the proposed procurement of renewable energy
2 resources from the plan. The initially proposed procurement of
3 renewable energy resources shall not be approved or be the
4 subject of any further hearing, investigation, proceeding, or
5 order of any kind.

6 This amendatory Act of the 99th General Assembly preempts
7 and supersedes any order entered by the Commission that
8 approved the Illinois Power Agency's procurement plan for the
9 period commencing June 1, 2017, to the extent it is
10 inconsistent with the provisions of this amendatory Act of the
11 99th General Assembly. To the extent any previously entered
12 order approved the procurement of renewable energy resources,
13 the portion of that order approving the procurement shall be
14 void, other than the procurement of renewable energy credits
15 from distributed renewable energy generation devices using
16 funds previously collected from electric utilities' retail
17 customers that take service under electric utilities' hourly
18 pricing tariff or tariffs and, for an electric utility that
19 serves less than 100,000 retail customers in the State, other
20 than the procurement of renewable energy credits for
21 distributed renewable energy generation devices.

22 (Source: P.A. 99-906, eff. 6-1-17.)

23 (220 ILCS 5/16-135 new)

24 Sec. 16-135. Energy Storage Program.

25 (a) The Illinois General Assembly hereby finds and

1 declares that:

2 (1) Energy storage systems provide opportunities to:

3 (A) reduce costs to ratepayers directly or
4 indirectly by avoiding or deferring the need for
5 investment in new generation and for upgrades to
6 systems for the transmission and distribution of
7 electricity;

8 (B) reduce the use of fossil fuels for meeting
9 demand during peak load periods;

10 (C) provide ancillary services such as frequency
11 response, load following, and voltage support;

12 (D) assist electric utilities with integrating
13 sources of renewable energy into the grid for the
14 transmission and distribution of electricity, and with
15 maintaining grid stability;

16 (E) support diversification of energy resources;

17 (F) enhance the resilience and reliability of the
18 electric grid; and

19 (G) reduce greenhouse gas emissions and other air
20 pollutants resulting from power generation, thereby
21 minimizing public health impacts that result from
22 power generation.

23 (2) There are significant barriers to obtaining the
24 benefits of energy storage systems, including inadequate
25 valuation of the services that energy storage can provide
26 to the grid and the public.

1 (3) It is in the public interest to:

2 (A) develop a robust competitive market for
3 existing and new providers of energy storage systems
4 in order to leverage Illinois' position as a leader in
5 advanced energy and to capture the potential for
6 economic development;

7 (B) implement targets and programs to achieve
8 deployment of energy storage systems; and

9 (C) modernize distributed energy resource programs
10 and interconnection standards to lower costs and
11 efficiently deploy energy storage systems in order to
12 increase economic development and job creation within
13 the state's clean energy economy.

14 (b) In this Section:

15 "Energy storage peak standard" means a percentage of
16 annual retail electricity sales during peak hours that an
17 electric utility must derive from electricity discharged from
18 eligible energy storage systems.

19 "Deployment" means the installation of energy storage
20 systems through a variety of mechanisms, including utility
21 procurement, customer installation, or other processes.

22 "Electric utility" has the same meaning as provided in
23 Section 16-102 of this Act.

24 "Energy storage system" means a technology that is capable
25 of absorbing zero-carbon energy, storing it for a period of
26 time, and redelivering that energy after it has been stored in

1 order to provide direct or indirect benefits to the broader
2 electricity system. The term includes, but is not limited to,
3 electrochemical, thermal, and electromechanical technologies.

4 "Non-wires alternatives solicitation" means a utility
5 solicitation for third-party-owned or utility-owned
6 distributed energy resources that uses nontraditional
7 solutions to defer or replace planned investment on the
8 distribution or transmission system.

9 "Total peak demand" means the highest hourly electricity
10 demand for an electric utility in a given year, measured in
11 megawatts, from all of the electric utility's customers of
12 distribution service.

13 (c) The Commission, in consultation with the Illinois
14 Power Agency, shall initiate a proceeding to examine specific
15 programs, mechanisms, and policies that could support the
16 deployment of energy storage systems. The Illinois Commerce
17 Commission shall engage a broad group of Illinois
18 stakeholders, including electric utilities, the energy storage
19 industry, the renewable energy industry, and others to inform
20 the proceeding. The proceeding must, at minimum:

21 (1) develop a framework to identify and measure the
22 potential costs, benefits, that deployment of energy
23 storage could produce, as well as barriers to realizing
24 such benefits, including, but not limited to:

25 (A) avoided cost and deferred investments in
26 generation, transmission, and distribution facilities;

- 1 (B) reduced ancillary services costs;
- 2 (C) reduced transmission and distribution
- 3 congestion;
- 4 (D) lower peak power costs and reduced capacity
- 5 costs;
- 6 (E) reduced costs for emergency power supplies
- 7 during outages;
- 8 (F) reduced curtailment of renewable energy
- 9 generators;
- 10 (G) reduced greenhouse gas emissions and other
- 11 criteria air pollutants;
- 12 (H) increased grid hosting capacity of renewable
- 13 energy generators that produce energy on an
- 14 intermittent basis;
- 15 (I) increased reliability and resilience of the
- 16 electric grid;
- 17 (J) increased resource diversification;
- 18 (K) increased economic development;
- 19 (2) analyze and estimate:
- 20 (A) the impact on the system's ability to
- 21 integrate renewable resources;
- 22 (B) the benefits of addition of storage at
- 23 specific locations, such as at existing peaking units
- 24 or locations on the grid close to large load centers;
- 25 (C) the impact on grid reliability and power
- 26 quality; and

1 (D) the effect on retail electric rates and supply
2 rates over the useful life of a given energy storage
3 system; and

4 (3) Evaluate and identify cost-effective policies and
5 programs to support the deployment of energy storage
6 systems, including, but not limited to:

7 (A) incentive programs;
8 (B) energy storage peak standards;
9 (C) non-wires alternative solicitation;
10 (D) peak demand reduction programs for
11 behind-the-meter storage for all customer classes;

12 (E) value of distributed energy resources
13 programs;

14 (F) tax incentives;
15 (G) time-varying rates;
16 (H) updating of interconnection processes and
17 metering standards; and

18 (I) procurement by the Illinois Power Agency of
19 energy storage resources.

20 (d) The Commission shall, no later than May 31, 2022,
21 submit to the General Assembly and the Governor any
22 recommendations for additional legislative, regulatory, or
23 executive actions based on the findings of the proceeding.

24 (e) At the conclusion of the proceeding required under
25 subsection (c), the Commission shall consider and recommend to
26 the Governor and General Assembly energy storage deployment

1 targets, if any, for each electric utility that serves more
2 than 200,000 customers to be achieved by December 31, 2032,
3 including recommended interim targets.

4 (f) In setting recommendations for energy storage
5 deployment targets, the Commission shall:

6 (1) take into account the costs and benefits of
7 procuring energy storage according to the framework
8 developed in the proceeding under subsection (c);

9 (2) consider establishing specific sub-categories of
10 deployment of systems by point of interconnection or
11 application in addition to the 10% requirement for
12 behind-the-meter energy storage in item (D) of paragraph
13 (3) of subsection (c).

14 Section 15-55. The Energy Assistance Act is amended by
15 changing Sections 6, 13, and 18 and by adding Section 20 as
16 follows:

17 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

18 Sec. 6. Eligibility, Conditions of Participation, and
19 Energy Assistance.

20 (a) Any person who is a resident of the State of Illinois
21 and whose household income is not greater than an amount
22 determined annually by the Department, in consultation with
23 the Policy Advisory Council, may apply for assistance pursuant
24 to this Act in accordance with regulations promulgated by the

1 Department. In setting the annual eligibility level, the
2 Department shall consider the amount of available funding and
3 may not set a limit higher than 150% of the federal nonfarm
4 poverty level as established by the federal Office of
5 Management and Budget or 60% of the State median income for the
6 current State fiscal year as established by the U.S.
7 Department of Health and Human Services; except that for the
8 period from the effective date of this amendatory Act of the
9 101st General Assembly through June 30, 2021, the Department
10 may establish limits not higher than 200% of that poverty
11 level. The Department, in consultation with the Policy
12 Advisory Council, may adjust the percentage of poverty level
13 annually in accordance with federal guidelines and based on
14 funding availability.

15 (b) Applicants who qualify for assistance pursuant to
16 subsection (a) of this Section shall, subject to appropriation
17 from the General Assembly and subject to availability of funds
18 to the Department, receive energy assistance as provided by
19 this Act. The Department, upon receipt of monies authorized
20 pursuant to this Act for energy assistance, shall commit funds
21 for each qualified applicant in an amount determined by the
22 Department. In determining the amounts of assistance to be
23 provided to or on behalf of a qualified applicant, the
24 Department shall ensure that the highest amounts of assistance
25 go to households with the greatest energy costs in relation to
26 household income. The Department shall include factors such as

1 energy costs, household size, household income, and region of
2 the State when determining individual household benefits. In
3 setting assistance levels, the Department shall attempt to
4 provide assistance to approximately the same number of
5 households who participated in the 1991 Residential Energy
6 Assistance Partnership Program. Such assistance levels shall
7 be adjusted annually on the basis of funding availability and
8 energy costs. In promulgating rules for the administration of
9 this Section the Department shall assure that a minimum of 1/3
10 of funds available for benefits to eligible households with
11 the lowest incomes and that elderly households, households
12 with children under the age of 6 years old, and households with
13 persons with disabilities are offered a priority application
14 period.

15 (c) If the applicant is not a customer of record of an
16 energy provider for energy services or an applicant for such
17 service, such applicant shall receive a direct energy
18 assistance payment in an amount established by the Department
19 for all such applicants under this Act; provided, however,
20 that such an applicant must have rental expenses for housing
21 greater than 30% of household income.

22 (c-1) This subsection shall apply only in cases where: (1)
23 the applicant is not a customer of record of an energy provider
24 because energy services are provided by the owner of the unit
25 as a portion of the rent; (2) the applicant resides in housing
26 subsidized or developed with funds provided under the Rental

1 Housing Support Program Act or under a similar locally funded
2 rent subsidy program, or is the voucher holder who resides in a
3 rental unit within the State of Illinois and whose monthly
4 rent is subsidized by the tenant-based Housing Choice Voucher
5 Program under Section 8 of the U.S. Housing Act of 1937; and
6 (3) the rental expenses for housing are no more than 30% of
7 household income. In such cases, the household may apply for
8 an energy assistance payment under this Act and the owner of
9 the housing unit shall cooperate with the applicant by
10 providing documentation of the energy costs for that unit. Any
11 compensation paid to the energy provider who supplied energy
12 services to the household shall be paid on behalf of the owner
13 of the housing unit providing energy services to the
14 household. The Department shall report annually to the General
15 Assembly on the number of households receiving energy
16 assistance under this subsection and the cost of such
17 assistance. The provisions of this subsection (c-1), other
18 than this sentence, are inoperative after August 31, 2012.

19 (d) If the applicant is a customer of an energy provider,
20 such applicant shall receive energy assistance in an amount
21 established by the Department for all such applicants under
22 this Act, such amount to be paid by the Department to the
23 energy provider supplying winter energy service to such
24 applicant. Such applicant shall:

25 (i) make all reasonable efforts to apply to any other
26 appropriate source of public energy assistance; and

1 (ii) sign a waiver permitting the Department to
2 receive income information from any public or private
3 agency providing income or energy assistance and from any
4 employer, whether public or private.

5 (e) Any qualified applicant pursuant to this Section may
6 receive or have paid on such applicant's behalf an emergency
7 assistance payment to enable such applicant to obtain access
8 to winter energy services. Any such payments shall be made in
9 accordance with regulations of the Department.

10 (f) The Department may, if sufficient funds are available,
11 provide additional benefits to certain qualified applicants:

12 (i) for the reduction of past due amounts owed to
13 energy providers; and

14 (ii) to assist the household in responding to
15 excessively high summer temperatures or energy costs.
16 Households containing elderly members, children, a person
17 with a disability, or a person with a medical need for
18 conditioned air shall receive priority for receipt of such
19 benefits.

20 (Source: P.A. 101-636, eff. 6-10-20.)

21 (305 ILCS 20/13)

22 (Section scheduled to be repealed on January 1, 2025)

23 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

24 (a) The Supplemental Low-Income Energy Assistance Fund is
25 hereby created as a special fund in the State Treasury. The

1 Supplemental Low-Income Energy Assistance Fund is authorized
2 to receive moneys from voluntary donations from individuals,
3 foundations, corporations, and other sources, moneys received
4 pursuant to Section 17, and, by statutory deposit, the moneys
5 collected pursuant to this Section. The Fund is also
6 authorized to receive voluntary donations from individuals,
7 foundations, corporations, and other sources. Subject to
8 appropriation, the Department shall use moneys from the
9 Supplemental Low-Income Energy Assistance Fund for payments to
10 electric or gas public utilities, municipal electric or gas
11 utilities, and electric cooperatives on behalf of their
12 customers who are participants in the program authorized by
13 Sections 4 and 18 of this Act, for the provision of
14 weatherization services and for administration of the
15 Supplemental Low-Income Energy Assistance Fund. All other
16 deposits outside of the Energy Assistance Charge as set forth
17 in subsection (b) are not subject to the percentage
18 restrictions related to administrative and weatherization
19 expenses provided in this subsection. The yearly expenditures
20 for weatherization may not exceed 10% of the amount collected
21 during the year pursuant to this Section, except when unspent
22 funds from the Supplemental Low-Income Energy Assistance Fund
23 are reallocated from a previous year; any unspent balance of
24 the 10% weatherization allowance may be utilized for
25 weatherization expenses in the year they are reallocated. The
26 yearly administrative expenses of the Supplemental Low-Income

1 Energy Assistance Fund may not exceed 13% ~~10%~~ of the amount
2 collected during that year pursuant to this Section, except
3 when unspent funds from the Supplemental Low-Income Energy
4 Assistance Fund are reallocated from a previous year; any
5 unspent balance of the 13% ~~10%~~ administrative allowance may be
6 utilized for administrative expenses in the year they are
7 reallocated. Of the 13% administrative allowance, no less than
8 8% shall be provided to Local Administrative Agencies for
9 administrative expenses.

10 (b) Notwithstanding the provisions of Section 16-111 of
11 the Public Utilities Act but subject to subsection (k) of this
12 Section, each public utility, electric cooperative, as defined
13 in Section 3.4 of the Electric Supplier Act, and municipal
14 utility, as referenced in Section 3-105 of the Public
15 Utilities Act, that is engaged in the delivery of electricity
16 or the distribution of natural gas within the State of
17 Illinois shall, effective January 1, 2022 ~~effective January 1,~~
18 ~~1998~~, assess each of its customer accounts a monthly Energy
19 Assistance Charge for the Supplemental Low-Income Energy
20 Assistance Fund. The delivering public utility, municipal
21 electric or gas utility, or electric or gas cooperative for a
22 self-assessing purchaser remains subject to the collection of
23 the fee imposed by this Section. The monthly charge shall be as
24 follows:

25 (1) Base Energy Assistance Charge per month on each
26 account for residential electrical service;

1 (2) Base Energy Assistance Charge per month on each
2 account for residential gas service;

3 (3) Ten times the Base Energy Assistance Charge per
4 month on each account for non-residential electric service
5 which had less than 10 megawatts of peak demand during the
6 previous calendar year;

7 (4) Ten times the Base Energy Assistance Charge per
8 month on each account for non-residential gas service
9 which had distributed to it less than 4,000,000 therms of
10 gas during the previous calendar year;

11 (5) Three hundred and seventy-five times the Base
12 Energy Assistance Charge per month on each account for
13 non-residential electric service which had 10 megawatts or
14 greater of peak demand during the previous calendar year;
15 and

16 (6) Three hundred and seventy-five times the Base
17 Energy Assistance Charge per month on each account for
18 non-residential gas service which had 4,000,000 or more
19 therms of gas distributed to it during the previous
20 calendar year.

21 The Base Energy Assistance Charge shall be \$0.48 per month
22 for the calendar year beginning January 1, 2022 and shall
23 increase by \$0.16 per month for any calendar year, provided no
24 less than 80% of the previous State fiscal year's available
25 Supplemental Low-Income Energy Assistance Fund funding was
26 exhausted. The maximum Base Energy Assistance Charge shall not

1 exceed \$0.96 per month for any calendar year.

2 (1) ~~\$0.48 per month on each account for residential~~
3 ~~electric service;~~

4 (2) ~~\$0.48 per month on each account for residential~~
5 ~~gas service;~~

6 (3) ~~\$4.80 per month on each account for~~
7 ~~non residential electric service which had less than 10~~
8 ~~megawatts of peak demand during the previous calendar~~
9 ~~year;~~

10 (4) ~~\$4.80 per month on each account for~~
11 ~~non residential gas service which had distributed to it~~
12 ~~less than 4,000,000 therms of gas during the previous~~
13 ~~calendar year;~~

14 (5) ~~\$360 per month on each account for non residential~~
15 ~~electric service which had 10 megawatts or greater of peak~~
16 ~~demand during the previous calendar year; and~~

17 (6) ~~\$360 per month on each account for non residential~~
18 ~~gas service which had 4,000,000 or more therms of gas~~
19 ~~distributed to it during the previous calendar year.~~

20 The incremental change to such charges imposed by Public
21 Act 99-933 and this amendatory Act of the 102nd General
22 Assembly this amendatory Act of the 96th General Assembly
23 shall not (i) be used for any purpose other than to directly
24 assist customers and (ii) be applicable to utilities serving
25 less than 25,000 ~~100,000~~ customers in Illinois on January 1,
26 2021 2009. The incremental change to such charges imposed by

1 this amendatory Act of the 102nd General Assembly are intended
2 to increase utilization of the Percentage of Income Payment
3 Plan (PIPP or PIP Plan) and shall be applied such that PIP Plan
4 enrollment is at least doubled, as compared to 2020
5 enrollment, by 2024.

6 In addition, electric and gas utilities have committed,
7 and shall contribute, a one-time payment of \$22 million to the
8 Fund, within 10 days after the effective date of the tariffs
9 established pursuant to Sections 16-111.8 and 19-145 of the
10 Public Utilities Act to be used for the Department's cost of
11 implementing the programs described in Section 18 of this
12 amendatory Act of the 96th General Assembly, the Arrearage
13 Reduction Program described in Section 18, and the programs
14 described in Section 8-105 of the Public Utilities Act. If a
15 utility elects not to file a rider within 90 days after the
16 effective date of this amendatory Act of the 96th General
17 Assembly, then the contribution from such utility shall be
18 made no later than February 1, 2010.

19 (c) For purposes of this Section:

20 (1) "residential electric service" means electric
21 utility service for household purposes delivered to a
22 dwelling of 2 or fewer units which is billed under a
23 residential rate, or electric utility service for
24 household purposes delivered to a dwelling unit or units
25 which is billed under a residential rate and is registered
26 by a separate meter for each dwelling unit;

1 (2) "residential gas service" means gas utility
2 service for household purposes distributed to a dwelling
3 of 2 or fewer units which is billed under a residential
4 rate, or gas utility service for household purposes
5 distributed to a dwelling unit or units which is billed
6 under a residential rate and is registered by a separate
7 meter for each dwelling unit;

8 (3) "non-residential electric service" means electric
9 utility service which is not residential electric service;
10 and

11 (4) "non-residential gas service" means gas utility
12 service which is not residential gas service.

13 (d) Within 30 days after the effective date of this
14 amendatory Act of the 96th General Assembly, each public
15 utility engaged in the delivery of electricity or the
16 distribution of natural gas shall file with the Illinois
17 Commerce Commission tariffs incorporating the Energy
18 Assistance Charge in other charges stated in such tariffs,
19 which shall become effective no later than the beginning of
20 the first billing cycle following such filing.

21 (e) The Energy Assistance Charge assessed by electric and
22 gas public utilities shall be considered a charge for public
23 utility service.

24 (f) By the 20th day of the month following the month in
25 which the charges imposed by the Section were collected, each
26 public utility, municipal utility, and electric cooperative

1 shall remit to the Department of Revenue all moneys received
2 as payment of the Energy Assistance Charge on a return
3 prescribed and furnished by the Department of Revenue showing
4 such information as the Department of Revenue may reasonably
5 require; provided, however, that a utility offering an
6 Arrearage Reduction Program or Supplemental Arrearage
7 Reduction Program pursuant to Section 18 of this Act shall be
8 entitled to net those amounts necessary to fund and recover
9 the costs of such Programs as authorized by that Section that
10 is no more than the incremental change in such Energy
11 Assistance Charge authorized by Public Act 96-33. If a
12 customer makes a partial payment, a public utility, municipal
13 utility, or electric cooperative may elect either: (i) to
14 apply such partial payments first to amounts owed to the
15 utility or cooperative for its services and then to payment
16 for the Energy Assistance Charge or (ii) to apply such partial
17 payments on a pro-rata basis between amounts owed to the
18 utility or cooperative for its services and to payment for the
19 Energy Assistance Charge.

20 If any payment provided for in this Section exceeds the
21 distributor's liabilities under this Act, as shown on an
22 original return, the Department may authorize the distributor
23 to credit such excess payment against liability subsequently
24 to be remitted to the Department under this Act, in accordance
25 with reasonable rules adopted by the Department. If the
26 Department subsequently determines that all or any part of the

1 credit taken was not actually due to the distributor, the
2 distributor's discount shall be reduced by an amount equal to
3 the difference between the discount as applied to the credit
4 taken and that actually due, and that distributor shall be
5 liable for penalties and interest on such difference.

6 (g) The Department of Revenue shall deposit into the
7 Supplemental Low-Income Energy Assistance Fund all moneys
8 remitted to it in accordance with subsection (f) of this
9 Section. ~~, provided, however, that the amounts remitted by~~
10 ~~each utility shall be used to provide assistance to that~~
11 ~~utility's customers.~~ The utilities shall coordinate with the
12 Department to establish an equitable and practical methodology
13 for implementing this subsection (g) beginning with the 2010
14 program year.

15 (h) On or before December 31, 2002, the Department shall
16 prepare a report for the General Assembly on the expenditure
17 of funds appropriated from the Low-Income Energy Assistance
18 Block Grant Fund for the program authorized under Section 4 of
19 this Act.

20 (i) The Department of Revenue may establish such rules as
21 it deems necessary to implement this Section.

22 (j) The Department of Commerce and Economic Opportunity
23 may establish such rules as it deems necessary to implement
24 this Section.

25 (k) The charges imposed by this Section shall only apply
26 to customers of municipal electric or gas utilities and

1 electric or gas cooperatives if the municipal electric or gas
2 utility or electric or gas cooperative makes an affirmative
3 decision to impose the charge. If a municipal electric or gas
4 utility or an electric cooperative makes an affirmative
5 decision to impose the charge provided by this Section, the
6 municipal electric or gas utility or electric cooperative
7 shall inform the Department of Revenue in writing of such
8 decision when it begins to impose the charge. If a municipal
9 electric or gas utility or electric or gas cooperative does
10 not assess this charge, the Department may not use funds from
11 the Supplemental Low-Income Energy Assistance Fund to provide
12 benefits to its customers under the program authorized by
13 Section 4 of this Act.

14 In its use of federal funds under this Act, the Department
15 may not cause a disproportionate share of those federal funds
16 to benefit customers of systems which do not assess the charge
17 provided by this Section.

18 This Section is repealed on January 1, 2025 unless renewed
19 by action of the General Assembly.

20 (Source: P.A. 99-457, eff. 1-1-16; 99-906, eff. 6-1-17;
21 99-933, eff. 1-27-17; 100-863, eff. 8-14-18; 100-1171, eff.
22 1-4-19.)

23 (305 ILCS 20/18)

24 Sec. 18. Financial assistance; payment plans.

25 (a) The Percentage of Income Payment Plan (PIPP or PIP

1 Plan) is hereby created as a mandatory bill payment assistance
2 program for low-income residential customers of utilities
3 serving more than 100,000 retail customers as of January 1,
4 2021 ~~2009~~. The PIP Plan will:

5 (1) bring participants' gas and electric bills into
6 the range of affordability;

7 (2) provide incentives for participants to make timely
8 payments;

9 (3) encourage participants to reduce usage and
10 participate in conservation and energy efficiency measures
11 that reduce the customer's bill and payment requirements;
12 and

13 (4) identify participants whose homes are most in need
14 of weatherization; and.

15 (5) endeavor to maximize participation and spend at
16 least 80% of the funding available for the year.

17 (b) For purposes of this Section:

18 (1) "LIHEAP" means the energy assistance program
19 established under the Illinois Energy Assistance Act and
20 the Low-Income Home Energy Assistance Act of 1981.

21 (2) "Plan participant" is an eligible participant who
22 is also eligible for the PIPP and who will receive either a
23 percentage of income payment credit under the PIPP
24 criteria set forth in this Act or a benefit pursuant to
25 Section 4 of this Act. Plan participants are a subset of
26 eligible participants.

1 (3) "Pre-program arrears" means the amount a plan
2 participant owes for gas or electric service at the time
3 the participant is determined to be eligible for the PIPP
4 or the program set forth in Section 4 of this Act.

5 (4) "Eligible participant" means any person who has
6 applied for, been accepted and is receiving residential
7 service from a gas or electric utility and who is also
8 eligible for LIHEAP or otherwise satisfies the eligibility
9 criteria set forth in paragraph (1) of subsection (c).

10 (c) The PIP Plan shall be administered as follows:

11 (1) The Department shall coordinate with Local
12 Administrative Agencies (LAAs), to determine eligibility
13 for the Illinois Low Income Home Energy Assistance Program
14 (LIHEAP) pursuant to the Energy Assistance Act, provided
15 that eligible income shall be no more than 150% of the
16 poverty level or 60% of the State median income, except
17 that for the period from the effective date of this
18 amendatory Act of the 101st General Assembly through June
19 30, 2021, eligible income shall be no more than 200% of the
20 poverty level. Applicants will be screened to determine
21 whether the applicant's projected payments for electric
22 service or natural gas service over a 12-month period
23 exceed the criteria established in this Section. The
24 Department, in consultation with the Policy Advisory
25 Council, may adjust the percentage of poverty level
26 annually to determine income eligibility. To maintain the

1 financial integrity of the program, the Department may
2 limit eligibility to households with income below 125% of
3 the poverty level.

4 (2) The Department shall establish the percentage of
5 income formula to determine the amount of a monthly credit
6 for participants with eligible income based on poverty
7 level., ~~not to exceed \$150 per month per household, not to~~
8 ~~exceed \$1,800 annually; however, for the period from the~~
9 ~~effective date of this amendatory Act of the 101st General~~
10 ~~Assembly through June 30, 2021, the monthly credit for~~
11 ~~participants with eligible income over 100% of the poverty~~
12 ~~level may be as much as \$200 per month per household, not~~
13 ~~to exceed \$2,400 annually, and, the monthly credit for~~
14 ~~participants with eligible income 100% or less of the~~
15 ~~poverty level may be as much as \$250 per month per~~
16 ~~household, not to exceed \$3,000 annually.~~ Credits will be
17 applied to PIP Plan participants' utility bills based on
18 the portion of the bill that is the responsibility of the
19 participant provided that the percentage shall be no more
20 than a total of 6% of the relevant income for gas and
21 electric utility bills combined, but in any event no less
22 than \$10 per month, unless the household does not pay
23 directly for heat, in which case its payment shall be 2.4%
24 of income but in any event no less than \$5 per month. The
25 Department, in consultation with the Policy Advisory
26 Council, may adjust such monthly credit amounts annually

1 and may establish a minimum credit amount based on the
2 cost of administering the program and may deny credits to
3 otherwise eligible participants if the cost of
4 administering the credit exceeds the actual amount of any
5 monthly credit to a participant. If the participant takes
6 both gas and electric service, 50% ~~66.67%~~ of the credit
7 shall be allocated to the entity that provides the
8 participant's primary energy supply for heating. Each
9 participant shall enter into a levelized payment plan for,
10 as applicable, gas and electric service and such plans
11 shall be implemented by the utility so that a
12 participant's usage and required payments are reviewed and
13 adjusted regularly, but no more frequently than quarterly.
14 Nothing in this Section is intended to prohibit a
15 customer, who is otherwise eligible for LIHEAP, from
16 participating in the program described in Section 4 of
17 this Act. Eligible participants who receive such a benefit
18 shall be considered plan participants and shall be
19 eligible to participate in the Arrearage Reduction Program
20 described in item (5) of this subsection (c).

21 (3) The Department shall remit, through the LAAs, to
22 the utility or participating alternative supplier that
23 portion of the plan participant's bill that is not the
24 responsibility of the participant. In the event that the
25 Department fails to timely remit payment to the utility,
26 the utility shall be entitled to recover all costs related

1 to such nonpayment through the automatic adjustment clause
2 tariffs established pursuant to Section 16-111.8 and
3 Section 19-145 of the Public Utilities Act. For purposes
4 of this item (3) of this subsection (c), payment is due on
5 the date specified on the participant's bill. The
6 Department, the Department of Revenue and LAAs shall adopt
7 processes that provide for the timely payment required by
8 this item (3) of this subsection (c).

9 (4) A plan participant is responsible for all actual
10 charges for utility service in excess of the PIPP credit.
11 Pre-program arrears that are included in the Arrearage
12 Reduction Program described in item (5) of this subsection
13 (c) shall not be included in the calculation of the
14 leveled payment plan. Emergency or crisis assistance
15 payments shall not affect the amount of any PIPP credit to
16 which a participant is entitled.

17 (5) Electric and gas utilities subject to this Section
18 shall implement an Arrearage Reduction Program (ARP) for
19 plan participants as follows: for each month that a plan
20 participant timely pays his or her utility bill, the
21 utility shall apply a credit to a portion of the
22 participant's pre-program arrears, if any, equal to
23 one-twelfth of such arrearage provided that the total
24 amount of arrearage credits shall equal no more than
25 \$1,000 annually for each participant for gas and no more
26 than \$1,000 annually for each participant for electricity.

In the third year of the PIPP, the Department, in consultation with the Policy Advisory Council established pursuant to Section 5 of this Act, shall determine by rule an appropriate per participant total cap on such amounts, if any. Those plan participants participating in the ARP shall not be subject to the imposition of any additional late payment fees on pre-program arrears covered by the ARP. In all other respects, the utility shall bill and collect the monthly bill of a plan participant pursuant to the same rules, regulations, programs and policies as applicable to residential customers generally. Participation in the Arrearage Reduction Program shall be limited to the maximum amount of funds available as set forth in subsection (f) of Section 13 of this Act. In the event any donated funds under Section 13 of this Act are specifically designated for the purpose of funding the ARP, the Department shall remit such amounts to the utilities upon verification that such funds are needed to fund the ARP. Nothing in this Section shall preclude a utility from continuing to implement, and apply credits under, an ARP in the event that the PIPP or LIHEAP is suspended due to lack of funding such that the plan participant does not receive a benefit under either the PIPP or LIHEAP.

(5.5) In addition to the ARP described in paragraph (5) of this subsection (c), utilities may also implement a

1 Supplemental Arrearage Reduction Program (SARP) for
2 eligible participants who are not able to become plan
3 participants due to PIPP timing or funding constraints. If
4 a utility elects to implement a SARP, it shall be
5 administered as follows: for each month that a SARP
6 participant timely pays his or her utility bill, the
7 utility shall apply a credit to a portion of the
8 participant's pre-program arrears, if any, equal to
9 one-twelfth of such arrearage, provided that the utility
10 may limit the total amount of arrearage credits to no more
11 than \$1,000 annually for each participant for gas and no
12 more than \$1,000 annually for each participant for
13 electricity. SARP participants shall not be subject to the
14 imposition of any additional late payment fees on
15 pre-program arrears covered by the SARP. In all other
16 respects, the utility shall bill and collect the monthly
17 bill of a SARP participant under the same rules,
18 regulations, programs, and policies as applicable to
19 residential customers generally. Participation in the SARP
20 shall be limited to the maximum amount of funds available
21 as set forth in subsection (f) of Section 13 of this Act.
22 In the event any donated funds under Section 13 of this Act
23 are specifically designated for the purpose of funding the
24 SARP, the Department shall remit such amounts to the
25 utilities upon verification that such funds are needed to
26 fund the SARP.

1 (6) The Department may terminate a plan participant's
2 eligibility for the PIP Plan upon notification by the
3 utility that the participant's monthly utility payment is
4 more than 75 ~~45~~ days past due. One-twelfth of a customer's
5 arrearage shall be deducted from the total arrearage owed
6 for each on-time payment made by the customer.

7 (7) The Department, in consultation with the Policy
8 Advisory Council, may adjust the number of PIP Plan
9 participants annually, if necessary, to match the
10 availability of funds. Any plan participant who qualifies
11 for a PIPP credit under a utility's PIPP shall be entitled
12 to participate in and receive a credit under such
13 utility's ARP for so long as such utility has ARP funds
14 available, regardless of whether the customer's
15 participation under another utility's PIPP or ARP has been
16 curtailed or limited because of a lack of funds.

17 (8) The Department shall fully implement the PIPP at
18 the earliest possible date it is able to effectively
19 administer the PIPP. Within 90 days of the effective date
20 of this amendatory Act of the 96th General Assembly, the
21 Department shall, in consultation with utility companies,
22 participating alternative suppliers, LAAs and the Illinois
23 Commerce Commission (Commission), issue a detailed
24 implementation plan which shall include detailed testing
25 protocols and analysis of the capacity for implementation
26 by the LAAs and utilities. Such consultation process also

1 shall address how to implement the PIPP in the most
2 cost-effective and timely manner, and shall identify
3 opportunities for relying on the expertise of utilities,
4 LAAs and the Commission. Following the implementation of
5 the testing protocols, the Department shall issue a
6 written report on the feasibility of full or gradual
7 implementation. The PIPP shall be fully implemented by
8 September 1, 2011, but may be phased in prior to that date.

9 (9) As part of the screening process established under
10 item (1) of this subsection (c), the Department and LAAs
11 shall assess whether any energy efficiency or demand
12 response measures are available to the plan participant at
13 no cost, and if so, the participant shall enroll in any
14 such program for which he or she is eligible. The LAAs
15 shall assist the participant in the applicable enrollment
16 or application process.

17 (10) Each alternative retail electric and gas supplier
18 serving residential customers shall elect whether to
19 participate in the PIPP or ARP described in this Section.
20 Any such supplier electing to participate in the PIPP
21 shall provide to the Department such information as the
22 Department may require, including, without limitation,
23 information sufficient for the Department to determine the
24 proportionate allocation of credits between the
25 alternative supplier and the utility. If a utility in
26 whose service territory an alternative supplier serves

1 customers contributes money to the ARP fund which is not
2 recovered from ratepayers, then an alternative supplier
3 which participates in ARP in that utility's service
4 territory shall also contribute to the ARP fund in an
5 amount that is commensurate with the number of alternative
6 supplier customers who elect to participate in the
7 program.

8 (11) The PIPP shall be designed and implemented each
9 year to maximize participation and spend at least 80% of
10 the funding available for the year.

11 (d) The Department, in consultation with the Policy
12 Advisory Council, shall develop and implement a program to
13 educate customers about the PIP Plan and about their rights
14 and responsibilities under the percentage of income component.
15 The Department, in consultation with the Policy Advisory
16 Council, shall establish a process that LAAs shall use to
17 contact customers in jeopardy of losing eligibility due to
18 late payments. The Department shall ensure that LAAs are
19 adequately funded to perform all necessary educational tasks.

20 (e) The PIPP shall be administered in a manner which
21 ensures that credits to plan participants will not be counted
22 as income or as a resource in other means-tested assistance
23 programs for low-income households or otherwise result in the
24 loss of federal or State assistance dollars for low-income
25 households.

26 (f) In order to ensure that implementation costs are

1 minimized, the Department and utilities shall work together to
2 identify cost-effective ways to transfer information
3 electronically and to employ available protocols that will
4 minimize their respective administrative costs as follows:

5 (1) The Commission may require utilities to provide
6 such information on customer usage and billing and payment
7 information as required by the Department to implement the
8 PIP Plan and to provide written notices and communications
9 to plan participants.

10 (2) Each utility and participating alternative
11 supplier shall file annual reports with the Department and
12 the Commission that cumulatively summarize and update
13 program information as required by the Commission's rules.
14 The reports shall track implementation costs and contain
15 such information as is necessary to evaluate the success
16 of the PIPP.

17 (2.5) The Department shall annually prepare and submit
18 a report to the General Assembly, the Commission, and the
19 Policy Advisory Council that identifies the following
20 amounts for the most recently completed year: total monies
21 collected under subsection (b) of Section 13 of this Act
22 for all PIPPs implemented in the State; monies allocated
23 to each utility for implementation of its PIPP; and monies
24 allocated to each utility for other purposes, including a
25 description of each of those purposes. The Commission
26 shall publish the report on its website.

1 (3) The Department and the Commission shall have the
2 authority to promulgate rules and regulations necessary to
3 execute and administer the provisions of this Section.

4 (g) Each utility shall be entitled to recover reasonable
5 administrative and operational costs incurred to comply with
6 this Section from the Supplemental Low Income Energy
7 Assistance Fund. The utility may net such costs against monies
8 it would otherwise remit to the Funds, and each utility shall
9 include in the annual report required under subsection (f) of
10 this Section an accounting for the funds collected.

11 (Source: P.A. 101-636, eff. 6-10-20.)

12 (305 ILCS 20/20 new)

13 Sec. 20. Expanded eligibility. All programs pursuant to
14 this Act shall be available to eligible low-income Illinois
15 residents who qualify for assistance under Sections 6 and 18,
16 regardless of immigration status, using the Supplemental
17 Low-Income Energy Assistance Fund for customers of utilities
18 and vendors that collect the Energy Assistance Charge and pay
19 into the Supplemental Low-Income Energy Assistance Fund.

20 Section 15-60. The Illinois Worker Adjustment and
21 Retraining Notification Act is amended by changing Section 10
22 as follows:

23 (820 ILCS 65/10)

1 Sec. 10. Notice.

2 (a) An employer may not order a mass layoff, relocation,
3 or employment loss unless, 60 days before the order takes
4 effect, the employer gives written notice of the order to the
5 following:

6 (1) affected employees and representatives of affected
7 employees; and

8 (2) the Department of Commerce and Economic
9 Opportunity and the chief elected official of each
10 municipal and county government within which the
11 employment loss, relocation, or mass layoff occurs.

12 (a-5) An owner of an investor-owned electric generating
13 plant or coal mining operation may not order a mass layoff,
14 relocation, or employment loss unless, 2 years before the
15 order takes effect, the employer gives written notice of the
16 order to the following:

17 (1) affected employees and representatives of affected
18 employees; and

19 (2) the Department of Commerce and Economic
20 Opportunity and the chief elected official of each
21 municipal and county government within which the
22 employment loss, relocation, or mass layoff occurs.

23 (b) An employer required to give notice of any mass
24 layoff, relocation, or employment loss under this Act shall
25 include in its notice the elements required by the federal
26 Worker Adjustment and Retraining Notification Act (29 U.S.C.

1 2101 et seq.).

2 (c) Notwithstanding the requirements of subsection (a), an
3 employer is not required to provide notice if a mass layoff,
4 relocation, or employment loss is necessitated by a physical
5 calamity or an act of terrorism or war.

6 (d) The mailing of notice to an employee's last known
7 address or inclusion of notice in the employee's paycheck
8 shall be considered acceptable methods for fulfillment of the
9 employer's obligation to give notice to each affected employee
10 under this Act.

11 (e) In the case of a sale of part or all of an employer's
12 business, the seller shall be responsible for providing notice
13 for any plant closing or mass layoff in accordance with this
14 Section, up to and including the effective date of the sale.
15 After the effective date of the sale of part or all of an
16 employer's business, the purchaser shall be responsible for
17 providing notice for any plant closing or mass layoff in
18 accordance with this Section. Notwithstanding any other
19 provision of this Act, any person who is an employee of the
20 seller (other than a part-time employee) as of the effective
21 date of the sale shall be considered an employee of the
22 purchaser immediately after the effective date of the sale.

23 (f) An employer which is receiving State or local economic
24 development incentives for doing or continuing to do business
25 in this State may be required to provide additional notice
26 pursuant to Section 15 of the Business Economic Support Act.

1 (g) The rights and remedies provided to employees by this
2 Act are in addition to, and not in lieu of, any other
3 contractual or statutory rights and remedies of the employees,
4 and are not intended to alter or affect such rights and
5 remedies, except that the period of notification required by
6 this Act shall run concurrently with any period of
7 notification required by contract or by any other law.

8 (h) It is the sense of the General Assembly that an
9 employer who is not required to comply with the notice
10 requirements of this Section should, to the extent possible,
11 provide notice to its employees about a proposal to close a
12 plant or permanently reduce its workforce.

13 (Source: P.A. 93-915, eff. 1-1-05.)

14 Section 15-65. The Prevailing Wage Act is amended by
15 changing Section 2 as follows:

16 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

17 Sec. 2. This Act applies to the wages of laborers,
18 mechanics and other workers employed in any public works, as
19 hereinafter defined, by any public body and to anyone under
20 contracts for public works. This includes any maintenance,
21 repair, assembly, or disassembly work performed on equipment
22 whether owned, leased, or rented.

23 As used in this Act, unless the context indicates
24 otherwise:

1 "Public works" means all fixed works constructed or
2 demolished by any public body, or paid for wholly or in part
3 out of public funds. "Public works" as defined herein includes
4 all projects financed in whole or in part with bonds, grants,
5 loans, or other funds made available by or through the State or
6 any of its political subdivisions, including but not limited
7 to: bonds issued under the Industrial Project Revenue Bond Act
8 (Article 11, Division 74 of the Illinois Municipal Code), the
9 Industrial Building Revenue Bond Act, the Illinois Finance
10 Authority Act, the Illinois Sports Facilities Authority Act,
11 or the Build Illinois Bond Act; loans or other funds made
12 available pursuant to the Build Illinois Act; loans or other
13 funds made available pursuant to the Riverfront Development
14 Fund under Section 10-15 of the River Edge Redevelopment Zone
15 Act; or funds from the Fund for Illinois' Future under Section
16 6z-47 of the State Finance Act, funds for school construction
17 under Section 5 of the General Obligation Bond Act, funds
18 authorized under Section 3 of the School Construction Bond
19 Act, funds for school infrastructure under Section 6z-45 of
20 the State Finance Act, and funds for transportation purposes
21 under Section 4 of the General Obligation Bond Act. "Public
22 works" also includes (i) all projects financed in whole or in
23 part with funds from the Department of Commerce and Economic
24 Opportunity under the Illinois Renewable Fuels Development
25 Program Act for which there is no project labor agreement;
26 (ii) all work performed pursuant to a public private agreement

1 under the Public Private Agreements for the Illiana Expressway
2 Act or the Public-Private Agreements for the South Suburban
3 Airport Act; and (iii) all projects undertaken under a
4 public-private agreement under the Public-Private Partnerships
5 for Transportation Act. "Public works" also includes all
6 projects at leased facility property used for airport purposes
7 under Section 35 of the Local Government Facility Lease Act.
8 "Public works" also includes the construction of a new wind
9 power facility by a business designated as a High Impact
10 Business under Section 5.5(a)(3)(E) of the Illinois Enterprise
11 Zone Act and construction of new wind and photovoltaic
12 generation projects as required by subparagraph (Q) of
13 paragraph (1) of subsection (c) of Section 1-75 of the
14 Illinois Power Agency Act. "Public works" does not include
15 work done directly by any public utility company, whether or
16 not done under public supervision or direction, or paid for
17 wholly or in part out of public funds. "Public works" also
18 includes any corrective action performed pursuant to Title XVI
19 of the Environmental Protection Act for which payment from the
20 Underground Storage Tank Fund is requested. "Public works"
21 does not include projects undertaken by the owner at an
22 owner-occupied single-family residence or at an owner-occupied
23 unit of a multi-family residence. "Public works" does not
24 include work performed for soil and water conservation
25 purposes on agricultural lands, whether or not done under
26 public supervision or paid for wholly or in part out of public

1 funds, done directly by an owner or person who has legal
2 control of those lands.

3 "Construction" means all work on public works involving
4 laborers, workers or mechanics. This includes any maintenance,
5 repair, assembly, or disassembly work performed on equipment
6 whether owned, leased, or rented.

7 "Locality" means the county where the physical work upon
8 public works is performed, except (1) that if there is not
9 available in the county a sufficient number of competent
10 skilled laborers, workers and mechanics to construct the
11 public works efficiently and properly, "locality" includes any
12 other county nearest the one in which the work or construction
13 is to be performed and from which such persons may be obtained
14 in sufficient numbers to perform the work and (2) that, with
15 respect to contracts for highway work with the Department of
16 Transportation of this State, "locality" may at the discretion
17 of the Secretary of the Department of Transportation be
18 construed to include two or more adjacent counties from which
19 workers may be accessible for work on such construction.

20 "Public body" means the State or any officer, board or
21 commission of the State or any political subdivision or
22 department thereof, or any institution supported in whole or
23 in part by public funds, and includes every county, city,
24 town, village, township, school district, irrigation, utility,
25 reclamation improvement or other district and every other
26 political subdivision, district or municipality of the state

1 whether such political subdivision, municipality or district
2 operates under a special charter or not.

3 "Labor organization" means an organization that is the
4 exclusive representative of an employer's employees recognized
5 or certified pursuant to the National Labor Relations Act.

6 The terms "general prevailing rate of hourly wages",
7 "general prevailing rate of wages" or "prevailing rate of
8 wages" when used in this Act mean the hourly cash wages plus
9 annualized fringe benefits for training and apprenticeship
10 programs approved by the U.S. Department of Labor, Bureau of
11 Apprenticeship and Training, health and welfare, insurance,
12 vacations and pensions paid generally, in the locality in
13 which the work is being performed, to employees engaged in
14 work of a similar character on public works.

15 (Source: P.A. 100-1177, eff. 6-1-19.)

16 Article 99. Effective Date

17 Section 99-99. Effective date. This Act takes effect upon
18 becoming law.".