

HB2178



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2178

Introduced 2/7/2023, by Rep. Adam M. Niemerg

SYNOPSIS AS INTRODUCED:

See Index

Restores the statutes to the form in which they existed before their amendment by Public Act 102-662. Repeals the Energy Transition Act, the Energy Community Reinvestment Act, the Community Energy, Climate, and Jobs Planning Act, and the Illinois Clean Energy Jobs and Justice Fund Act. Effective immediately.

LRB103 26898 AMQ 53262 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Article 5. Energy Transition

5 Section 5-5. The Illinois Finance Authority Act is amended
6 by changing Sections 801-1, 801-5, 801-10, and 801-40 and
7 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; 102-662, eff. 9-15-21.)

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,

1 safety, morals and general welfare of all the people of the
2 State to consolidate certain of such existing authorities into
3 one finance authority;

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

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

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

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

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

1 State;

2 (g) that increased availability of funds for construction
3 of new facilities and the expansion and improvement of
4 existing facilities for industrial, commercial and
5 manufacturing facilities will provide for new and continued
6 employment in the construction industry and alleviate the
7 burden of unemployment;

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

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

24 (j) that it is in the public interest and the policy of
25 this State to the extent possible, to reduce the costs of
26 indebtedness to taxpayers and residents of this State and to

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

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

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

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

1 people of the State in achieving the required levels of
2 learning and development of their intellectual and mental
3 capacities and skills and that cultural institutions within
4 the State be provided with appropriate additional means to
5 expand the services and resources which they offer for the
6 cultural, intellectual, scientific, educational and artistic
7 enrichment of the people of the State;

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

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

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

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

23 (p) that the realization of the objectives of the
24 Authority identified in this Act including, without
25 limitation, those designed (1) to assist and enable veterans,
26 minorities, women and disabled individuals to own and operate

1 small businesses; (2) to assist in the delivery of
2 agricultural assistance; and (3) to aid, assist, and encourage
3 economic growth and development within this State, will be
4 enhanced by empowering the Authority to purchase loan
5 participations from participating lenders~~7.~~

6 ~~(q) that climate change threatens the health, welfare, and
7 prosperity of all the residents of the State;~~

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

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

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

22 (Source: P.A. 100-919, eff. 8-17-18; 102-662, eff. 9-15-21.)

23 (20 ILCS 3501/801-10)

24 Sec. 801-10. Definitions. The following terms, whenever
25 used or referred to in this Act, shall have the following

1 meanings, except in such instances where the context may
2 clearly indicate otherwise:

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

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

13 (c) The term "public purpose project" means (i) any
14 project or facility, including without limitation land,
15 buildings, structures, machinery, equipment and all other real
16 and personal property, which is authorized or required by law
17 to be acquired, constructed, improved, rehabilitated,
18 reconstructed, replaced or maintained by any unit of
19 government or any other lawful public purpose, including
20 provision of working capital, which is authorized or required
21 by law to be undertaken by any unit of government 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

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

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

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

21 (n) The term "property" means any real, personal or mixed
22 property, whether tangible or intangible, or any interest
23 therein, including, without limitation, any real estate,
24 leasehold interests, appurtenances, buildings, easements,
25 equipment, furnishings, furniture, improvements, machinery,
26 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 apiarian 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 that otherwise~~
20 ~~contributes to the reduction in emissions of environmentally~~
21 ~~hazardous materials or reduces the volume of environmentally~~
22 ~~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~~
4 ~~any person or institution, public or private, for profit or~~
5 ~~not 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 "Climate 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 that~~
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) R3 Areas as established pursuant to Section 10 40~~
19 ~~of the Cannabis Regulation and Tax Act, where residents~~
20 ~~have historically been excluded from economic~~
21 ~~opportunities, including opportunities in the energy~~
22 ~~sector; and~~

23 ~~(2) Environmental justice communities, as defined by~~
24 ~~the Illinois Power Agency pursuant to the Illinois Power~~
25 ~~Agency Act, where residents have historically been subject~~
26 ~~to disproportionate burdens of pollution, including~~

1 ~~pollution from the energy sector.~~

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 who are graduates of or currently enrolled~~
9 ~~in the foster care system; or~~

10 ~~(3) persons who were formerly incarcerated.~~

11 ~~(qq) "Environmental justice community" means the~~
12 ~~definition of that term based on existing methodologies and~~
13 ~~findings used and as may be updated by the Illinois Power~~
14 ~~Agency and its program administrator in the Illinois Solar for~~
15 ~~All Program.~~

16 (Source: P.A. 100-919, eff. 8-17-18; 101-610, eff. 1-1-20;
17 102-662, eff. 9-15-21.)

18 (20 ILCS 3501/801-40)

19 Sec. 801-40. In addition to the powers otherwise
20 authorized by law and in addition to the foregoing general
21 corporate powers, the Authority shall also have the following
22 additional specific powers to be exercised in furtherance of
23 the purposes of this Act.

24 (a) The Authority shall have power (i) to accept grants,
25 loans or appropriations from the federal government or the

1 State, or any agency or instrumentality thereof, ~~or, in the~~
2 ~~ease of clean energy projects, any not for profit~~
3 ~~philanthropic or other charitable organization, public or~~
4 ~~private,~~ to be used for the operating expenses of the
5 Authority, or for any purposes of the Authority, including the
6 making of direct loans of such funds with respect to projects,
7 and (ii) to enter into any agreement with the federal
8 government or the State, or any agency or instrumentality
9 thereof, in relationship to such grants, loans or
10 appropriations.

11 (b) The Authority shall have power to procure and enter
12 into contracts for any type of insurance and indemnity
13 agreements covering loss or damage to property from any cause,
14 including loss of use and occupancy, or covering any other
15 insurable risk.

16 (c) The Authority shall have the continuing power to issue
17 bonds for its corporate purposes. Bonds may be issued by the
18 Authority in one or more series and may provide for the payment
19 of any interest deemed necessary on such bonds, of the costs of
20 issuance of such bonds, of any premium on any insurance, or of
21 the cost of any guarantees, letters of credit or other similar
22 documents, may provide for the funding of the reserves deemed
23 necessary in connection with such bonds, and may provide for
24 the refunding or advance refunding of any bonds or for
25 accounts deemed necessary in connection with any purpose of
26 the Authority. The bonds may bear interest payable at any time

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

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

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

18 (d) With respect to the powers granted by this Act, the
19 Authority may adopt rules and regulations prescribing the
20 procedures by which persons may apply for assistance under
21 this Act. Nothing herein shall be deemed to preclude the
22 Authority, prior to the filing of any formal application, from
23 conducting preliminary discussions and investigations with
24 respect to the subject matter of any prospective application.

25 (e) The Authority shall have power to acquire by purchase,
26 lease, gift or otherwise any property or rights therein from

1 any person useful for its purposes, whether improved for the
2 purposes of any prospective project, or unimproved. The
3 Authority may also accept any donation of funds for its
4 purposes from any such source. The Authority shall have no
5 independent power of condemnation but may acquire any property
6 or rights therein obtained upon condemnation by any other
7 authority, governmental entity or unit of local government
8 with such power.

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

16 (g) The Authority shall have power to lease pursuant to a
17 lease agreement any project so developed and constructed or
18 acquired to the approved tenant on such terms and conditions
19 as may be appropriate to further the purposes of this Act and
20 to maintain the credit of the Authority. Any such lease may
21 provide for either the Authority or the approved tenant to
22 assume initially, in whole or in part, the costs of
23 maintenance, repair and improvements during the leasehold
24 period. In no case, however, shall the total rentals from any
25 project during any initial leasehold period or the total loan
26 repayments to be made pursuant to any loan agreement, be less

1 than an amount necessary to return over such lease or loan
2 period (1) all costs incurred in connection with the
3 development, construction, acquisition or improvement of the
4 project and for repair, maintenance and improvements thereto
5 during the period of the lease or loan; provided, however,
6 that the rentals or loan repayments need not include costs met
7 through the use of funds other than those obtained by the
8 Authority through the issuance of its bonds or governmental
9 loans; (2) a reasonable percentage additive to be agreed upon
10 by the Authority and the borrower or tenant to cover a properly
11 allocable portion of the Authority's general expenses,
12 including, but not limited to, administrative expenses,
13 salaries and general insurance, and (3) an amount sufficient
14 to pay when due all principal of, interest and premium, if any
15 on, any bonds issued by the Authority with respect to the
16 project. The portion of total rentals payable under clause (3)
17 of this subsection (g) shall be deposited in such special
18 accounts, including all sinking funds, acquisition or
19 construction funds, debt service and other funds as provided
20 by any resolution, mortgage or trust agreement of the
21 Authority pursuant to which any bond is issued.

22 (h) The Authority has the power, upon the termination of
23 any leasehold period of any project, to sell or lease for a
24 further term or terms such project on such terms and
25 conditions as the Authority shall deem reasonable and
26 consistent with the purposes of the Act. The net proceeds from

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

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

19 (j) The Authority may fix, determine, charge and collect
20 any premiums, fees, charges, costs and expenses, including,
21 without limitation, any application fees, commitment fees,
22 program fees, financing charges or publication fees from any
23 person in connection with its activities under this Act.

24 (k) In addition to the funds established as provided
25 herein, the Authority shall have the power to create and
26 establish such reserve funds and accounts as may be necessary

1 or desirable to accomplish its purposes under this Act and to
2 deposit its available monies into the funds and accounts.

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

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

24 (n) The Authority may establish an urban development
25 action grant program for the purpose of assisting
26 municipalities in Illinois which are experiencing severe

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

21 (o) The Authority may establish a Housing Partnership
22 Program whereby the Authority provides zero-interest loans to
23 municipalities for the purpose of assisting in the financing
24 of projects for the rehabilitation of affordable multi-family
25 housing for low and moderate income residents. The Authority
26 may provide such loans only upon a municipality's providing

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

20 (p) The Authority may award grants to universities and
21 research institutions, research consortiums and other
22 not-for-profit entities for the purposes of: remodeling or
23 otherwise physically altering existing laboratory or research
24 facilities, expansion or physical additions to existing
25 laboratory or research facilities, construction of new
26 laboratory or research facilities or acquisition of modern

1 equipment to support laboratory or research operations
2 provided that such grants (i) be used solely in support of
3 project and equipment acquisitions which enhance technology
4 transfer, and (ii) not constitute more than 60 percent of the
5 total project or acquisition cost.

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

12 (r) In addition to the powers granted to the Authority
13 under subsection (i), and in all cases supplemental to it, the
14 Authority may establish a direct loan program to make loans
15 to, or may purchase participations in loans made by
16 participating lenders to, individuals, partnerships,
17 corporations, or other business entities for the purpose of
18 financing an industrial project, as defined in Section 801-10
19 of this Act. For the purposes of such program and not by way of
20 limitation on any other program of the Authority, including,
21 without limitation, programs established under subsection (i),
22 the Authority shall have the power to issue bonds, notes, or
23 other evidences of indebtedness including commercial paper for
24 purposes of providing a fund of capital from which it may make
25 such loans. The Authority shall have the power to use any
26 appropriations from the State made especially for the

1 Authority's direct loan program, or moneys at any time held by
2 the Authority under this Act outside the State treasury in the
3 custody of either the Treasurer of the Authority or a trustee
4 or depository appointed by the Authority, for additional
5 capital to make such loans or purchase such loan
6 participations, or for the purposes of reserve funds or
7 pledged funds which secure the Authority's obligations of
8 repayment of any bond, note or other form of indebtedness
9 established for the purpose of providing capital for which it
10 intends to make such loans or purchase such loan
11 participations. For the purpose of obtaining such capital, the
12 Authority may also enter into agreements with financial
13 institutions, participating lenders, and other persons for the
14 purpose of administering a loan participation program, selling
15 loans or developing a secondary market for such loans or loan
16 participations. Loans made under the direct loan program
17 specifically established under this subsection (r), including
18 loans under such program made by participating lenders in
19 which the Authority purchases a participation, may be in an
20 amount not to exceed \$600,000 and shall be made for a portion
21 of an industrial project which does not exceed 50% of the total
22 project. No loan may be made by the Authority unless approved
23 by the affirmative vote of at least 8 members of the board. The
24 Authority shall establish procedures and publish rules which
25 shall provide for the submission, review, and analysis of each
26 direct loan and loan participation application and which shall

1 preserve the ability of each board member and the Executive
2 Director, as applicable, to reach an individual business
3 judgment regarding the propriety of each direct loan or loan
4 participation. The collective discretion of the board to
5 approve or disapprove each loan shall be unencumbered. The
6 Authority may establish and collect such fees and charges,
7 determine and enforce such terms and conditions, and charge
8 such interest rates as it determines to be necessary and
9 appropriate to the successful administration of the direct
10 loan program, including purchasing loan participations. The
11 Authority may require such interests in collateral and such
12 guarantees as it determines are necessary to protect the
13 Authority's interest in the repayment of the principal and
14 interest of each loan and loan participation made under the
15 direct loan program. The restrictions established under this
16 subsection (r) shall not be applicable to any loan or loan
17 participation made under subsection (i) or to any loan or loan
18 participation made under any other Section of this Act.

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

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

25 (u) The Authority shall have the power to issue bonds,
26 notes or other evidences of indebtedness, which may be used to

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

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

20 (w) Moral Obligation. In the event that the Authority
21 determines that monies of the Authority will not be sufficient
22 for the payment of the principal of and interest on its bonds
23 during the next State fiscal year, the Chairperson, as soon as
24 practicable, shall certify to the Governor the amount required
25 by the Authority to enable it to pay such principal of and
26 interest on the bonds. The Governor shall submit the amount so

1 certified to the General Assembly as soon as practicable, but
2 no later than the end of the current State fiscal year. This
3 subsection shall apply only to any bonds or notes as to which
4 the Authority shall have determined, in the resolution
5 authorizing the issuance of the bonds or notes, that this
6 subsection shall apply. Whenever the Authority makes such a
7 determination, that fact shall be plainly stated on the face
8 of the bonds or notes and that fact shall also be reported to
9 the Governor. In the event of a withdrawal of moneys from a
10 reserve fund established with respect to any issue or issues
11 of bonds of the Authority to pay principal or interest on those
12 bonds, the Chairperson of the Authority, as soon as
13 practicable, shall certify to the Governor the amount required
14 to restore the reserve fund to the level required in the
15 resolution or indenture securing those bonds. The Governor
16 shall submit the amount so certified to the General Assembly
17 as soon as practicable, but no later than the end of the
18 current State fiscal year. The Authority shall obtain written
19 approval from the Governor for any bonds and notes to be issued
20 under this Section. In addition to any other bonds authorized
21 to be issued under Sections 825-60, 825-65(e), 830-25 and
22 845-5, the principal amount of Authority bonds outstanding
23 issued under this Section 801-40(w) or under 20 ILCS 3850/1-80
24 or 30 ILCS 360/2-6(c), which have been assumed by the
25 Authority, shall not exceed \$150,000,000. This subsection (w)
26 shall in no way be applied to any bonds issued by the Authority

1 on behalf of the Illinois Power Agency under Section 825-90 of
2 this Act.

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

19 (y) The Authority shall publish summaries of projects and
20 actions approved by the members of the Authority on its
21 website. These summaries shall include, but not be limited to,
22 information regarding the:

- 23 (1) project;
24 (2) Board's action or actions;
25 (3) purpose of the project;
26 (4) Authority's program and contribution;

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

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

15 (z) Consistent with the findings and declaration of policy
16 set forth in item (j) of Section 801-5 of this Act, the
17 Authority shall have the power to make loans to the Police
18 Officers' Pension Investment Fund authorized by Section
19 22B-120 of the Illinois Pension Code and to make loans to the
20 Firefighters' Pension Investment Fund authorized by Section
21 22C-120 of the Illinois Pension Code. Notwithstanding anything
22 in this Act to the contrary, loans authorized by Section
23 22B-120 and Section 22C-120 of the Illinois Pension Code may
24 be made from any of the Authority's funds, including, but not
25 limited to, funds in its Illinois Housing Partnership Program
26 Fund, its Industrial Project Insurance Fund, or its Illinois

1 Venture Investment Fund.

2 (Source: P.A. 100-919, eff. 8-17-18; 101-610, eff. 1-1-20;
3 102-662, eff. 9-15-21.)

4 (20 ILCS 730/Act rep.)

5 Section 5-10. The Energy Transition Act is repealed.

6 (20 ILCS 3501/Art. 850 rep.)

7 Section 5-15. The Illinois Finance Authority Act is
8 amended by repealing Article 850.

9 Article 10. Energy Community Reinvestment Act

10 (20 ILCS 735/Act rep.)

11 Section 10-5. The Energy Community Reinvestment Act is
12 repealed.

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

14 (50 ILCS 65/Act rep.)

15 Section 15-5. The Community Energy, Climate, and Jobs
16 Planning Act is repealed.

17 Article 20. Illinois Clean Energy

18 Jobs and Justice Fund Act

1 (805 ILCS 155/Act rep.)

2 Section 20-5. The Illinois Clean Energy Jobs and Justice
3 Fund Act is repealed.

4 Article 90.

5 Section 90-5. The Illinois Governmental Ethics Act is
6 amended by changing Sections 4A-102 and 4A-103 as follows:

7 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

8 Sec. 4A-102. The statement of economic interests required
9 by this Article shall include the economic interests of the
10 person making the statement as provided in this Section. The
11 interest (if constructively controlled by the person making
12 the statement) of a spouse or any other party, shall be
13 considered to be the same as the interest of the person making
14 the statement. Campaign receipts shall not be included in this
15 statement.

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

18 (1) The name, address and type of practice of any
19 professional organization or individual professional
20 practice in which the person making the statement was
21 an officer, director, associate, partner or
22 proprietor, or served in any advisory capacity, from
23 which income in excess of \$1200 was derived during the

1 preceding calendar year;

2 (2) The nature of professional services (other
3 than services rendered to the unit or units of
4 government in relation to which the person is required
5 to file) and the nature of the entity to which they
6 were rendered if fees exceeding \$5,000 were received
7 during the preceding calendar year from the entity for
8 professional services rendered by the person making
9 the statement.

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

14 (4) The name of any unit of government which has
15 employed the person making the statement during the
16 preceding calendar year other than the unit or units
17 of government in relation to which the person is
18 required to file.

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

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

26 (1) The name and instrument of ownership in any

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

10 (2) Except for professional service entities, the
11 name of any entity and any position held therein from
12 which income of in excess of \$1,200 was derived during
13 the preceding calendar year, if the entity does
14 business in the State of Illinois. No time or demand
15 deposit in a financial institution, nor any debt
16 instrument need be listed.

17 (3) The identity of any compensated lobbyist with
18 whom the person making the statement maintains a close
19 economic association, including the name of the
20 lobbyist and specifying the legislative matter or
21 matters which are the object of the lobbying activity,
22 and describing the general type of economic activity
23 of the client or principal on whose behalf that person
24 is lobbying.

25 (c) The following interests shall also be listed by
26 persons listed in items (a) through (c) and item (e) of

1 Section 4A-101.5:

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

13 (2) Except for professional service entities, the
14 name of any entity and any position held therein from
15 which income in excess of \$1,200 was derived during
16 the preceding calendar year if the entity does
17 business with a unit of local government in relation
18 to which the person is required to file. No time or
19 demand deposit in a financial institution, nor any
20 debt instrument need be listed.

21 (3) The name of any entity and the nature of the
22 governmental action requested by any entity which has
23 applied to a unit of local government in relation to
24 which the person must file for any license, franchise
25 or permit for annexation, zoning or rezoning of real
26 estate during the preceding calendar year if the

1 ownership interest of the person filing is in excess
2 of \$5,000 fair market value at the time of filing or if
3 income or dividends in excess of \$1,200 were received
4 by the person filing from the entity during the
5 preceding calendar year.

6 (d) (Blank). ~~The following interest shall also be~~
7 ~~listed by persons listed in items (a) through (f) of~~
8 ~~Section 4A-101: the name of any spouse or immediate family~~
9 ~~member living with such person employed by a public~~
10 ~~utility in this State and the name of the public utility~~
11 ~~that employs such person.~~

12 For the purposes of this Section, the unit of local
13 government in relation to which a person ~~is~~ required to file
14 under item (e) of Section 4A-101.5 shall be the unit of local
15 government that contributes to the pension fund of which such
16 person is a member of the board.

17 (Source: P.A. 101-221, eff. 8-9-19; 102-662, eff. 9-15-21.)

18 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

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

1 ~~STATEMENT OF ECONOMIC INTERESTS~~

2 ~~INSTRUCTIONS:~~

3 ~~You may find the following documents helpful to you in~~
4 ~~completing this form:~~

5 ~~(1) federal income tax returns, including any related~~
6 ~~schedules, attachments, and forms; and~~

7 ~~(2) investment and brokerage statements.~~

8 ~~To complete this form, you do not need to disclose~~
9 ~~specific amounts or values or report interests relating either~~
10 ~~to political committees registered with the Illinois State~~
11 ~~Board of Elections or to political committees, principal~~
12 ~~campaign committees, or authorized committees registered with~~
13 ~~the Federal Election Commission.~~

14 ~~The information you disclose will be available to the~~
15 ~~public.~~

16 ~~You must answer all 6 questions. Certain questions will~~
17 ~~ask you to report any applicable assets or debts held in, or~~
18 ~~payable to, your name; held jointly by, or payable to, you with~~
19 ~~your spouse; or held jointly by, or payable to, you with your~~
20 ~~minor child. If you have any concerns about whether an~~
21 ~~interest should be reported, please consult your department's~~
22 ~~ethics officer, if applicable.~~

23 ~~Please ensure that the information you provide is complete~~
24 ~~and accurate. If you need more space than the form allows,~~
25 ~~please attach additional pages for your response. If you are~~

1 ~~subject to the State Officials and Employees Ethics Act, your~~
 2 ~~ethics officer must review your statement of economic~~
 3 ~~interests before you file it. Failure to complete the~~
 4 ~~statement in good faith and within the prescribed deadline may~~
 5 ~~subject you to fines, imprisonment, or both.~~

6 ~~BASIC INFORMATION:~~

7 ~~Name:.....~~

8 ~~Job title:~~

9 ~~Office, department, or agency that requires you to file this~~
 10 ~~form:.....~~

11 ~~Other offices, departments, or agencies that require you to~~
 12 ~~file a Statement of Economic Interests form:~~

13 ~~Full mailing address:.....~~

14 ~~Preferred e-mail address (optional):~~

15 ~~QUESTIONS:~~

16 ~~1. If you have any single asset that was worth more than~~
 17 ~~\$10,000 as of the end of the preceding calendar year and is~~
 18 ~~held in, or payable to, your name, held jointly by, or payable~~
 19 ~~to, you with your spouse, or held jointly by, or payable to,~~
 20 ~~you with your minor child, list such assets below. In the case~~
 21 ~~of investment real estate, list the city and state where the~~
 22 ~~investment real estate is located. If you do not have any such~~
 23 ~~assets, list "none" below.~~

24 ~~.....~~

1
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 3
 4

5 ~~2. Excluding the position for which you are required to~~
 6 ~~file this form, list the source of any income in excess of~~
 7 ~~\$7,500 required to be reported during the preceding calendar~~
 8 ~~year. If you sold an asset that produced more than \$7,500 in~~
 9 ~~capital gains in the preceding calendar year, list the name of~~
 10 ~~the asset and the transaction date on which the sale or~~
 11 ~~transfer took place. If you had no such sources of income or~~
 12 ~~assets, list "none" below.~~

13	Source of Income / Name of	Date Sold (if applicable)
14	Asset	
15
16
17

18 ~~3. Excluding debts incurred on terms available to the~~
 19 ~~general public, such as mortgages, student loans, and credit~~
 20 ~~card debts, if you owed any single debt in the preceding~~
 21 ~~calendar year exceeding \$10,000, list the creditor of the debt~~
 22 ~~below. If you had no such debts, list "none" below.~~

23 ~~List the creditor for all applicable debts owed by you,~~
 24 ~~owed jointly by you with your spouse, or owed jointly by you~~
 25 ~~with your minor child. In addition to the types of debts listed~~

1 ~~above, you do not need to report any debts to or from financial~~
 2 ~~institutions or government agencies, such as debts secured by~~
 3 ~~automobiles, household furniture or appliances, as long as the~~
 4 ~~debt was made on terms available to the general public, debts~~
 5 ~~to members of your family, or debts to or from a political~~
 6 ~~committee registered with the Illinois State Board of~~
 7 ~~Elections or any political committee, principal campaign~~
 8 ~~committee, or authorized committee registered with the Federal~~
 9 ~~Election Commission.~~

10
 11
 12
 13

14 ~~4. List the name of each unit of government of which you or~~
 15 ~~your spouse were an employee, contractor, or office holder~~
 16 ~~during the preceding calendar year other than the unit or~~
 17 ~~units of government in relation to which the person is~~
 18 ~~required to file and the title of the position or nature of the~~
 19 ~~contractual services.~~

20 ~~Name of Unit of Government Title or Nature of Services~~

21
 22
 23

24 ~~5. If you maintain an economic relationship with a~~
 25 ~~lobbyist or if a member of your family is known to you to be a~~

1 ~~lobbyist registered with any unit of government in the State~~
 2 ~~of Illinois, list the name of the lobbyist below and identify~~
 3 ~~the nature of your relationship with the lobbyist. If you do~~
 4 ~~not have an economic relationship with a lobbyist or a family~~
 5 ~~member known to you to be a lobbyist registered with any unit~~
 6 ~~of government in the State of Illinois, list "none" below.~~

7	Name of Lobbyist	Relationship to Filer
8
9
10

11 ~~6. List the name of each person, organization, or entity~~
 12 ~~that was the source of a gift or gifts, or honorarium or~~
 13 ~~honoraria, valued singly or in the aggregate in excess of \$500~~
 14 ~~received during the preceding calendar year and the type of~~
 15 ~~gift or gifts, or honorarium or honoraria, excluding any gift~~
 16 ~~or gifts from a member of your family that was not known to be~~
 17 ~~a lobbyist registered with any unit of government in the State~~
 18 ~~of Illinois. If you had no such gifts, list "none" below.~~

19

20

21

22 ~~7. List the name of any spouse or immediate family member~~
 23 ~~living with the person making this statement employed by a~~
 24 ~~public utility in this State and the name of the public utility~~
 25 ~~that employs the relative.~~

1	Name and Relation	Public Utility
2
3
4

5 VERIFICATION:

6 ~~"I declare that this statement of economic interests~~
7 ~~(including any attachments) has been examined by me and to the~~
8 ~~best of my knowledge and belief is a true, correct and complete~~
9 ~~statement of my economic interests as required by the Illinois~~
10 ~~Governmental Ethics Act. I understand that the penalty for~~
11 ~~willfully filing a false or incomplete statement is a fine not~~
12 ~~to exceed \$2,500 or imprisonment in a penal institution other~~
13 ~~than the penitentiary not to exceed one year, or both fine and~~
14 ~~imprisonment."~~

15 ~~Printed Name of Filer:~~
16 ~~Date:.....~~
17 ~~Signature:~~

18 ~~If this statement of economic interests requires ethics~~
19 ~~officer review prior to filing, the applicable ethics officer~~
20 ~~must complete the following:~~

21 ~~CERTIFICATION OF ETHICS OFFICER REVIEW:~~

22 ~~"In accordance with law, as Ethics Officer, I reviewed~~
23 ~~this statement of economic interests prior to its filing."~~

1 Printed Name of Ethics Officer:

2 Date:.....

3 Signature:

4 Preferred e-mail address (optional):

5 STATEMENT OF ECONOMIC INTEREST

6 (TYPE OR HAND PRINT)

7

8 (name)

9

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

12

13 (full mailing address)

14 GENERAL DIRECTIONS:

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

19 Campaign receipts shall not be included in this statement.

20 If additional space is needed, please attach supplemental
21 listing.

22 1. List the name and instrument of ownership in any entity
23 doing business in the State of Illinois, in which the
24 ownership interest held by the person at the date of filing is
25 in excess of \$5,000 fair market value or from which dividends

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

<u>Business Entity</u>	<u>Instrument of Ownership</u>
7
8
9
10

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

<u>Name</u>	<u>Address</u>	<u>Type of Practice</u>
18
19
20

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

26

1

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

6

7

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

<u>Lobbyist</u>	<u>Legislative Matter</u>	<u>Client or Principal</u>
<u>.....</u>	<u>.....</u>	<u>.....</u>
<u>.....</u>	<u>.....</u>	<u>.....</u>

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

<u>Entity</u>	<u>Position Held</u>
---------------	----------------------

1
 2
 3

4 7. List the name of any unit of government which employed
 5 the person making the statement during the preceding calendar
 6 year other than the unit or units of government in relation to
 7 which the person is required to file.

8
 9

10 8. List the name of any entity from which a gift or gifts,
 11 or honorarium or honoraria, valued singly or in the aggregate
 12 in excess of \$500, was received during the preceding calendar
 13 year.

14

15 VERIFICATION:

16 "I declare that this statement of economic interests
 17 (including any accompanying schedules and statements) has been
 18 examined by me and to the best of my knowledge and belief is a
 19 true, correct and complete statement of my economic interests
 20 as required by the Illinois Governmental Ethics Act. I
 21 understand that the penalty for willfully filing a false or
 22 incomplete statement shall be a fine not to exceed \$1,000 or
 23 imprisonment in a penal institution other than the
 24 penitentiary not to exceed one year, or both fine and
 25 imprisonment."

26

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

2 (Source: P.A. 95-173, eff. 1-1-08; 102-662, eff. 9-15-21.)

3 Section 90-10. The State Officials and Employees Ethics
4 Act is amended by changing Section 5-50 as follows:

5 (5 ILCS 430/5-50)

6 Sec. 5-50. Ex parte communications; special government
7 agents.

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

10 (b) "Ex parte communication" means any written or oral
11 communication by any person that imparts or requests material
12 information or makes a material argument regarding potential
13 action concerning regulatory, quasi-adjudicatory, investment,
14 or licensing matters pending before or under consideration by
15 the agency. "Ex parte communication" does not include the
16 following: (i) statements by a person publicly made in a
17 public forum; (ii) statements regarding matters of procedure
18 and practice, such as format, the number of copies required,
19 the manner of filing, and the status of a matter; and (iii)
20 statements made by a State employee of the agency to the agency
21 head or other employees of that agency.

22 (b-5) An ex parte communication received by an agency,
23 agency head, or other agency employee from an interested party
24 or his or her official representative or attorney shall

1 promptly be memorialized and made a part of the record.

2 (c) An ex parte communication received by any agency,
3 agency head, or other agency employee, other than an ex parte
4 communication described in subsection (b-5), shall immediately
5 be reported to that agency's ethics officer by the recipient
6 of the communication and by any other employee of that agency
7 who responds to the communication. The ethics officer shall
8 require that the ex parte communication be promptly made a
9 part of the record. The ethics officer shall promptly file the
10 ex parte communication with the Executive Ethics Commission,
11 including all written communications, all written responses to
12 the communications, and a memorandum prepared by the ethics
13 officer stating the nature and substance of all oral
14 communications, the identity and job title of the person to
15 whom each communication was made, all responses made, the
16 identity and job title of the person making each response, the
17 identity of each person from whom the written or oral ex parte
18 communication was received, the individual or entity
19 represented by that person, any action the person requested or
20 recommended, and any other pertinent information. The
21 disclosure shall also contain the date of any ex parte
22 communication.

23 (d) "Interested party" means a person or entity whose
24 rights, privileges, or interests are the subject of or are
25 directly affected by a regulatory, quasi-adjudicatory,
26 investment, or licensing matter. ~~For purposes of an ex parte~~

1 ~~communication received by either the Illinois Commerce~~
2 ~~Commission or the Illinois Power Agency, "interested party"~~
3 ~~also includes: (1) an organization comprised of 2 or more~~
4 ~~businesses, persons, nonprofit entities, or any combination~~
5 ~~thereof, that are working in concert to advance public policy~~
6 ~~advocated by the organization, or (2) any party selling~~
7 ~~renewable energy resources procured by the Illinois Power~~
8 ~~Agency pursuant to Section 16 111.5 of the Public Utilities~~
9 ~~Act and Section 1 75 of the Illinois Power Agency Act.~~

10 (e) This Section applies to the following agencies:

11 Executive Ethics Commission

12 Illinois Commerce Commission

13 ~~Illinois Power Agency~~

14 Educational Labor Relations Board

15 State Board of Elections

16 Illinois Gaming Board

17 Health Facilities and Services Review Board

18 Illinois Workers' Compensation Commission

19 Illinois Labor Relations Board

20 Illinois Liquor Control Commission

21 Pollution Control Board

22 Property Tax Appeal Board

23 Illinois Racing Board

24 Illinois Purchased Care Review Board

25 Department of State Police Merit Board

26 Motor Vehicle Review Board

1 Prisoner Review Board
2 Civil Service Commission
3 Personnel Review Board for the Treasurer
4 Merit Commission for the Secretary of State
5 Merit Commission for the Office of the Comptroller
6 Court of Claims
7 Board of Review of the Department of Employment Security
8 Department of Insurance
9 Department of Professional Regulation and licensing boards
10 under the Department
11 Department of Public Health and licensing boards under the
12 Department
13 Office of Banks and Real Estate and licensing boards under
14 the Office
15 State Employees Retirement System Board of Trustees
16 Judges Retirement System Board of Trustees
17 General Assembly Retirement System Board of Trustees
18 Illinois Board of Investment
19 State Universities Retirement System Board of Trustees
20 Teachers Retirement System Officers Board of Trustees

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

1 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;
2 102-662, eff. 9-15-21.)

3 Section 90-20. The Electric Vehicle Act is amended by
4 changing Section 15 as follows:

5 (20 ILCS 627/15)

6 Sec. 15. Electric Vehicle Coordinator. The Governor, ~~with~~
7 ~~the advice and consent of the Senate,~~ shall appoint a person
8 within the ~~Illinois Environmental Protection Agency~~ Department
9 of Commerce and Economic Opportunity to serve as the Electric
10 Vehicle Coordinator for the State of Illinois. This person may
11 be an existing employee with other duties. The Coordinator
12 shall act as a point person for ~~electric vehicle related and~~
13 ~~electric vehicle charging related~~ electric vehicle related
14 policies and activities in Illinois, ~~including, but not~~
15 ~~limited to, the issuance of electric vehicle rebates for~~
16 ~~consumers and electric vehicle charging rebates for~~
17 ~~organizations and companies.~~

18 (Source: P.A. 97-89, eff. 7-11-11; 102-662, eff. 9-15-21.)

19 Section 90-23. The Illinois Enterprise Zone Act is amended
20 by changing Section 5.5 as follows:

21 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

22 Sec. 5.5. High Impact Business.

1 (a) In order to respond to unique opportunities to assist
2 in the encouragement, development, growth, and expansion of
3 the private sector through large scale investment and
4 development projects, the Department is authorized to receive
5 and approve applications for the designation of "High Impact
6 Businesses" in Illinois subject to the following conditions:

7 (1) such applications may be submitted at any time
8 during the year;

9 (2) such business is not located, at the time of
10 designation, in an enterprise zone designated pursuant to
11 this Act;

12 (3) the business intends to do one or more of the
13 following:

14 (A) the business intends to make a minimum
15 investment of \$12,000,000 which will be placed in
16 service in qualified property and intends to create
17 500 full-time equivalent jobs at a designated location
18 in Illinois or intends to make a minimum investment of
19 \$30,000,000 which will be placed in service in
20 qualified property and intends to retain 1,500
21 full-time retained jobs at a designated location in
22 Illinois. The business must certify in writing that
23 the investments would not be placed in service in
24 qualified property and the job creation or job
25 retention would not occur without the tax credits and
26 exemptions set forth in subsection (b) of this

1 Section. The terms "placed in service" and "qualified
2 property" have the same meanings as described in
3 subsection (h) of Section 201 of the Illinois Income
4 Tax Act; or

5 (B) the business intends to establish a new
6 electric generating facility at a designated location
7 in Illinois. "New electric generating facility", for
8 purposes of this Section, means a newly-constructed
9 electric generation plant or a newly-constructed
10 generation capacity expansion at an existing electric
11 generation plant, including the transmission lines and
12 associated equipment that transfers electricity from
13 points of supply to points of delivery, and for which
14 such new foundation construction commenced not sooner
15 than July 1, 2001. Such facility shall be designed to
16 provide baseload electric generation and shall operate
17 on a continuous basis throughout the year; and (i)
18 shall have an aggregate rated generating capacity of
19 at least 1,000 megawatts for all new units at one site
20 if it uses natural gas as its primary fuel and
21 foundation construction of the facility is commenced
22 on or before December 31, 2004, or shall have an
23 aggregate rated generating capacity of at least 400
24 megawatts for all new units at one site if it uses coal
25 or gases derived from coal as its primary fuel and
26 shall support the creation of at least 150 new

1 Illinois coal mining jobs, or (ii) shall be funded
2 through a federal Department of Energy grant before
3 December 31, 2010 and shall support the creation of
4 Illinois coal-mining jobs, or (iii) shall use coal
5 gasification or integrated gasification-combined cycle
6 units that generate electricity or chemicals, or both,
7 and shall support the creation of Illinois coal-mining
8 jobs. The business must certify in writing that the
9 investments necessary to establish a new electric
10 generating facility would not be placed in service and
11 the job creation in the case of a coal-fueled plant
12 would not occur without the tax credits and exemptions
13 set forth in subsection (b-5) of this Section. The
14 term "placed in service" has the same meaning as
15 described in subsection (h) of Section 201 of the
16 Illinois Income Tax Act; or

17 (B-5) the business intends to establish a new
18 gasification facility at a designated location in
19 Illinois. As used in this Section, "new gasification
20 facility" means a newly constructed coal gasification
21 facility that generates chemical feedstocks or
22 transportation fuels derived from coal (which may
23 include, but are not limited to, methane, methanol,
24 and nitrogen fertilizer), that supports the creation
25 or retention of Illinois coal-mining jobs, and that
26 qualifies for financial assistance from the Department

1 before December 31, 2010. A new gasification facility
2 does not include a pilot project located within
3 Jefferson County or within a county adjacent to
4 Jefferson County for synthetic natural gas from coal;
5 or

6 (C) the business intends to establish production
7 operations at a new coal mine, re-establish production
8 operations at a closed coal mine, or expand production
9 at an existing coal mine at a designated location in
10 Illinois not sooner than July 1, 2001; provided that
11 the production operations result in the creation of
12 150 new Illinois coal mining jobs as described in
13 subdivision (a)(3)(B) of this Section, and further
14 provided that the coal extracted from such mine is
15 utilized as the predominant source for a new electric
16 generating facility. The business must certify in
17 writing that the investments necessary to establish a
18 new, expanded, or reopened coal mine would not be
19 placed in service and the job creation would not occur
20 without the tax credits and exemptions set forth in
21 subsection (b-5) of this Section. The term "placed in
22 service" has the same meaning as described in
23 subsection (h) of Section 201 of the Illinois Income
24 Tax Act; or

25 (D) the business intends to construct new
26 transmission facilities or upgrade existing

1 transmission facilities at designated locations in
2 Illinois, for which construction commenced not sooner
3 than July 1, 2001. For the purposes of this Section,
4 "transmission facilities" means transmission lines
5 with a voltage rating of 115 kilovolts or above,
6 including associated equipment, that transfer
7 electricity from points of supply to points of
8 delivery and that transmit a majority of the
9 electricity generated by a new electric generating
10 facility designated as a High Impact Business in
11 accordance with this Section. The business must
12 certify in writing that the investments necessary to
13 construct new transmission facilities or upgrade
14 existing transmission facilities would not be placed
15 in service without the tax credits and exemptions set
16 forth in subsection (b-5) of this Section. The term
17 "placed in service" has the same meaning as described
18 in subsection (h) of Section 201 of the Illinois
19 Income Tax Act; or

20 (E) the business intends to establish a new wind
21 power facility at a designated location in Illinois.
22 For purposes of this Section, "new wind power
23 facility" means a newly constructed electric
24 generation facility, or a newly constructed expansion
25 of an existing electric generation facility, placed in
26 service on or after July 1, 2009, that generates

1 electricity using wind energy devices, and such
2 facility shall be deemed to include all associated
3 transmission lines, substations, and other equipment
4 related to the generation of electricity from wind
5 energy devices. For purposes of this Section, "wind
6 energy device" means any device, with a nameplate
7 capacity of at least 0.5 megawatts, that is used in the
8 process of converting kinetic energy from the wind to
9 generate electricity; or

10 ~~(E 5) the business intends to establish a new~~
11 ~~utility scale solar facility at a designated location~~
12 ~~in Illinois. For purposes of this Section, "new~~
13 ~~utility scale solar power facility" means a newly~~
14 ~~constructed electric generation facility, or a newly~~
15 ~~constructed expansion of an existing electric~~
16 ~~generation facility, placed in service on or after~~
17 ~~July 1, 2021, that (i) generates electricity using~~
18 ~~photovoltaic cells and (ii) has a nameplate capacity~~
19 ~~that is greater than 5,000 kilowatts, and such~~
20 ~~facility shall be deemed to include all associated~~
21 ~~transmission lines, substations, energy storage~~
22 ~~facilities, and other equipment related to the~~
23 ~~generation and storage of electricity from~~
24 ~~photovoltaic cells; or~~

25 (F) the business commits to (i) make a minimum
26 investment of \$500,000,000, which will be placed in

1 service in a qualified property, (ii) create 125
2 full-time equivalent jobs at a designated location in
3 Illinois, (iii) establish a fertilizer plant at a
4 designated location in Illinois that complies with the
5 set-back standards as described in Table 1: Initial
6 Isolation and Protective Action Distances in the 2012
7 Emergency Response Guidebook published by the United
8 States Department of Transportation, (iv) pay a
9 prevailing wage for employees at that location who are
10 engaged in construction activities, and (v) secure an
11 appropriate level of general liability insurance to
12 protect against catastrophic failure of the fertilizer
13 plant or any of its constituent systems; in addition,
14 the business must agree to enter into a construction
15 project labor agreement including provisions
16 establishing wages, benefits, and other compensation
17 for employees performing work under the project labor
18 agreement at that location; for the purposes of this
19 Section, "fertilizer plant" means a newly constructed
20 or upgraded plant utilizing gas used in the production
21 of anhydrous ammonia and downstream nitrogen
22 fertilizer products for resale; for the purposes of
23 this Section, "prevailing wage" means the hourly cash
24 wages plus fringe benefits for training and
25 apprenticeship programs approved by the U.S.
26 Department of Labor, Bureau of Apprenticeship and

1 Training, health and welfare, insurance, vacations and
2 pensions paid generally, in the locality in which the
3 work is being performed, to employees engaged in work
4 of a similar character on public works; this paragraph
5 (F) applies only to businesses that submit an
6 application to the Department within 60 days after
7 ~~July 25, 2013~~ (the effective date of ~~Public Act~~
8 ~~98-109~~) this amendatory Act of the 98th General
9 Assembly; and

10 (4) no later than 90 days after an application is
11 submitted, the Department shall notify the applicant of
12 the Department's determination of the qualification of the
13 proposed High Impact Business under this Section.

14 (b) Businesses designated as High Impact Businesses
15 pursuant to subdivision (a)(3)(A) of this Section shall
16 qualify for the credits and exemptions described in the
17 following Acts: Section 9-222 and Section 9-222.1A of the
18 Public Utilities Act, subsection (h) of Section 201 of the
19 Illinois Income Tax Act, and Section 1d of the Retailers'
20 Occupation Tax Act; provided that these credits and exemptions
21 described in these Acts shall not be authorized until the
22 minimum investments set forth in subdivision (a)(3)(A) of this
23 Section have been placed in service in qualified properties
24 and, in the case of the exemptions described in the Public
25 Utilities Act and Section 1d of the Retailers' Occupation Tax
26 Act, the minimum full-time equivalent jobs or full-time

1 retained jobs set forth in subdivision (a)(3)(A) of this
2 Section have been created or retained. Businesses designated
3 as High Impact Businesses under this Section shall also
4 qualify for the exemption described in Section 51 of the
5 Retailers' Occupation Tax Act. The credit provided in
6 subsection (h) of Section 201 of the Illinois Income Tax Act
7 shall be applicable to investments in qualified property as
8 set forth in subdivision (a)(3)(A) of this Section.

9 (b-5) Businesses designated as High Impact Businesses
10 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),
11 and (a)(3)(D) of this Section shall qualify for the credits
12 and exemptions described in the following Acts: Section 51 of
13 the Retailers' Occupation Tax Act, Section 9-222 and Section
14 9-222.1A of the Public Utilities Act, and subsection (h) of
15 Section 201 of the Illinois Income Tax Act; however, the
16 credits and exemptions authorized under Section 9-222 and
17 Section 9-222.1A of the Public Utilities Act, and subsection
18 (h) of Section 201 of the Illinois Income Tax Act shall not be
19 authorized until the new electric generating facility, the new
20 gasification facility, the new transmission facility, or the
21 new, expanded, or reopened coal mine is operational, except
22 that a new electric generating facility whose primary fuel
23 source is natural gas is eligible only for the exemption under
24 Section 51 of the Retailers' Occupation Tax Act.

25 (b-6) Businesses designated as High Impact Businesses
26 pursuant to subdivision (a)(3)(E) of this Section shall

1 qualify for the exemptions described in Section 51 of the
2 Retailers' Occupation Tax Act; any business so designated as a
3 High Impact Business being, for purposes of this Section, a
4 "Wind Energy Business".

5 (b-7) Beginning on January 1, 2021, businesses designated
6 as High Impact Businesses by the Department shall qualify for
7 the High Impact Business construction jobs credit under
8 subsection (h-5) of Section 201 of the Illinois Income Tax Act
9 if the business meets the criteria set forth in subsection (i)
10 of this Section. The total aggregate amount of credits awarded
11 under the Blue Collar Jobs Act (Article 20 of ~~Public Act 101-9~~
12 this amendatory Act of the 101st General Assembly) shall not
13 exceed \$20,000,000 in any State fiscal year.

14 (c) High Impact Businesses located in federally designated
15 foreign trade zones or sub-zones are also eligible for
16 additional credits, exemptions and deductions as described in
17 the following Acts: Section 9-221 and Section 9-222.1 of the
18 Public Utilities Act; and subsection (g) of Section 201, and
19 Section 203 of the Illinois Income Tax Act.

20 (d) Except for businesses contemplated under subdivision
21 (a)(3)(E) of this Section, existing Illinois businesses which
22 apply for designation as a High Impact Business must provide
23 the Department with the prospective plan for which 1,500
24 full-time retained jobs would be eliminated in the event that
25 the business is not designated.

26 (e) Except for new wind power facilities contemplated

1 under subdivision (a) (3) (E) of this Section, new proposed
2 facilities which apply for designation as High Impact Business
3 must provide the Department with proof of alternative
4 non-Illinois sites which would receive the proposed investment
5 and job creation in the event that the business is not
6 designated as a High Impact Business.

7 (f) Except for businesses contemplated under subdivision
8 (a) (3) (E) of this Section, in the event that a business is
9 designated a High Impact Business and it is later determined
10 after reasonable notice and an opportunity for a hearing as
11 provided under the Illinois Administrative Procedure Act, that
12 the business would have placed in service in qualified
13 property the investments and created or retained the requisite
14 number of jobs without the benefits of the High Impact
15 Business designation, the Department shall be required to
16 immediately revoke the designation and notify the Director of
17 the Department of Revenue who shall begin proceedings to
18 recover all wrongfully exempted State taxes with interest. The
19 business shall also be ineligible for all State funded
20 Department programs for a period of 10 years.

21 (g) The Department shall revoke a High Impact Business
22 designation if the participating business fails to comply with
23 the terms and conditions of the designation. However, the
24 penalties for new wind power facilities or Wind Energy
25 Businesses for failure to comply with any of the terms or
26 conditions of the Illinois Prevailing Wage Act shall be only

1 those penalties identified in the Illinois Prevailing Wage
2 Act, and the Department shall not revoke a High Impact
3 Business designation as a result of the failure to comply with
4 any of the terms or conditions of the Illinois Prevailing Wage
5 Act in relation to a new wind power facility or a Wind Energy
6 Business.

7 (h) Prior to designating a business, the Department shall
8 provide the members of the General Assembly and Commission on
9 Government Forecasting and Accountability with a report
10 setting forth the terms and conditions of the designation and
11 guarantees that have been received by the Department in
12 relation to the proposed business being designated.

13 (i) High Impact Business construction jobs credit.
14 Beginning on January 1, 2021, a High Impact Business may
15 receive a tax credit against the tax imposed under subsections
16 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
17 amount equal to 50% of the amount of the incremental income tax
18 attributable to High Impact Business construction jobs credit
19 employees employed in the course of completing a High Impact
20 Business construction jobs project. However, the High Impact
21 Business construction jobs credit may equal 75% of the amount
22 of the incremental income tax attributable to High Impact
23 Business construction jobs credit employees if the High Impact
24 Business construction jobs credit project is located in an
25 underserved area.

26 The Department shall certify to the Department of Revenue:

1 (1) the identity of taxpayers that are eligible for the High
2 Impact Business construction jobs credit; and (2) the amount
3 of High Impact Business construction jobs credits that are
4 claimed pursuant to subsection (h-5) of Section 201 of the
5 Illinois Income Tax Act in each taxable year. Any business
6 entity that receives a High Impact Business construction jobs
7 credit shall maintain a certified payroll pursuant to
8 subsection (j) of this Section.

9 As used in this subsection (i):

10 "High Impact Business construction jobs credit" means an
11 amount equal to 50% (or 75% if the High Impact Business
12 construction project is located in an underserved area) of the
13 incremental income tax attributable to High Impact Business
14 construction job employees. The total aggregate amount of
15 credits awarded under the Blue Collar Jobs Act (Article 20 of
16 ~~Public Act 101-9~~ this amendatory Act of the 101st General
17 Assembly) shall not exceed \$20,000,000 in any State fiscal
18 year

19 "High Impact Business construction job employee" means a
20 laborer or worker who is employed by an Illinois contractor or
21 subcontractor in the actual construction work on the site of a
22 High Impact Business construction job project.

23 "High Impact Business construction jobs project" means
24 building a structure or building or making improvements of any
25 kind to real property, undertaken and commissioned by a
26 business that was designated as a High Impact Business by the

1 Department. The term "High Impact Business construction jobs
2 project" does not include the routine operation, routine
3 repair, or routine maintenance of existing structures,
4 buildings, or real property.

5 "Incremental income tax" means the total amount withheld
6 during the taxable year from the compensation of High Impact
7 Business construction job employees.

8 "Underserved area" means a geographic area that meets one
9 or more of the following conditions:

10 (1) the area has a poverty rate of at least 20%
11 according to the latest federal decennial census;

12 (2) 75% or more of the children in the area
13 participate in the federal free lunch program according to
14 reported statistics from the State Board of Education;

15 (3) at least 20% of the households in the area receive
16 assistance under the Supplemental Nutrition Assistance
17 Program (SNAP); or

18 (4) the area has an average unemployment rate, as
19 determined by the Illinois Department of Employment
20 Security, that is more than 120% of the national
21 unemployment average, as determined by the U.S. Department
22 of Labor, for a period of at least 2 consecutive calendar
23 years preceding the date of the application.

24 (j) Each contractor and subcontractor who is engaged in
25 and executing a High Impact Business Construction jobs
26 project, as defined under subsection (i) of this Section, for

1 a business that is entitled to a credit pursuant to subsection
2 (i) of this Section shall:

3 (1) make and keep, for a period of 5 years from the
4 date of the last payment made on or after ~~June 5, 2021~~ (the
5 effective date of ~~Public Act 101-9~~) this amendatory Act of
6 the 101st General Assembly on a contract or subcontract
7 for a High Impact Business Construction Jobs Project,
8 records for all laborers and other workers employed by the
9 contractor or subcontractor on the project; the records
10 shall include:

11 (A) the worker's name;

12 (B) the worker's address;

13 (C) the worker's telephone number, if available;

14 (D) the worker's social security number;

15 (E) the worker's classification or
16 classifications;

17 (F) the worker's gross and net wages paid in each
18 pay period;

19 (G) the worker's number of hours worked each day;

20 (H) the worker's starting and ending times of work
21 each day;

22 (I) the worker's hourly wage rate; and

23 (J) the worker's hourly overtime wage rate;

24 (2) no later than the 15th day of each calendar month,
25 provide a certified payroll for the immediately preceding
26 month to the taxpayer in charge of the High Impact

1 Business construction jobs project; within 5 business days
2 after receiving the certified payroll, the taxpayer shall
3 file the certified payroll with the Department of Labor
4 and the Department of Commerce and Economic Opportunity; a
5 certified payroll must be filed for only those calendar
6 months during which construction on a High Impact Business
7 construction jobs project has occurred; the certified
8 payroll shall consist of a complete copy of the records
9 identified in paragraph (1) of this subsection (j), but
10 may exclude the starting and ending times of work each
11 day; the certified payroll shall be accompanied by a
12 statement signed by the contractor or subcontractor or an
13 officer, employee, or agent of the contractor or
14 subcontractor which avers that:

15 (A) he or she has examined the certified payroll
16 records required to be submitted by the Act and such
17 records are true and accurate; and

18 (B) the contractor or subcontractor is aware that
19 filing a certified payroll that he or she knows to be
20 false is a Class A misdemeanor.

21 A general contractor is not prohibited from relying on a
22 certified payroll of a lower-tier subcontractor, provided the
23 general contractor does not knowingly rely upon a
24 subcontractor's false certification.

25 Any contractor or subcontractor subject to this
26 subsection, and any officer, employee, or agent of such

1 contractor or subcontractor whose duty as an officer,
2 employee, or agent it is to file a certified payroll under this
3 subsection, who willfully fails to file such a certified
4 payroll on or before the date such certified payroll is
5 required by this paragraph to be filed and any person who
6 willfully files a false certified payroll that is false as to
7 any material fact is in violation of this Act and guilty of a
8 Class A misdemeanor.

9 The taxpayer in charge of the project shall keep the
10 records submitted in accordance with this subsection on or
11 after ~~June 5, 2021~~ (the effective date of ~~Public Act 101-9~~)
12 this amendatory Act of the 101st General Assembly for a period
13 of 5 years from the date of the last payment for work on a
14 contract or subcontract for the High Impact Business
15 construction jobs project.

16 The records submitted in accordance with this subsection
17 shall be considered public records, except an employee's
18 address, telephone number, and social security number, and
19 made available in accordance with the Freedom of Information
20 Act. The Department of Labor shall accept any reasonable
21 submissions by the contractor that meet the requirements of
22 this subsection (j) and shall share the information with the
23 Department in order to comply with the awarding of a High
24 Impact Business construction jobs credit. A contractor,
25 subcontractor, or public body may retain records required
26 under this Section in paper or electronic format.

1 (k) Upon 7 business days' notice, each contractor and
2 subcontractor shall make available for inspection and copying
3 at a location within this State during reasonable hours, the
4 records identified in this subsection (j) to the taxpayer in
5 charge of the High Impact Business construction jobs project,
6 its officers and agents, the Director of the Department of
7 Labor and his ~~or her~~ deputies and agents, and to federal,
8 State, or local law enforcement agencies and prosecutors.

9 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19; 102-662,
10 eff. 9-15-21.)

11 Section 90-24. The Department of Labor Law of the Civil
12 Administrative Code of Illinois is amended by changing Section
13 1505-215 as follows:

14 (20 ILCS 1505/1505-215)

15 Sec. 1505-215. Bureau on Apprenticeship Programs ~~and Clean~~
16 ~~Energy Jobs~~ ; Advisory Board.

17 ~~(a) For purposes of this Section, "clean energy sector"~~
18 ~~means solar energy, wind energy, energy efficiency, solar~~
19 ~~thermal, green hydrogen, geothermal, and electric vehicle~~
20 ~~industries and other renewable energy industries, industries~~
21 ~~achieving emission reductions, and related industries that~~
22 ~~manufacture, develop, build, maintain, or provide ancillary~~
23 ~~services to renewable energy resources or energy efficiency~~
24 ~~products or services, including the manufacture and~~

1 ~~installation of healthier building materials that contain~~
2 ~~fewer hazardous chemicals.~~

3 ~~(b)~~ There is created within the Department of Labor a
4 Bureau on Apprenticeship Programs ~~and Clean Energy Jobs~~. This
5 Bureau shall work to increase minority participation in active
6 apprentice programs in Illinois that are approved by the
7 United States Department of Labor ~~and in clean energy jobs in~~
8 ~~Illinois~~. The Bureau shall identify barriers to minorities
9 gaining access to construction careers ~~and careers in the~~
10 ~~clean energy sector~~ and make recommendations to the Governor
11 and the General Assembly for policies to remove those
12 barriers. The Department may hire staff to perform outreach in
13 promoting diversity in active apprenticeship programs approved
14 by the United States Department of Labor.

15 ~~(c)~~ The Bureau shall annually compile racial and gender
16 workforce diversity information from contractors receiving
17 State or other public funds and by labor unions with members
18 working on projects receiving State or other public funds.

19 ~~(d)~~ ~~The Bureau shall compile racial and gender workforce~~
20 ~~diversity information from certified transcripts of payroll~~
21 ~~reports filed in the preceding year pursuant to the Prevailing~~
22 ~~Wage Act for all clean energy sector construction projects.~~
23 ~~The Bureau shall work with the Department of Commerce and~~
24 ~~Economic Opportunity, the Illinois Power Agency, the Illinois~~
25 ~~Commerce Commission, and other agencies, as necessary, to~~
26 ~~receive and share data and reporting on racial and gender~~

1 ~~workforce diversity, demographic data, and any other data~~
2 ~~necessary to achieve the goals of this Section.~~

3 ~~(c) By April 15, 2022 and every April 15 thereafter, the~~
4 ~~Bureau shall publish and make available on the Department's~~
5 ~~website a report summarizing the racial and gender diversity~~
6 ~~of the workforce on all clean energy sector projects by~~
7 ~~county. The report shall use a consistent structure for~~
8 ~~information requests and presentation, with an easy to use~~
9 ~~table of contents, to enable comparable year over year~~
10 ~~solicitation and benchmarking of data. The development of the~~
11 ~~report structure shall be open to a public review and comment~~
12 ~~period. That report shall compare the race, ethnicity, and~~
13 ~~gender of the workers on covered clean energy sector projects~~
14 ~~to the general population of the county in which the project is~~
15 ~~located. The report shall also disaggregate such data to~~
16 ~~compare the race, ethnicity, and gender of workers employed by~~
17 ~~union and nonunion contractors and compare the race,~~
18 ~~ethnicity, and gender of workers who reside in Illinois and~~
19 ~~those who reside outside of Illinois. The report shall also~~
20 ~~include the race, ethnicity, and gender of the workers by~~
21 ~~prevailing wage classification.~~

22 ~~(f) The Bureau shall present its annual report to the~~
23 ~~Energy Workforce Advisory Council in order to inform its~~
24 ~~program evaluations, recommendations, and objectives pursuant~~
25 ~~to Section 5-65 of the Energy Transition Act. The Bureau shall~~
26 ~~also present its annual report to the Illinois Power Agency in~~

1 ~~order to inform its ongoing equity and compliance efforts in~~
2 ~~the clean energy sector.~~

3 ~~The Bureau and all entities subject to the requirements of~~
4 ~~subsection (d) shall hold an annual workshop open to the~~
5 ~~public in 2022 and every year thereafter on the state of racial~~
6 ~~and gender workforce diversity in the clean energy sector in~~
7 ~~order to collaboratively seek solutions to structural~~
8 ~~impediments to achieving diversity, equity, and inclusion~~
9 ~~goals, including testimony from each participating entity,~~
10 ~~subject matter experts, and advocates.~~

11 ~~(g) The Bureau shall publish each annual report prepared~~
12 ~~and filed pursuant to subsection (d) on the Department of~~
13 ~~Labor's website for at least 5 years.~~

14 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
15 revised 10-22-20; 102-662, eff. 9-15-21.)

16 Section 90-25. The Energy Efficient Building Act is
17 amended by changing Sections 10, 15, 20, 30, 40, and 45 as
18 follows:

19 (20 ILCS 3125/10)

20 Sec. 10. Definitions.

21 "Board" means the Capital Development Board.

22 "Building" includes both residential buildings and
23 commercial buildings.

24 "Code" means the latest published edition of the

1 International Code Council's International Energy Conservation
2 Code as adopted by the Board, including any published
3 supplements adopted by the Board and any amendments and
4 adaptations to the Code that are made by the Board.

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

7 "Department" means the Department of Commerce and Economic
8 Opportunity.

9 "Municipality" means any city, village, or incorporated
10 town.

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

23 ~~"Site energy index" means a scalar published by the~~
24 ~~Pacific Northwest National Laboratories representing the ratio~~
25 ~~of the site energy performance of an evaluated code compared~~
26 ~~to the site energy performance of the 2006 International~~

1 ~~Energy Conservation Code. A "site energy index" includes only~~
2 ~~conservation measures and excludes net energy credit for any~~
3 ~~on-site or off-site energy production.~~

4 (Source: P.A. 101-144, eff. 7-26-19; 102-662, eff. 9-15-21.)

5 (20 ILCS 3125/15)

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

20 (Source: P.A. 96-778, eff. 8-28-09; 102-662, eff. 9-15-21.)

21 (20 ILCS 3125/20)

22 Sec. 20. Applicability.

23 (a) The Board shall review and adopt the Code within one
24 year after its publication. The Code shall take effect within

1 6 months after it is adopted by the Board, except that,
2 beginning January 1, 2012, the Code adopted in 2012 shall take
3 effect on January 1, 2013. Except as otherwise provided in
4 this Act, the Code shall apply to (i) any new building or
5 structure in this State for which a building permit
6 application is received by a municipality or county and (ii)
7 beginning on the effective date of this amendatory Act of the
8 100th General Assembly, each State facility specified in
9 Section 4.01 of the Capital Development Board Act. In the case
10 of any addition, alteration, renovation, or repair to an
11 existing ~~residential or~~ commercial structure, the Code adopted
12 under this Act applies only to the portions of that structure
13 that are being added, altered, renovated, or repaired. The
14 changes made to this Section by this amendatory Act of the 97th
15 General Assembly shall in no way invalidate or otherwise
16 affect contracts entered into on or before the effective date
17 of this amendatory Act of the 97th General Assembly.

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

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

22 (2) Buildings that do not use either electricity or
23 fossil fuel for comfort conditioning. For purposes of
24 determining whether this exemption applies, a building
25 will be presumed to be heated by electricity, even in the
26 absence of equipment used for electric comfort heating,

1 whenever the building is provided with electrical service
2 in excess of 100 amps, unless the code enforcement
3 official determines that this electrical service is
4 necessary for purposes other than providing electric
5 comfort heating.

6 (3) Historic buildings. This exemption shall apply to
7 those buildings that are listed on the National Register
8 of Historic Places or the Illinois Register of Historic
9 Places, and to those buildings that have been designated
10 as historically significant by a local governing body that
11 is authorized to make such designations.

12 (4) (Blank).

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

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

1 not exposed.

2 (d) A unit of local government that does not regulate
3 energy efficient building standards is not required to adopt,
4 enforce, or administer the Code; however, any energy efficient
5 building standards adopted by a unit of local government must
6 comply with this Act. If a unit of local government does not
7 regulate energy efficient building standards, any
8 construction, renovation, or addition to buildings or
9 structures is subject to the provisions contained in this Act.
10 (Source: P.A. 100-729, eff. 8-3-18; 102-662, eff. 9-15-21.)

11 (20 ILCS 3125/30)

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

25 (Source: P.A. 93-936, eff. 8-13-04; 102-662, eff. 9-15-21.)

1 (20 ILCS 3125/40)

2 Sec. 40. Input from interested parties. When developing
3 Code adaptations, rules, and procedures for compliance with
4 the Code, the Capital Development Board shall seek input from
5 representatives from the building trades, design
6 professionals, construction professionals, code
7 administrators, and other interested entities affected. ~~Any~~
8 ~~board or group that the Capital Development Board seeks input~~
9 ~~from must include the following:~~

10 ~~(i) a representative from a group that represents~~
11 ~~environmental justice;~~

12 ~~(ii) a representative of a nonprofit or professional~~
13 ~~association advocating for the environment;~~

14 ~~(iii) an energy efficiency advocate with technical~~
15 ~~expertise in single family residential buildings;~~

16 ~~(iv) an energy efficiency advocate with technical~~
17 ~~expertise in commercial buildings; and~~

18 ~~(v) an energy efficiency advocate with technical expertise~~
19 ~~in multifamily buildings, such as an affordable housing~~
20 ~~developer.~~

21 (Source: P.A. 99-639, eff. 7-28-16; 102-662, eff. 9-15-21.)

22 (20 ILCS 3125/45)

23 Sec. 45. Home rule.

24 (a) ~~(Blank)~~. No unit of local government, including any

1 home rule unit, may regulate energy efficient building
2 standards for commercial buildings in a manner that is less
3 stringent than the provisions contained in this Act.

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

26 (c) No unit of local government, including any home rule

1 unit or unit of local government that is subject to State
2 regulation under the Code as provided in Section 15 of this
3 Act, may hereafter enact any annexation ordinance or
4 resolution, or require or enter into any annexation agreement,
5 that imposes energy efficient building standards for
6 residential ~~or commercial~~ buildings that are either less or
7 more stringent than the energy efficiency standards in effect,
8 at the time of construction, throughout the unit of local
9 government, ~~except for the Illinois Stretch Energy Code.~~

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

18 (e) (Blank). ~~A unit of local government requiring the~~
19 ~~Illinois Stretch Energy Code must do so with the adoption of~~
20 ~~the Code by its governing body.~~

21 (Source: P.A. 99-639, eff. 7-28-16; 102-662, eff. 9-15-21.)

22 Section 90-30. 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 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) (Blank). ~~To provide the highest quality of life~~
11 ~~for the residents of Illinois and to provide for a clean~~
12 ~~and 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 (10.5) (Blank). ~~The State should encourage the~~
7 ~~development of interregional high voltage direct current~~
8 ~~(HVDC) transmission lines that benefit Illinois. All~~
9 ~~ratepayers in the State served by the regional~~
10 ~~transmission organization where the HVDC converter station~~
11 ~~is interconnected benefit from the long term price~~
12 ~~stability and market access provided by interregional HVDC~~
13 ~~transmission facilities. The benefits to Illinois include:~~
14 ~~reduction in wholesale power prices; access to lower cost~~
15 ~~markets; enabling the integration of additional renewable~~
16 ~~generating units within the State through near~~
17 ~~instantaneous dispatchability and the provision of~~
18 ~~ancillary services; creating good paying union jobs in~~
19 ~~Illinois; and, enhancing grid reliability and climate~~
20 ~~resilience via HVDC facilities that are installed~~
21 ~~underground.~~

22 (10.6) (Blank). ~~The health, welfare, and safety of the~~
23 ~~people of the State are advanced by developing new HVDC~~
24 ~~transmission lines predominantly along transportation~~
25 ~~rights-of-way, with an HVDC converter station that is~~
26 ~~located in the service territory of a public utility as~~

1 ~~defined in Section 3-105 of the Public Utilities Act~~
2 ~~servicing more than 3,000,000 retail customers, and with a~~
3 ~~project labor agreement as defined in Section 1-10 of this~~
4 ~~Act.~~

5 (11) The General Assembly enacted Public Act 96-0795
6 to reform the State's purchasing processes, recognizing
7 that government procurement is susceptible to abuse if
8 structural and procedural safeguards are not in place to
9 ensure independence, insulation, oversight, and
10 transparency.

11 (12) The principles that underlie the procurement
12 reform legislation apply also in the context of power
13 purchasing.

14 (13) (Blank). ~~To ensure that the benefits of~~
15 ~~installing renewable resources are available to all~~
16 ~~Illinois residents and located across the State, subject~~
17 ~~to appropriation, it is necessary for the Agency to~~
18 ~~provide public information and educational resources on~~
19 ~~how residents can benefit from the expansion of renewable~~
20 ~~energy in Illinois and participate in the Illinois Solar~~
21 ~~for All Program established in Section 1-56, the~~
22 ~~Adjustable Block program established in Section 1-75, the~~
23 ~~job training programs established by paragraph (1) of~~
24 ~~subsection (a) of Section 16-108.12 of the Public~~
25 ~~Utilities Act, and the programs and resources established~~
26 ~~by the Energy Transition Act.~~

1 The General Assembly therefore finds that it is necessary
2 to create the Illinois Power Agency and that the goals and
3 objectives of that Agency are to accomplish each of the
4 following:

5 (A) Develop electricity procurement plans to ensure
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, for electric utilities that on December
10 31, 2005 provided electric service to at least 100,000
11 customers in Illinois and for small multi-jurisdictional
12 electric utilities that (i) on December 31, 2005 served
13 less than 100,000 customers in Illinois and (ii) request a
14 procurement plan for their Illinois jurisdictional load.
15 The procurement plan shall be updated on an annual basis
16 and shall include renewable energy resources and,
17 beginning with the delivery year commencing June 1, 2017,
18 zero emission credits from zero emission facilities
19 sufficient to achieve the standards specified in this Act.

20 (B) Conduct the competitive procurement processes
21 identified in this Act.

22 (C) Develop electric generation and co-generation
23 facilities that use indigenous coal or renewable
24 resources, or both, financed with bonds issued by the
25 Illinois Finance Authority.

26 (D) Supply electricity from the Agency's facilities at

1 cost to one or more of the following: municipal electric
2 systems, governmental aggregators, or rural electric
3 cooperatives in Illinois.

4 (E) Ensure that the process of power procurement is
5 conducted in an ethical and transparent fashion, immune
6 from improper influence.

7 (F) Continue to review its policies and practices to
8 determine how best to meet its mission of providing the
9 lowest cost power to the greatest number of people, at any
10 given point in time, in accordance with applicable law.

11 (G) Operate in a structurally insulated, independent,
12 and transparent fashion so that nothing impedes the
13 Agency's mission to secure power at the best prices the
14 market will bear, provided that the Agency meets all
15 applicable legal requirements.

16 (H) Implement renewable energy procurement and
17 training programs throughout the State to diversify
18 Illinois electricity supply, improve reliability, avoid
19 and reduce pollution, reduce peak demand, and enhance
20 public health and well-being of Illinois residents,
21 including low-income residents.

22 (Source: P.A. 99-906, eff. 6-1-17; 102-662, eff. 9-15-21.)

23 (20 ILCS 3855/1-10)

24 Sec. 1-10. Definitions.

25 "Agency" means the Illinois Power Agency.

1 "Agency loan agreement" means any agreement pursuant to
2 which the Illinois Finance Authority agrees to loan the
3 proceeds of revenue bonds issued with respect to a project to
4 the Agency upon terms providing for loan repayment
5 installments at least sufficient to pay when due all principal
6 of, interest and premium, if any, on those revenue bonds, and
7 providing for maintenance, insurance, and other matters in
8 respect of the project.

9 "Authority" means the Illinois Finance Authority.

10 "Brownfield site photovoltaic project" means photovoltaics
11 that are ~~either~~:

12 (1) interconnected to an electric utility as defined
13 in this Section, a municipal utility as defined in this
14 Section, a public utility as defined in Section 3-105 of
15 the Public Utilities Act, or an electric cooperative, as
16 defined in Section 3-119 of the Public Utilities Act; and
17 (2) located at a site that is regulated by any of the
18 following entities under the following programs:

19 (A) the United States Environmental Protection
20 Agency under the federal Comprehensive Environmental
21 Response, Compensation, and Liability Act of 1980, as
22 amended;

23 (B) the United States Environmental Protection
24 Agency under the Corrective Action Program of the
25 federal Resource Conservation and Recovery Act, as
26 amended;

1 (C) the Illinois Environmental Protection Agency
2 under the Illinois Site Remediation Program; or

3 (D) the Illinois Environmental Protection Agency
4 under the Illinois Solid Waste Program; ~~or.~~

5 ~~(2) located at the site of a coal mine that has~~
6 ~~permanently ceased coal production, permanently halted any~~
7 ~~re-mining operations, and is no longer accepting any coal~~
8 ~~combustion residues; has both completed all clean up and~~
9 ~~remediation obligations under the federal Surface Mining~~
10 ~~and Reclamation Act of 1977 and all applicable Illinois~~
11 ~~rules and any other clean up, remediation, or ongoing~~
12 ~~monitoring to safeguard the health and well-being of the~~
13 ~~people of the State of Illinois, as well as demonstrated~~
14 ~~compliance with all applicable federal and State~~
15 ~~environmental rules and regulations, including, but not~~
16 ~~limited, to 35 Ill. Adm. Code Part 845 and any rules for~~
17 ~~historic fill of coal combustion residuals, including any~~
18 ~~rules finalized in Subdocket A of Illinois Pollution~~
19 ~~Control Board docket R2020-019.~~

20 "Clean coal facility" means an electric generating
21 facility that uses primarily coal as a feedstock and that
22 captures and sequesters carbon dioxide emissions at the
23 following levels: at least 50% of the total carbon dioxide
24 emissions that the facility would otherwise emit if, at the
25 time construction commences, the facility is scheduled to
26 commence operation before 2016, at least 70% of the total

1 carbon dioxide emissions that the facility would otherwise
2 emit if, at the time construction commences, the facility is
3 scheduled to commence operation during 2016 or 2017, and at
4 least 90% of the total carbon dioxide emissions that the
5 facility would otherwise emit if, at the time construction
6 commences, the facility is scheduled to commence operation
7 after 2017. The power block of the clean coal facility shall
8 not exceed allowable emission rates for sulfur dioxide,
9 nitrogen oxides, carbon monoxide, particulates and mercury for
10 a natural gas-fired combined-cycle facility the same size as
11 and in the same location as the clean coal facility at the time
12 the clean coal facility obtains an approved air permit. All
13 coal used by a clean coal facility shall have high volatile
14 bituminous rank and greater than 1.7 pounds of sulfur per
15 million btu content, unless the clean coal facility does not
16 use gasification technology and was operating as a
17 conventional coal-fired electric generating facility on June
18 1, 2009 (the effective date of Public Act 95-1027).

19 "Clean coal SNG brownfield facility" means a facility that
20 (1) has commenced construction by July 1, 2015 on an urban
21 brownfield site in a municipality with at least 1,000,000
22 residents; (2) uses a gasification process to produce
23 substitute natural gas; (3) uses coal as at least 50% of the
24 total feedstock over the term of any sourcing agreement with a
25 utility and the remainder of the feedstock may be either
26 petroleum coke or coal, with all such coal having a high

1 bituminous rank and greater than 1.7 pounds of sulfur per
2 million Btu content unless the facility reasonably determines
3 that it is necessary to use additional petroleum coke to
4 deliver additional consumer savings, in which case the
5 facility shall use coal for at least 35% of the total feedstock
6 over the term of any sourcing agreement; and (4) captures and
7 sequesters at least 85% of the total carbon dioxide emissions
8 that the facility would otherwise emit.

9 "Clean coal SNG facility" means a facility that uses a
10 gasification process to produce substitute natural gas, that
11 sequesters at least 90% of the total carbon dioxide emissions
12 that the facility would otherwise emit, that uses at least 90%
13 coal as a feedstock, with all such coal having a high
14 bituminous rank and greater than 1.7 pounds of sulfur per
15 million btu content, and that has a valid and effective permit
16 to construct emission sources and air pollution control
17 equipment and approval with respect to the federal regulations
18 for Prevention of Significant Deterioration of Air Quality
19 (PSD) for the plant pursuant to the federal Clean Air Act;
20 provided, however, a clean coal SNG brownfield facility shall
21 not be a clean coal SNG facility.

22 ~~"Clean energy" means energy generation that is 90% or~~
23 ~~greater free of carbon dioxide emissions.~~

24 "Commission" means the Illinois Commerce Commission.

25 "Community renewable generation project" means an electric
26 generating facility that:

1 (1) is powered by wind, solar thermal energy,
2 photovoltaic cells or panels, biodiesel, crops and
3 untreated and unadulterated organic waste biomass, tree
4 waste, and hydropower that does not involve new
5 construction or significant expansion of hydropower dams;

6 (2) is interconnected at the distribution system level
7 of an electric utility as defined in this Section, a
8 municipal utility as defined in this Section that owns or
9 operates electric distribution facilities, a public
10 utility as defined in Section 3-105 of the Public
11 Utilities Act, or an electric cooperative, as defined in
12 Section 3-119 of the Public Utilities Act;

13 (3) credits the value of electricity generated by the
14 facility to the subscribers of the facility; and

15 (4) is limited in nameplate capacity to less than or
16 equal to 2,000 ~~5,000~~ kilowatts.

17 "Costs incurred in connection with the development and
18 construction of a facility" means:

19 (1) the cost of acquisition of all real property,
20 fixtures, and improvements in connection therewith and
21 equipment, personal property, and other property, rights,
22 and easements acquired that are deemed necessary for the
23 operation and maintenance of the facility;

24 (2) financing costs with respect to bonds, notes, and
25 other evidences of indebtedness of the Agency;

26 (3) all origination, commitment, utilization,

1 facility, placement, underwriting, syndication, credit
2 enhancement, and rating agency fees;

3 (4) engineering, design, procurement, consulting,
4 legal, accounting, title insurance, survey, appraisal,
5 escrow, trustee, collateral agency, interest rate hedging,
6 interest rate swap, capitalized interest, contingency, as
7 required by lenders, and other financing costs, and other
8 expenses for professional services; and

9 (5) the costs of plans, specifications, site study and
10 investigation, installation, surveys, other Agency costs
11 and estimates of costs, and other expenses necessary or
12 incidental to determining the feasibility of any project,
13 together with such other expenses as may be necessary or
14 incidental to the financing, insuring, acquisition, and
15 construction of a specific project and starting up,
16 commissioning, and placing that project in operation.

17 "Delivery services" has the same definition as found in
18 Section 16-102 of the Public Utilities Act.

19 "Delivery year" means the consecutive 12-month period
20 beginning June 1 of a given year and ending May 31 of the
21 following year.

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

24 "Director" means the Director of the Illinois Power
25 Agency.

26 "Demand-response" means measures that decrease peak

1 electricity demand or shift demand from peak to off-peak
2 periods.

3 "Distributed renewable energy generation device" means a
4 device that is:

5 (1) powered by wind, solar thermal energy,
6 photovoltaic cells or panels, biodiesel, crops and
7 untreated and unadulterated organic waste biomass, tree
8 waste, and hydropower that does not involve new
9 construction or significant expansion of hydropower dams,
10 ~~waste heat to power systems, or qualified combined heat~~
11 ~~and power systems;~~

12 (2) interconnected at the distribution system level of
13 either an electric utility as defined in this Section, a
14 municipal utility as defined in this Section that owns or
15 operates electric distribution facilities, or a rural
16 electric cooperative as defined in Section 3-119 of the
17 Public Utilities Act;

18 (3) located on the customer side of the customer's
19 electric meter and is primarily used to offset that
20 customer's electricity load; and

21 (4) ~~(blank)~~. limited in nameplate capacity to less
22 than or equal to 2,000 kilowatts.

23 "Energy efficiency" means measures that reduce the amount
24 of electricity or natural gas consumed in order to achieve a
25 given end use. "Energy efficiency" includes voltage
26 optimization measures that optimize the voltage at points on

1 the electric distribution voltage system and thereby reduce
2 electricity consumption by electric customers' end use
3 devices. "Energy efficiency" also includes measures that
4 reduce the total Btus of electricity, natural gas, and other
5 fuels needed to meet the end use or uses.

6 "Electric utility" has the same definition as found in
7 Section 16-102 of the Public Utilities Act.

8 ~~"Equity investment eligible community" or "eligible~~
9 ~~community" are synonymous and mean the geographic areas~~
10 ~~throughout Illinois which would most benefit from equitable~~
11 ~~investments by the State designed to combat discrimination.~~
12 ~~Specifically, the eligible communities shall be defined as the~~
13 ~~following areas:~~

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

19 ~~(2) Environmental justice communities, as defined by~~
20 ~~the Illinois Power Agency pursuant to the Illinois Power~~
21 ~~Agency Act, where residents have historically been subject~~
22 ~~to disproportionate burdens of pollution, including~~
23 ~~pollution from the energy sector.~~

24 ~~"Equity eligible persons" or "eligible persons" means~~
25 ~~persons who would most benefit from equitable investments by~~
26 ~~the State designed to combat discrimination, specifically:~~

1 ~~(1) persons who graduate from or are current or former~~
2 ~~participants in the Clean Jobs Workforce Network Program,~~
3 ~~the Clean Energy Contractor Incubator Program, the~~
4 ~~Illinois Climate Works Preapprenticeship Program,~~
5 ~~Returning Residents Clean Jobs Training Program, or the~~
6 ~~Clean Energy Primes Contractor Accelerator Program, and~~
7 ~~the solar training pipeline and multi-cultural jobs~~
8 ~~program created in paragraphs (a) (1) and (a) (3) of Section~~
9 ~~16-108.21 of the Public Utilities Act;~~

10 ~~(2) persons who are graduates of or currently enrolled~~
11 ~~in the foster care system;~~

12 ~~(3) persons who were formerly incarcerated;~~

13 ~~(4) persons whose primary residence is in an equity~~
14 ~~investment eligible community.~~

15 ~~"Equity eligible contractor" means a business that is~~
16 ~~majority owned by eligible persons, or a nonprofit or~~
17 ~~cooperative that is majority governed by eligible persons, or~~
18 ~~is a natural person that is an eligible person offering~~
19 ~~personal services as an independent contractor.~~

20 "Facility" means an electric generating unit or a
21 co-generating unit that produces electricity along with
22 related equipment necessary to connect the facility to an
23 electric transmission or distribution system.

24 ~~"General Contractor" means the entity or organization with~~
25 ~~main responsibility for the building of a construction project~~
26 ~~and who is the party signing the prime construction contract~~

1 ~~for the project.~~

2 "Governmental aggregator" means one or more units of local
3 government that individually or collectively procure
4 electricity to serve residential retail electrical loads
5 located within its or their jurisdiction.

6 ~~"High voltage direct current converter station" means the~~
7 ~~collection of equipment that converts direct current energy~~
8 ~~from a high voltage direct current transmission line into~~
9 ~~alternating current using Voltage Source Conversion technology~~
10 ~~and that is interconnected with transmission or distribution~~
11 ~~assets located in Illinois.~~

12 ~~"High voltage direct current renewable energy credit"~~
13 ~~means a renewable energy credit associated with a renewable~~
14 ~~energy resource where the renewable energy resource has~~
15 ~~entered into a contract to transmit the energy associated with~~
16 ~~such renewable energy credit over high voltage direct current~~
17 ~~transmission facilities.~~

18 ~~"High voltage direct current transmission facilities"~~
19 ~~means the collection of installed equipment that converts~~
20 ~~alternating current energy in one location to direct current~~
21 ~~and transmits that direct current energy to a high voltage~~
22 ~~direct current converter station using Voltage Source~~
23 ~~Conversion technology. "High voltage direct current~~
24 ~~transmission facilities" includes the high voltage direct~~
25 ~~current converter station itself and associated high voltage~~
26 ~~direct current transmission lines. Notwithstanding the~~

1 ~~preceding, after the effective date of this amendatory Act of~~
2 ~~the 102nd General Assembly, an otherwise qualifying collection~~
3 ~~of equipment does not qualify as high voltage direct current~~
4 ~~transmission facilities unless its developer entered into a~~
5 ~~project labor agreement, is capable of transmitting~~
6 ~~electricity at 525kv with an Illinois converter station~~
7 ~~located and interconnected in the region of the PJM~~
8 ~~Interconnection, LLC, and the system does not operate as a~~
9 ~~public utility, as that term is defined in Section 3-105 of the~~
10 ~~Public Utilities Act.~~

11 ~~"Index price" means the real-time energy settlement price~~
12 ~~at the applicable Illinois trading hub, such as PJM-NIHUB or~~
13 ~~MISO-IL, for a given settlement period.~~

14 ~~"Indexed renewable energy credit" means a tradable credit~~
15 ~~that represents the environmental attributes of one megawatt~~
16 ~~hour of energy produced from a renewable energy resource, the~~
17 ~~price of which shall be calculated by subtracting the strike~~
18 ~~price offered by a new utility scale wind project or a new~~
19 ~~utility scale photovoltaic project from the index price in a~~
20 ~~given settlement period.~~

21 ~~"Indexed renewable energy credit counterparty" has the~~
22 ~~same meaning as "public utility" as defined in Section 3-105~~
23 ~~of the Public Utilities Act.~~

24 "Local government" means a unit of local government as
25 defined in Section 1 of Article VII of the Illinois
26 Constitution.

1 "Municipality" means a city, village, or incorporated
2 town.

3 "Municipal utility" means a public utility owned and
4 operated by any subdivision or municipal corporation of this
5 State.

6 "Nameplate capacity" means the aggregate inverter
7 nameplate capacity in kilowatts AC.

8 "Person" means any natural person, firm, partnership,
9 corporation, either domestic or foreign, company, association,
10 limited liability company, joint stock company, or association
11 and includes any trustee, receiver, assignee, or personal
12 representative thereof.

13 "Project" means the planning, bidding, and construction of
14 a facility.

15 ~~"Project labor agreement" means a pre-hire collective~~
16 ~~bargaining agreement that covers all terms and conditions of~~
17 ~~employment on a specific construction project and must include~~
18 ~~the following:~~

19 ~~(1) provisions establishing the minimum hourly wage~~
20 ~~for each class of labor organization employee;~~

21 ~~(2) provisions establishing the benefits and other~~
22 ~~compensation for each class of labor organization~~
23 ~~employee;~~

24 ~~(3) provisions establishing that no strike or disputes~~
25 ~~will be engaged in by the labor organization employees;~~

26 ~~(4) provisions establishing that no lockout or~~

1 ~~disputes will be engaged in by the general contractor~~
2 ~~building the project; and~~

3 ~~(5) provisions for minorities and women, as defined~~
4 ~~under the Business Enterprise for Minorities, Women, and~~
5 ~~Persons with Disabilities Act, setting forth goals for~~
6 ~~apprenticeship hours to be performed by minorities and~~
7 ~~women and setting forth goals for total hours to be~~
8 ~~performed by underrepresented minorities and women.~~

9 ~~A labor organization and the general contractor building~~
10 ~~the project shall have the authority to include other terms~~
11 ~~and conditions as they deem necessary.~~

12 "Public utility" has the same definition as found in
13 Section 3-105 of the Public Utilities Act.

14 ~~"Qualified combined heat and power systems" means systems~~
15 ~~that, either simultaneously or sequentially, produce~~
16 ~~electricity and useful thermal energy from a single fuel~~
17 ~~source. Such systems are eligible for "renewable energy~~
18 ~~credits" in an amount equal to its total energy output where a~~
19 ~~renewable fuel is consumed or in an amount equal to the net~~
20 ~~reduction in nonrenewable fuel consumed on a total energy~~
21 ~~output basis.~~

22 "Real property" means any interest in land together with
23 all structures, fixtures, and improvements thereon, including
24 lands under water and riparian rights, any easements,
25 covenants, licenses, leases, rights-of-way, uses, and other
26 interests, together with any liens, judgments, mortgages, or

1 other claims or security interests related to real property.

2 "Renewable energy credit" means a tradable credit that
3 represents the environmental attributes of one megawatt hour
4 of energy produced from a renewable energy resource.

5 "Renewable energy resources" includes energy and its
6 associated renewable energy credit or renewable energy credits
7 from wind, solar thermal energy, photovoltaic cells and
8 panels, biodiesel, anaerobic digestion, crops and untreated
9 and unadulterated organic waste biomass, tree waste, and
10 hydropower that does not involve new construction or
11 significant expansion of hydropower dams, ~~waste heat to power~~
12 ~~systems, or qualified combined heat and power systems~~. For
13 purposes of this Act, landfill gas produced in the State is
14 considered a renewable energy resource. "Renewable energy
15 resources" does not include the incineration or burning of
16 tires, garbage, general household, institutional, and
17 commercial waste, industrial lunchroom or office waste,
18 landscape waste other than tree waste, railroad crossties,
19 utility poles, or construction or demolition debris, other
20 than untreated and unadulterated waste wood. ~~"Renewable energy~~
21 ~~resources" also includes high voltage direct current renewable~~
22 ~~energy credits and the associated energy converted to~~
23 ~~alternating current by a high voltage direct current converter~~
24 ~~station to the extent that: (1) the generator of such~~
25 ~~renewable energy resource contracted with a third party to~~
26 ~~transmit the energy over the high voltage direct current~~

1 ~~transmission facilities, and (2) the third party contracting~~
2 ~~for delivery of renewable energy resources over the high~~
3 ~~voltage direct current transmission facilities have ownership~~
4 ~~rights over the unretired associated high voltage direct~~
5 ~~current renewable energy credit.~~

6 "Retail customer" has the same definition as found in
7 Section 16-102 of the Public Utilities Act.

8 "Revenue bond" means any bond, note, or other evidence of
9 indebtedness issued by the Authority, the principal and
10 interest of which is payable solely from revenues or income
11 derived from any project or activity of the Agency.

12 "Sequester" means permanent storage of carbon dioxide by
13 injecting it into a saline aquifer, a depleted gas reservoir,
14 or an oil reservoir, directly or through an enhanced oil
15 recovery process that may involve intermediate storage,
16 regardless of whether these activities are conducted by a
17 clean coal facility, a clean coal SNG facility, a clean coal
18 SNG brownfield facility, or a party with which a clean coal
19 facility, clean coal SNG facility, or clean coal SNG
20 brownfield facility has contracted for such purposes.

21 "Service area" has the same definition as found in Section
22 16-102 of the Public Utilities Act.

23 ~~"Settlement period" means the period of time utilized by~~
24 ~~MISO and PJM and their successor organizations as the basis~~
25 ~~for settlement calculations in the real-time energy market.~~

26 "Sourcing agreement" means (i) in the case of an electric

1 utility, an agreement between the owner of a clean coal
2 facility and such electric utility, which agreement shall have
3 terms and conditions meeting the requirements of paragraph (3)
4 of subsection (d) of Section 1-75, (ii) in the case of an
5 alternative retail electric supplier, an agreement between the
6 owner of a clean coal facility and such alternative retail
7 electric supplier, which agreement shall have terms and
8 conditions meeting the requirements of Section 16-115(d)(5) of
9 the Public Utilities Act, and (iii) in case of a gas utility,
10 an agreement between the owner of a clean coal SNG brownfield
11 facility and the gas utility, which agreement shall have the
12 terms and conditions meeting the requirements of subsection
13 (h-1) of Section 9-220 of the Public Utilities Act.

14 ~~"Strike price" means a contract price for energy and~~
15 ~~renewable energy credits from a new utility scale wind project~~
16 ~~or a new utility scale photovoltaic project.~~

17 "Subscriber" means a person who (i) takes delivery service
18 from an electric utility, and (ii) has a subscription of no
19 less than 200 watts to a community renewable generation
20 project that is located in the electric utility's service
21 area. No subscriber's subscriptions may total more than 40% of
22 the nameplate capacity of an individual community renewable
23 generation project. Entities that are affiliated by virtue of
24 a common parent shall not represent multiple subscriptions
25 that total more than 40% of the nameplate capacity of an
26 individual community renewable generation project.

1 "Subscription" means an interest in a community renewable
2 generation project expressed in kilowatts, which is sized
3 primarily to offset part or all of the subscriber's
4 electricity usage.

5 "Substitute natural gas" or "SNG" means a gas manufactured
6 by gasification of hydrocarbon feedstock, which is
7 substantially interchangeable in use and distribution with
8 conventional natural gas.

9 "Total resource cost test" or "TRC test" means a standard
10 that is met if, for an investment in energy efficiency or
11 demand-response measures, the benefit-cost ratio is greater
12 than one. The benefit-cost ratio is the ratio of the net
13 present value of the total benefits of the program to the net
14 present value of the total costs as calculated over the
15 lifetime of the measures. A total resource cost test compares
16 the sum of avoided electric utility costs, representing the
17 benefits that accrue to the system and the participant in the
18 delivery of those efficiency measures and including avoided
19 costs associated with reduced use of natural gas or other
20 fuels, avoided costs associated with reduced water
21 consumption, and avoided costs associated with reduced
22 operation and maintenance costs, as well as other quantifiable
23 societal benefits, to the sum of all incremental costs of
24 end-use measures that are implemented due to the program
25 (including both utility and participant contributions), plus
26 costs to administer, deliver, and evaluate each demand-side

1 program, to quantify the net savings obtained by substituting
2 the demand-side program for supply resources. In calculating
3 avoided costs of power and energy that an electric utility
4 would otherwise have had to acquire, reasonable estimates
5 shall be included of financial costs likely to be imposed by
6 future regulations and legislation on emissions of greenhouse
7 gases. In discounting future societal costs and benefits for
8 the purpose of calculating net present values, a societal
9 discount rate based on actual, long-term Treasury bond yields
10 should be used. Notwithstanding anything to the contrary, the
11 TRC test shall not include or take into account a calculation
12 of market price suppression effects or demand reduction
13 induced price effects.

14 "Utility-scale solar project" means an electric generating
15 facility that:

16 (1) generates electricity using photovoltaic cells;

17 and

18 (2) has a nameplate capacity that is greater than

19 2,000 ~~5,000~~ kilowatts.

20 "Utility-scale wind project" means an electric generating
21 facility that:

22 (1) generates electricity using wind; and

23 (2) has a nameplate capacity that is greater than

24 2,000 ~~5,000~~ kilowatts.

25 ~~"Waste Heat to Power Systems" means systems that capture~~
26 ~~and generate electricity from energy that would otherwise be~~

1 ~~lost to the atmosphere without the use of additional fuel.~~

2 "Zero emission credit" means a tradable credit that
3 represents the environmental attributes of one megawatt hour
4 of energy produced from a zero emission facility.

5 "Zero emission facility" means a facility that: (1) is
6 fueled by nuclear power; and (2) is interconnected with PJM
7 Interconnection, LLC or the Midcontinent Independent System
8 Operator, Inc., or their successors.

9 (Source: P.A. 98-90, eff. 7-15-13; 99-906, eff. 6-1-17;
10 102-662, eff. 9-15-21.)

11 (20 ILCS 3855/1-20)

12 Sec. 1-20. General powers ~~and duties~~ of the Agency.

13 (a) The Agency is authorized to do each of the following:

14 (1) Develop electricity procurement plans to ensure
15 adequate, reliable, affordable, efficient, and
16 environmentally sustainable electric service at the lowest
17 total cost over time, taking into account any benefits of
18 price stability, for electric utilities that on December
19 31, 2005 provided electric service to at least 100,000
20 customers in Illinois and for small multi-jurisdictional
21 electric utilities that (A) on December 31, 2005 served
22 less than 100,000 customers in Illinois and (B) request a
23 procurement plan for their Illinois jurisdictional load.
24 Except as provided in paragraph (1.5) of this subsection
25 (a), the electricity procurement plans shall be updated on

1 an annual basis and shall include electricity generated
2 from renewable resources sufficient to achieve the
3 standards specified in this Act. Beginning with the
4 delivery year commencing June 1, 2017, develop procurement
5 plans to include zero emission credits generated from zero
6 emission facilities sufficient to achieve the standards
7 specified in this Act. ~~Beginning with the delivery year~~
8 ~~commencing on June 1, 2022, the Agency is authorized to~~
9 ~~develop carbon mitigation credit procurement plans to~~
10 ~~include carbon mitigation credits generated from~~
11 ~~carbon free energy resources sufficient to achieve the~~
12 ~~standards specified in this Act.~~

13 (1.5) Develop a long-term renewable resources
14 procurement plan in accordance with subsection (c) of
15 Section 1-75 of this Act for renewable energy credits in
16 amounts sufficient to achieve the standards specified in
17 this Act for delivery years commencing June 1, 2017 and
18 for the programs and renewable energy credits specified in
19 Section 1-56 of this Act. Electricity procurement plans
20 for delivery years commencing after May 31, 2017, shall
21 not include procurement of renewable energy resources.

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. ~~For the delivery year commencing June 1, 2022, the~~
4 ~~Agency is authorized to conduct procurement processes to~~
5 ~~procure carbon mitigation credits from carbon free energy~~
6 ~~resources, under subsection (d-10) of Section 1-75 of this~~
7 ~~Act.~~

8 (2.5) Beginning with the procurement for the 2017
9 delivery year, conduct competitive procurement processes
10 and implement programs to procure renewable energy credits
11 identified in the long-term renewable resources
12 procurement plan developed and approved under subsection
13 (c) of Section 1-75 of this Act and Section 16-111.5 of the
14 Public Utilities Act.

15 (2.10) (Blank). ~~Oversee the procurement by electric~~
16 ~~utilities that served more than 300,000 customers in this~~
17 ~~State as of January 1, 2019 of renewable energy credits~~
18 ~~from new renewable energy facilities to be installed,~~
19 ~~along with energy storage facilities, at or adjacent to~~
20 ~~the sites of electric generating facilities that burned~~
21 ~~coal as their primary fuel source as of January 1, 2016 in~~
22 ~~accordance with subsection (c-5) of Section 1-75 of this~~
23 ~~Act.~~

24 (3) Develop electric generation and co-generation
25 facilities that use indigenous coal or renewable
26 resources, or both, financed with bonds issued by the

1 Illinois Finance Authority.

2 (4) Supply electricity from the Agency's facilities at
3 cost to one or more of the following: municipal electric
4 systems, governmental aggregators, or rural electric
5 cooperatives in Illinois.

6 (b) Except as otherwise limited by this Act, the Agency
7 has all of the powers necessary or convenient to carry out the
8 purposes and provisions of this Act, including without
9 limitation, each of the following:

10 (1) To have a corporate seal, and to alter that seal at
11 pleasure, and to use it by causing it or a facsimile to be
12 affixed or impressed or reproduced in any other manner.

13 (2) To use the services of the Illinois Finance
14 Authority necessary to carry out the Agency's purposes.

15 (3) To negotiate and enter into loan agreements and
16 other agreements with the Illinois Finance Authority.

17 (4) To obtain and employ personnel and hire
18 consultants that are necessary to fulfill the Agency's
19 purposes, and to make expenditures for that purpose within
20 the appropriations for that purpose.

21 (5) To purchase, receive, take by grant, gift, devise,
22 bequest, or otherwise, lease, or otherwise acquire, own,
23 hold, improve, employ, use, and otherwise deal in and
24 with, real or personal property whether tangible or
25 intangible, or any interest therein, within the State.

26 (6) To acquire real or personal property, whether

1 tangible or intangible, including without limitation
2 property rights, interests in property, franchises,
3 obligations, contracts, and debt and equity securities,
4 and to do so by the exercise of the power of eminent domain
5 in accordance with Section 1-21; except that any real
6 property acquired by the exercise of the power of eminent
7 domain must be located within the State.

8 (7) To sell, convey, lease, exchange, transfer,
9 abandon, or otherwise dispose of, or mortgage, pledge, or
10 create a security interest in, any of its assets,
11 properties, or any interest therein, wherever situated.

12 (8) To purchase, take, receive, subscribe for, or
13 otherwise acquire, hold, make a tender offer for, vote,
14 employ, sell, lend, lease, exchange, transfer, or
15 otherwise dispose of, mortgage, pledge, or grant a
16 security interest in, use, and otherwise deal in and with,
17 bonds and other obligations, shares, or other securities
18 (or interests therein) issued by others, whether engaged
19 in a similar or different business or activity.

20 (9) To make and execute agreements, contracts, and
21 other instruments necessary or convenient in the exercise
22 of the powers and functions of the Agency under this Act,
23 including contracts with any person, including personal
24 service contracts, or with any local government, State
25 agency, or other entity; and all State agencies and all
26 local governments are authorized to enter into and do all

1 things necessary to perform any such agreement, contract,
2 or other instrument with the Agency. No such agreement,
3 contract, or other instrument shall exceed 40 years.

4 (10) To lend money, invest and reinvest its funds in
5 accordance with the Public Funds Investment Act, and take
6 and hold real and personal property as security for the
7 payment of funds loaned or invested.

8 (11) To borrow money at such rate or rates of interest
9 as the Agency may determine, issue its notes, bonds, or
10 other obligations to evidence that indebtedness, and
11 secure any of its obligations by mortgage or pledge of its
12 real or personal property, machinery, equipment,
13 structures, fixtures, inventories, revenues, grants, and
14 other funds as provided or any interest therein, wherever
15 situated.

16 (12) To enter into agreements with the Illinois
17 Finance Authority to issue bonds whether or not the income
18 therefrom is exempt from federal taxation.

19 (13) To procure insurance against any loss in
20 connection with its properties or operations in such
21 amount or amounts and from such insurers, including the
22 federal government, as it may deem necessary or desirable,
23 and to pay any premiums therefor.

24 (14) To negotiate and enter into agreements with
25 trustees or receivers appointed by United States
26 bankruptcy courts or federal district courts or in other

1 proceedings involving adjustment of debts and authorize
2 proceedings involving adjustment of debts and authorize
3 legal counsel for the Agency to appear in any such
4 proceedings.

5 (15) To file a petition under Chapter 9 of Title 11 of
6 the United States Bankruptcy Code or take other similar
7 action for the adjustment of its debts.

8 (16) To enter into management agreements for the
9 operation of any of the property or facilities owned by
10 the Agency.

11 (17) To enter into an agreement to transfer and to
12 transfer any land, facilities, fixtures, or equipment of
13 the Agency to one or more municipal electric systems,
14 governmental aggregators, or rural electric agencies or
15 cooperatives, for such consideration and upon such terms
16 as the Agency may determine to be in the best interest of
17 the citizens ~~residents~~ of Illinois.

18 (18) To enter upon any lands and within any building
19 whenever in its judgment it may be necessary for the
20 purpose of making surveys and examinations to accomplish
21 any purpose authorized by this Act.

22 (19) To maintain an office or offices at such place or
23 places in the State as it may determine.

24 (20) To request information, and to make any inquiry,
25 investigation, survey, or study that the Agency may deem
26 necessary to enable it effectively to carry out the

1 provisions of this Act.

2 (21) To accept and expend appropriations.

3 (22) To engage in any activity or operation that is
4 incidental to and in furtherance of efficient operation to
5 accomplish the Agency's purposes, including hiring
6 employees that the Director deems essential for the
7 operations of the Agency.

8 (23) To adopt, revise, amend, and repeal rules with
9 respect to its operations, properties, and facilities as
10 may be necessary or convenient to carry out the purposes
11 of this Act, subject to the provisions of the Illinois
12 Administrative Procedure Act and Sections 1-22 and 1-35 of
13 this Act.

14 (24) To establish and collect charges and fees as
15 described in this Act.

16 (25) To conduct competitive gasification feedstock
17 procurement processes to procure the feedstocks for the
18 clean coal SNG brownfield facility in accordance with the
19 requirements of Section 1-78 of this Act.

20 (26) To review, revise, and approve sourcing
21 agreements and mediate and resolve disputes between gas
22 utilities and the clean coal SNG brownfield facility
23 pursuant to subsection (h-1) of Section 9-220 of the
24 Public Utilities Act.

25 (27) To request, review and accept proposals, execute
26 contracts, purchase renewable energy credits and otherwise

1 dedicate funds from the Illinois Power Agency Renewable
2 Energy Resources Fund to create and carry out the
3 objectives of the Illinois Solar for All ~~Program~~ program
4 in accordance with Section 1-56 of this Act.

5 (28) (Blank). ~~To ensure Illinois residents and~~
6 ~~business benefit from programs administered by the Agency~~
7 ~~and are properly protected from any deceptive or~~
8 ~~misleading marketing practices by participants in the~~
9 ~~Agency's programs and procurements.~~

10 (c) (Blank). ~~In conducting the procurement of electricity~~
11 ~~or other products, beginning January 1, 2022, the Agency shall~~
12 ~~not procure any products or services from persons or~~
13 ~~organizations that are in violation of the Displaced Energy~~
14 ~~Workers Bill of Rights, as provided under the Energy Community~~
15 ~~Reinvestment Act at the time of the procurement event or fail~~
16 ~~to comply the labor standards established in subparagraph (Q)~~
17 ~~of paragraph (1) of subsection (c) of Section 1-75.~~

18 (Source: P.A. 99-906, eff. 6-1-17; 102-662, eff. 9-15-21.)

19 (20 ILCS 3855/1-35)

20 Sec. 1-35. Agency rules. The Agency shall adopt rules as
21 may be necessary and appropriate for the operation of the
22 Agency. In addition to other rules relevant to the operation
23 of the Agency, the Agency shall adopt rules that accomplish
24 each of the following:

25 (1) Establish procedures for monitoring the

1 administration of any contract administered directly or
2 indirectly by the Agency; except that the procedures shall
3 not extend to executed contracts between electric
4 utilities and their suppliers.

5 (2) ~~If deemed necessary by the Agency, establish~~
6 Establish procedures for the recovery of costs incurred in
7 connection with the development and construction of a
8 facility should the Agency cancel a project, provided that
9 no such costs shall be passed on to public utilities or
10 their customers or paid from the Illinois Power Agency
11 Operations Fund.

12 (3) Implement accounting rules and a system of
13 accounts, in accordance with State law, permitting all
14 reporting (i) required by the State, (ii) required under
15 this Act, (iii) required by the Authority, or (iv)
16 required under the Public Utilities Act.

17 The Agency shall not adopt any rules that infringe upon
18 the authority granted to the Commission.

19 (Source: P.A. 95-481, eff. 8-28-07; 102-662, eff. 9-15-21.)

20 (20 ILCS 3855/1-56)

21 Sec. 1-56. Illinois Power Agency Renewable Energy
22 Resources Fund; Illinois Solar for All Program.

23 (a) The Illinois Power Agency Renewable Energy Resources
24 Fund is created as a special fund in the State treasury.

25 (b) The Illinois Power Agency Renewable Energy Resources

1 Fund shall be administered by the Agency as described in this
2 subsection (b), provided that the changes to this subsection
3 (b) made by this amendatory Act of the 99th General Assembly
4 shall not interfere with existing contracts under this
5 Section.

6 (1) The Illinois Power Agency Renewable Energy
7 Resources Fund shall be used to purchase renewable energy
8 credits according to any approved procurement plan
9 developed by the Agency prior to June 1, 2017.

10 (2) The Illinois Power Agency Renewable Energy
11 Resources Fund shall also be used to create the Illinois
12 Solar for All Program, which ~~provides~~ shall include
13 incentives for low-income distributed generation and
14 community solar projects, and other associated approved
15 expenditures. The objectives of the Illinois Solar for All
16 Program are to bring photovoltaics to low-income
17 communities in this State in a manner that maximizes the
18 development of new photovoltaic generating facilities, to
19 create a long-term, low-income solar marketplace
20 throughout this State, to integrate, through interaction
21 with stakeholders, with existing energy efficiency
22 initiatives, and to minimize administrative costs. ~~The~~
23 ~~Illinois Solar for All Program shall be implemented in a~~
24 ~~manner that seeks to minimize administrative costs, and~~
25 ~~maximize efficiencies and synergies available through~~
26 ~~coordination with similar initiatives, including the~~

1 ~~Adjustable Block program described in subparagraphs (K)~~
2 ~~through (M) of paragraph (1) of subsection (c) of Section~~
3 ~~1-75, energy efficiency programs, job training programs,~~
4 ~~and community action agencies. The Agency shall strive to~~
5 ~~ensure that renewable energy credits procured through the~~
6 ~~Illinois Solar for All Program and each of its subprograms~~
7 ~~are purchased from projects across the breadth of~~
8 ~~low income and environmental justice communities in~~
9 ~~Illinois, including both urban and rural communities, are~~
10 ~~not concentrated in a few communities, and do not exclude~~
11 ~~particular low income or environmental justice~~
12 ~~communities.~~ The Agency shall include a description of its
13 proposed approach to the design, administration,
14 implementation and evaluation of the Illinois Solar for
15 All Program, as part of the long-term renewable resources
16 procurement plan authorized by subsection (c) of Section
17 1-75 of this Act, and the program shall be designed to grow
18 the low-income solar market. The Agency or utility, as
19 applicable, shall purchase renewable energy credits from
20 the (i) photovoltaic distributed renewable energy
21 generation projects and (ii) community solar projects that
22 are procured under procurement processes authorized by the
23 long-term renewable resources procurement plans approved
24 by the Commission.

25 The Illinois Solar for All Program shall include the
26 program offerings described in subparagraphs (A) through

1 ~~(E)~~ (D) of this paragraph (2), which the Agency shall
2 implement through contracts with third-party providers
3 and, subject to appropriation, pay the approximate amounts
4 identified using monies available in the Illinois Power
5 Agency Renewable Energy Resources Fund. Each contract that
6 provides for the installation of solar facilities shall
7 provide that the solar facilities will produce energy and
8 economic benefits, at a level determined by the Agency to
9 be reasonable, for the participating low income customers.
10 The monies available in the Illinois Power Agency
11 Renewable Energy Resources Fund and not otherwise
12 committed to contracts executed under subsection (i) of
13 this Section, ~~as well as, in the case of the programs~~
14 ~~described under subparagraphs (A) through (E) of this~~
15 ~~paragraph (2), funding authorized pursuant to subparagraph~~
16 ~~(O) of paragraph (1) of subsection (c) of Section 1-75 of~~
17 ~~this Act,~~ shall initially be allocated among the programs
18 described in this paragraph (2), as follows: ~~35%~~ 22.5% of
19 these funds shall be allocated to programs described in
20 ~~subparagraphs~~ subparagraph (A) and (E) of this paragraph
21 (2), ~~40%~~ 37.5% of these funds shall be allocated to
22 programs described in subparagraph (B) of this paragraph
23 (2), ~~and 25%~~ 15% of these funds shall be allocated to
24 programs described in subparagraph (C) of this paragraph
25 (2), and 25% of these funds, but in no event more than
26 \$50,000,000, shall be allocated to programs described in

1 subparagraph (D) of this paragraph (2). The allocation of
2 funds among subparagraphs (A), (B), or (C), ~~and (E)~~ of
3 this paragraph (2) may be changed if the Agency, ~~after~~
4 ~~receiving input through a stakeholder process,~~ or
5 administrator, through delegated authority, determines
6 incentives in subparagraphs (A), (B), or (C), ~~or (E)~~ of
7 this paragraph (2) have not been adequately subscribed to
8 fully utilize ~~available Illinois Solar for All Program~~
9 ~~funds~~ the Illinois Power Agency Renewable Energy Resources
10 Fund. The determination shall include input through a
11 stakeholder process. The program offerings described in
12 subparagraphs (A) through (D) of this paragraph (2) shall
13 also be implemented through contracts funded from such
14 additional amounts as are allocated to one or more of the
15 programs in the long-term renewable resources procurement
16 plans as specified in subsection (c) of Section 1-75 of
17 this Act and subparagraph (O) of paragraph (1) of such
18 subsection (c).

19 Contracts that will be paid with funds in the Illinois
20 Power Agency Renewable Energy Resources Fund shall be
21 executed by the Agency. Contracts that will be paid with
22 funds collected by an electric utility shall be executed
23 by the electric utility.

24 Contracts under the Illinois Solar for All Program
25 shall include an approach, as set forth in the long-term
26 renewable resources procurement plans, to ensure the

1 wholesale market value of the energy is credited to
2 participating low-income customers or organizations and to
3 ensure tangible economic benefits flow directly to program
4 participants, except in the case of low-income
5 multi-family housing where the low-income customer does
6 not directly pay for energy. Priority shall be given to
7 projects that demonstrate meaningful involvement of
8 low-income community members in designing the initial
9 proposals. Acceptable proposals to implement projects must
10 demonstrate the applicant's ability to conduct initial
11 community outreach, education, and recruitment of
12 low-income participants in the community. Projects must
13 include job training opportunities if available, ~~with the~~
14 ~~specific level of trainee usage to be determined through~~
15 ~~the Agency's long term renewable resources procurement~~
16 ~~plan, and the Illinois Solar for All Program Administrator~~
17 shall endeavor to coordinate with the job training
18 programs described in paragraph (1) of subsection (a) of
19 Section 16-108.12 of the Public Utilities Act ~~and in the~~
20 ~~Energy Transition 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.

1 Contracts entered into under this paragraph may be
2 entered into with an entity that will develop and
3 administer the program and shall also include
4 contracts for renewable energy credits from the
5 photovoltaic distributed generation that is the
6 subject of the program, as set forth in the long-term
7 renewable resources procurement plan. ~~Additionally:~~

8 ~~(i) The Agency shall reserve a portion of this~~
9 ~~program for projects that promote energy~~
10 ~~sovereignty through ownership of projects by~~
11 ~~low income households, not for profit~~
12 ~~organizations providing services to low income~~
13 ~~households, affordable housing owners, community~~
14 ~~cooperatives, or community based limited liability~~
15 ~~companies providing services to low income~~
16 ~~households. Projects that feature energy ownership~~
17 ~~should ensure that local people have control of~~
18 ~~the project and reap benefits from the project~~
19 ~~over and above energy bill savings. The Agency may~~
20 ~~consider the inclusion of projects that promote~~
21 ~~ownership over time or that involve partial~~
22 ~~project ownership by communities, as promoting~~
23 ~~energy sovereignty. Incentives for projects that~~
24 ~~promote energy sovereignty may be higher than~~
25 ~~incentives for equivalent projects that do not~~
26 ~~promote energy sovereignty under this same~~

1 ~~program.~~

2 ~~(ii) Through its long term renewable resources~~
3 ~~procurement plan, the Agency shall consider~~
4 ~~additional program and contract requirements to~~
5 ~~ensure faithful compliance by applicants~~
6 ~~benefiting from preferences for projects~~
7 ~~designated to promote energy sovereignty. The~~
8 ~~Agency shall make every effort to enable solar~~
9 ~~providers already participating in the Adjustable~~
10 ~~Block Program under subparagraph (K) of paragraph~~
11 ~~(1) of subsection (c) of Section 1-75 of this Act,~~
12 ~~and particularly solar providers developing~~
13 ~~projects under item (i) of subparagraph (K) of~~
14 ~~paragraph (1) of subsection (c) of Section 1-75 of~~
15 ~~this Act to easily participate in the Low Income~~
16 ~~Distributed Generation Incentive program described~~
17 ~~under this subparagraph (A), and vice versa. This~~
18 ~~effort may include, but shall not be limited to,~~
19 ~~utilizing similar or the same application systems~~
20 ~~and processes, similar or the same forms and~~
21 ~~formats of communication, and providing active~~
22 ~~outreach to companies participating in one program~~
23 ~~but not the other. The Agency shall report on~~
24 ~~efforts made to encourage this cross-participation~~
25 ~~in its long term renewable resources procurement~~
26 ~~plan.~~

1 (B) Low-Income Community Solar Project Initiative.
2 Incentives shall be offered to low-income customers,
3 either directly or through developers, to increase the
4 participation of low-income subscribers of community
5 solar projects. The developer of each project shall
6 identify its partnership with community stakeholders
7 regarding the location, development, and participation
8 in the project, provided that nothing shall preclude a
9 project from including an anchor tenant that does not
10 qualify as low-income. ~~Companies participating in this~~
11 ~~program that develop or install solar projects shall~~
12 ~~commit to hiring job trainees for a portion of their~~
13 ~~low-income installations, and an administrator shall~~
14 ~~facilitate partnering the companies that install solar~~
15 ~~projects with entities that provide solar installation~~
16 ~~and related job training.~~ Incentives should also be
17 offered to community solar projects that are 100%
18 low-income subscriber owned, which includes low-income
19 households, not-for-profit organizations, and
20 affordable housing owners. It is a goal of this
21 program that a minimum of 25% of the incentives for
22 this program be allocated to community photovoltaic
23 projects in environmental justice communities. ~~The~~
24 ~~Agency shall reserve a portion of this program for~~
25 ~~projects that promote energy sovereignty through~~
26 ~~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. Projects that~~
5 ~~feature energy ownership should ensure that local~~
6 ~~people have control of the project and reap benefits~~
7 ~~from the project over and above energy bill savings.~~
8 ~~The Agency may consider the inclusion of projects that~~
9 ~~promote ownership over time or that involve partial~~
10 ~~project ownership by communities, as promoting energy~~
11 ~~sovereignty. Incentives for projects that promote~~
12 ~~energy sovereignty may be higher than incentives for~~
13 ~~equivalent projects that do not promote energy~~
14 ~~sovereignty under this same program.~~ Contracts entered
15 into under this paragraph may be entered into with
16 developers and shall also include contracts for
17 renewable energy credits related to the program.

18 (C) Incentives for non-profits and public
19 facilities. Under this program funds shall be used to
20 support on-site photovoltaic distributed renewable
21 energy generation devices to serve the load associated
22 with not-for-profit customers and to support
23 photovoltaic distributed renewable energy generation
24 that uses photovoltaic technology to serve the load
25 associated with public sector customers taking service
26 at public buildings. ~~Companies participating in this~~

1 ~~program that develop or install solar projects shall~~
2 ~~commit to hiring job trainees for a portion of their~~
3 ~~low income installations, and an administrator shall~~
4 ~~facilitate partnering the companies that install solar~~
5 ~~projects with entities that provide solar installation~~
6 ~~and related job training. Through its long term~~
7 ~~renewable resources procurement plan, the Agency shall~~
8 ~~consider additional program and contract requirements~~
9 ~~to ensure faithful compliance by applicants benefiting~~
10 ~~from preferences for projects designated to promote~~
11 ~~energy sovereignty.~~ It is a goal of this program that
12 at least 25% of the incentives for this program be
13 allocated to projects located in environmental justice
14 communities. Contracts entered into under this
15 paragraph may be entered into with an entity that will
16 develop and administer the program or with developers
17 and shall also include contracts for renewable energy
18 credits related to the program.

19 (D) ~~(Blank).~~ Low-Income Community Solar Pilot
20 Projects. Under this program, persons, including, but
21 not limited to, electric utilities, shall propose
22 pilot community solar projects. Community solar
23 projects proposed under this subparagraph (D) may
24 exceed 2,000 kilowatts in nameplate capacity, but the
25 amount paid per project under this program may not
26 exceed \$20,000,000. Pilot projects must result in

1 economic benefits for the members of the community in
2 which the project will be located. The proposed pilot
3 project must include a partnership with at least one
4 community-based organization. Approved pilot projects
5 shall be competitively bid by the Agency, subject to
6 fair and equitable guidelines developed by the Agency.
7 Funding available under this subparagraph (D) may not
8 be distributed solely to a utility, and at least some
9 funds under this subparagraph (D) must include a
10 project partnership that includes community ownership
11 by the project subscribers. Contracts entered into
12 under this paragraph may be entered into with an
13 entity that will develop and administer the program or
14 with developers and shall also include contracts for
15 renewable energy credits related to the program. A
16 project proposed by a utility that is implemented
17 under this subparagraph (D) shall not be included in
18 the utility's ratebase.

19 (E) (Blank) ~~Low income large multifamily solar~~
20 ~~incentive. This program shall provide incentives to~~
21 ~~low income customers, either directly or through solar~~
22 ~~providers, to increase the participation of low income~~
23 ~~households in photovoltaic on-site distributed~~
24 ~~generation at residential buildings with 5 or more~~
25 ~~units. Companies participating in this program that~~
26 ~~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. It is a goal of this program that a minimum of 25% of the incentives for this program be allocated to projects located within 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, 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. Projects that feature energy ownership should ensure that local people have control of the project and reap benefits from the project over and above energy bill savings. The Agency may consider the inclusion of projects that promote ownership over time or that involve partial project ownership by communities, as promoting energy sovereignty. Incentives for projects that promote energy sovereignty may be higher than incentives for equivalent projects that do not promote energy sovereignty under this same program.~~

The requirement that a qualified person, as defined in

1 paragraph (1) of subsection (i) of this Section, install
2 photovoltaic devices does not apply to the Illinois Solar
3 for All Program described in this subsection (b).

4 ~~In addition to the programs outlined in paragraphs (A)~~
5 ~~through (E), the Agency and other parties may propose~~
6 ~~additional programs through the Long Term Renewable~~
7 ~~Resources Procurement Plan developed and approved under~~
8 ~~paragraph (5) of subsection (b) of Section 16-111.5 of the~~
9 ~~Public Utilities Act. Additional programs may target~~
10 ~~market segments not specified above and may also include~~
11 ~~incentives targeted to increase the uptake of~~
12 ~~nonphotovoltaic technologies by low income customers,~~
13 ~~including energy storage paired with photovoltaics, if the~~
14 ~~Commission determines that the Illinois Solar for All~~
15 ~~Program would provide greater benefits to the public~~
16 ~~health and well being of low income residents through also~~
17 ~~supporting that additional program versus supporting~~
18 ~~programs already authorized.~~

19 (3) Costs associated with the Illinois Solar for All
20 Program and its components described in paragraph (2) of
21 this subsection (b), including, but not limited to, costs
22 associated with procuring experts, consultants, and the
23 program administrator referenced in this subsection (b)
24 and related incremental costs, ~~costs related to income~~
25 ~~verification and facilitating customer participation in~~
26 ~~the program,~~ and costs related to the evaluation of the

1 Illinois Solar for All Program, may be paid for using
2 monies in the Illinois Power Agency Renewable Energy
3 Resources Fund, ~~and funds allocated pursuant to~~
4 ~~subparagraph (C) of paragraph (1) of subsection (c) of~~
5 ~~Section 1-75,~~ but the Agency or program administrator
6 shall strive to minimize costs in the implementation of
7 the program. The Agency ~~or contracting electric utility~~
8 shall purchase renewable energy credits from generation
9 that is the subject of a contract under subparagraphs (A)
10 through ~~(E)~~ (D) of this paragraph (2) of this subsection
11 (b), and may pay for such renewable energy credits through
12 an upfront payment per installed kilowatt of nameplate
13 capacity paid once the device is interconnected at the
14 distribution system level of the ~~interconnecting~~ utility
15 and ~~verified as is~~ energized. ~~Payments for renewable~~
16 ~~energy credits~~ The payment shall be in exchange for an
17 assignment of all renewable energy credits generated by
18 the system during the first 15 years of operation and
19 shall be structured to overcome barriers to participation
20 in the solar market by the low-income community. The
21 incentives provided for in this Section may be implemented
22 through the pricing of renewable energy credits where the
23 prices paid for the credits are higher than the prices
24 from programs offered under subsection (c) of Section 1-75
25 of this Act to account for the ~~additional capital~~
26 ~~necessary to successfully access targeted market segments~~

1 incentives. The Agency shall ensure collaboration with
2 community agencies, and allocate up to 5% of the funds
3 available under the Illinois Solar for All Program to
4 community-based groups to assist in grassroots education
5 efforts related to the Illinois Solar for All Program. The
6 Agency ~~or contracting electric utility~~ shall retire any
7 renewable energy credits purchased ~~under~~ from this program
8 and the credits shall count towards the obligation under
9 subsection (c) of Section 1-75 of this Act for the
10 electric utility to which the project is interconnected,
11 ~~if applicable.~~

12 ~~The Agency shall direct that up to 5% of the funds~~
13 ~~available under the Illinois Solar for All Program to~~
14 ~~community based groups and other qualifying organizations~~
15 ~~to assist in community driven education efforts related to~~
16 ~~the Illinois Solar for All Program, including general~~
17 ~~energy education, job training program outreach efforts,~~
18 ~~and other activities deemed to be qualified by the Agency.~~
19 ~~Grassroots education funding shall not be used to support~~
20 ~~the marketing by solar project development firms and~~
21 ~~organizations, unless such education provides equal~~
22 ~~opportunities for all applicable firms and organizations.~~

23 (4) The Agency shall, consistent with the requirements
24 of this subsection (b), propose the Illinois Solar for All
25 Program terms, conditions, and requirements, including the
26 prices to be paid for renewable energy credits, and which

1 prices may be determined through a formula, through the
2 development, review, and approval of the Agency's
3 long-term renewable resources procurement plan described
4 in subsection (c) of Section 1-75 of this Act and Section
5 16-111.5 of the Public Utilities Act. In the course of the
6 Commission proceeding initiated to review and approve the
7 plan, including the Illinois Solar for All Program
8 proposed by the Agency, a party may propose an additional
9 low-income solar or solar incentive program, or
10 modifications to the programs proposed by the Agency, and
11 the Commission may approve an additional program, or
12 modifications to the Agency's proposed program, if the
13 additional or modified program more effectively maximizes
14 the benefits to low-income customers after taking into
15 account all relevant factors, including, but not limited
16 to, the extent to which a competitive market for
17 low-income solar has developed. Following the Commission's
18 approval of the Illinois Solar for All Program, the Agency
19 or a party may propose adjustments to the program terms,
20 conditions, and requirements, including the price offered
21 to new systems, to ensure the long-term viability and
22 success of the program. The Commission shall review and
23 approve any modifications to the program through the plan
24 revision process described in Section 16-111.5 of the
25 Public Utilities Act.

26 (5) The Agency shall issue a request for

1 qualifications for a third-party program administrator or
2 administrators to administer all or a portion of the
3 Illinois Solar for All Program. The third-party program
4 administrator shall be chosen through a competitive bid
5 process based on selection criteria and requirements
6 developed by the Agency, including, but not limited to,
7 experience in administering low-income energy programs and
8 overseeing statewide clean energy or energy efficiency
9 services. If the Agency retains a program administrator or
10 administrators to implement all or a portion of the
11 Illinois Solar for All Program, each administrator shall
12 periodically submit reports to the Agency and Commission
13 for each program that it administers, at appropriate
14 intervals to be identified by the Agency in its long-term
15 renewable resources procurement plan, provided that the
16 reporting interval is at least quarterly. ~~The third party
17 program administrator may be, but need not be, the same
18 administrator as for the Adjustable Block program
19 described in subparagraphs (K) through (M) of paragraph
20 (1) of subsection (c) of Section 1-75. The Agency, through
21 its long term renewable resources procurement plan
22 approval process, shall also determine if individual
23 subprograms of the Illinois Solar for All Program are
24 better served by a different or separate Program
25 Administrator.~~

26 ~~The third party administrator's responsibilities~~

1 ~~shall also include facilitating placement for graduates of~~
2 ~~Illinois-based renewable energy-specific job training~~
3 ~~programs, including the Clean Jobs Workforce Network~~
4 ~~Program and the Illinois Climate Works Preapprenticeship~~
5 ~~Program administered by the Department of Commerce and~~
6 ~~Economic Opportunity and programs administered under~~
7 ~~Section 16-108.12 of the Public Utilities Act. To increase~~
8 ~~the uptake of trainees by participating firms, the~~
9 ~~administrator shall also develop a web-based clearinghouse~~
10 ~~for information available to both job training program~~
11 ~~graduates and firms participating, directly or indirectly,~~
12 ~~in Illinois solar incentive programs. The program~~
13 ~~administrator shall also coordinate its activities with~~
14 ~~entities implementing electric and natural gas~~
15 ~~income-qualified energy efficiency programs, including~~
16 ~~customer referrals to and from such programs, and connect~~
17 ~~prospective low-income solar customers with any existing~~
18 ~~deferred maintenance programs where applicable.~~

19 (6) The long-term renewable resources procurement plan
20 shall also provide for an independent evaluation of the
21 Illinois Solar for All Program. At least every 2 years,
22 the Agency shall select an independent evaluator to review
23 and report on the Illinois Solar for All Program and the
24 performance of the third-party program administrator of
25 the Illinois Solar for All Program. The evaluation shall
26 be based on objective criteria developed through a public

1 stakeholder process. The process shall include feedback
2 and participation from Illinois Solar for All Program
3 stakeholders, including participants and organizations in
4 environmental justice and historically underserved
5 communities. The report shall include a summary of the
6 evaluation of the Illinois Solar for All Program based on
7 the stakeholder developed objective criteria. The report
8 shall include the number of projects installed; the total
9 installed capacity in kilowatts; the average cost per
10 kilowatt of installed capacity to the extent reasonably
11 obtainable by the Agency; the number of jobs or job
12 opportunities created; economic, social, and environmental
13 benefits created; and the total administrative costs
14 expended by the Agency and program administrator to
15 implement and evaluate the program. The report shall be
16 delivered to the Commission and posted on the Agency's
17 website, and shall be used, as needed, to revise the
18 Illinois Solar for All Program. The Commission shall also
19 consider the results of the evaluation as part of its
20 review of the long-term renewable resources procurement
21 plan under subsection (c) of Section 1-75 of this Act.

22 (7) If additional funding for the programs described
23 in this subsection (b) is available under subsection (k)
24 of Section 16-108 of the Public Utilities Act, then the
25 Agency shall submit a procurement plan to the Commission
26 no later than September 1, 2018, that proposes how the

1 Agency will procure programs on behalf of the applicable
2 utility. After notice and hearing, the Commission shall
3 approve, or approve with modification, the plan no later
4 than November 1, 2018.

5 (8) (Blank). ~~As part of the development and update of~~
6 ~~the long term renewable resources procurement plan~~
7 ~~authorized by subsection (c) of Section 1-75 of this Act,~~
8 ~~the Agency shall plan for: (A) actions to refer customers~~
9 ~~from the Illinois Solar for All Program to electric and~~
10 ~~natural gas income qualified energy efficiency programs,~~
11 ~~and vice versa, with the goal of increasing participation~~
12 ~~in both of these programs; (B) effective procedures for~~
13 ~~data sharing, as needed, to effectuate referrals between~~
14 ~~the Illinois Solar for All Program and both electric and~~
15 ~~natural gas income qualified energy efficiency programs,~~
16 ~~including sharing customer information directly with the~~
17 ~~utilities, as needed and appropriate; and (C) efforts to~~
18 ~~identify any existing deferred maintenance programs for~~
19 ~~which prospective Solar for All Program customers may be~~
20 ~~eligible and connect prospective customers for whom~~
21 ~~deferred maintenance is or may be a barrier to solar~~
22 ~~installation to those programs.~~

23 As used in this subsection (b), "low-income households"
24 means persons and families whose income does not exceed 80% of
25 area median income, adjusted for family size and revised every
26 5 years.

1 For the purposes of this subsection (b), the Agency shall
2 define "environmental justice community" ~~based on the~~
3 ~~methodologies and findings established by the Agency and the~~
4 ~~Administrator for the Illinois Solar for All Program in its~~
5 ~~initial long term renewable resources procurement plan and as~~
6 ~~updated by the Agency and the Administrator for the Illinois~~
7 ~~Solar for All Program~~ as part of ~~the~~ long-term renewable
8 resources procurement plan ~~update~~ development, to ensure, to
9 the extent practicable, compatibility with other agencies'
10 definitions and may, for guidance, look to the definitions
11 used by federal, state, or local governments.

12 (b-5) After the receipt of all payments required by
13 Section 16-115D of the Public Utilities Act, no additional
14 funds shall be deposited into the Illinois Power Agency
15 Renewable Energy Resources Fund unless directed by order of
16 the Commission.

17 (b-10) After the receipt of all payments required by
18 Section 16-115D of the Public Utilities Act and payment in
19 full of all contracts executed by the Agency under subsections
20 (b) and (i) of this Section, if the balance of the Illinois
21 Power Agency Renewable Energy Resources Fund is under \$5,000,
22 then the Fund shall be inoperative and any remaining funds and
23 any funds submitted to the Fund after that date, shall be
24 transferred to the Supplemental Low-Income Energy Assistance
25 Fund for use in the Low-Income Home Energy Assistance Program,
26 as authorized by the Energy Assistance Act.

1 (c) (Blank).

2 (d) (Blank).

3 (e) All renewable energy credits procured using monies
4 from the Illinois Power Agency Renewable Energy Resources Fund
5 shall be permanently retired.

6 (f) The selection of one or more third-party program
7 managers or administrators, the selection of the independent
8 evaluator, and the procurement processes described in this
9 Section are exempt from the requirements of the Illinois
10 Procurement Code, under Section 20-10 of that Code.

11 (g) All disbursements from the Illinois Power Agency
12 Renewable Energy Resources Fund shall be made only upon
13 warrants of the Comptroller drawn upon the Treasurer as
14 custodian of the Fund upon vouchers signed by the Director or
15 by the person or persons designated by the Director for that
16 purpose. The Comptroller is authorized to draw the warrant
17 upon vouchers so signed. The Treasurer shall accept all
18 warrants so signed and shall be released from liability for
19 all payments made on those warrants.

20 (h) The Illinois Power Agency Renewable Energy Resources
21 Fund shall not be subject to sweeps, administrative charges,
22 or chargebacks, including, but not limited to, those
23 authorized under Section 8h of the State Finance Act, that
24 would in any way result in the transfer of any funds from this
25 Fund to any other fund of this State or in having any such
26 funds utilized for any purpose other than the express purposes

1 set forth in this Section.

2 (h-5) The Agency may assess fees to each bidder to recover
3 the costs incurred in connection with a procurement process
4 held under this Section. Fees collected from bidders shall be
5 deposited into the Renewable Energy Resources Fund.

6 (i) Supplemental procurement process.

7 (1) Within 90 days after the effective date of this
8 amendatory Act of the 98th General Assembly, the Agency
9 shall develop a one-time supplemental procurement plan
10 limited to the procurement of renewable energy credits, if
11 available, from new or existing photovoltaics, including,
12 but not limited to, distributed photovoltaic generation.
13 Nothing in this subsection (i) requires procurement of
14 wind generation through the supplemental procurement.

15 Renewable energy credits procured from new
16 photovoltaics, including, but not limited to, distributed
17 photovoltaic generation, under this subsection (i) must be
18 procured from devices installed by a qualified person. In
19 its supplemental procurement plan, the Agency shall
20 establish contractually enforceable mechanisms for
21 ensuring that the installation of new photovoltaics is
22 performed by a qualified person.

23 For the purposes of this paragraph (1), "qualified
24 person" means a person who performs installations of
25 photovoltaics, including, but not limited to, distributed
26 photovoltaic generation, and who: (A) has completed an

1 apprenticeship as a journeyman electrician from a United
2 States Department of Labor registered electrical
3 apprenticeship and training program and received a
4 certification of satisfactory completion; or (B) does not
5 currently meet the criteria under clause (A) of this
6 paragraph (1), but is enrolled in a United States
7 Department of Labor registered electrical apprenticeship
8 program, provided that the person is directly supervised
9 by a person who meets the criteria under clause (A) of this
10 paragraph (1); or (C) has obtained one of the following
11 credentials in addition to attesting to satisfactory
12 completion of at least 5 years or 8,000 hours of
13 documented hands-on electrical experience: (i) a North
14 American Board of Certified Energy Practitioners (NABCEP)
15 Installer Certificate for Solar PV; (ii) an Underwriters
16 Laboratories (UL) PV Systems Installer Certificate; (iii)
17 an Electronics Technicians Association, International
18 (ETAI) Level 3 PV Installer Certificate; or (iv) an
19 Associate in Applied Science degree from an Illinois
20 Community College Board approved community college program
21 in renewable energy or a distributed generation
22 technology.

23 For the purposes of this paragraph (1), "directly
24 supervised" means that there is a qualified person who
25 meets the qualifications under clause (A) of this
26 paragraph (1) and who is available for supervision and

1 consultation regarding the work performed by persons under
2 clause (B) of this paragraph (1), including a final
3 inspection of the installation work that has been directly
4 supervised to ensure safety and conformity with applicable
5 codes.

6 For the purposes of this paragraph (1), "install"
7 means the major activities and actions required to
8 connect, in accordance with applicable building and
9 electrical codes, the conductors, connectors, and all
10 associated fittings, devices, power outlets, or
11 apparatuses mounted at the premises that are directly
12 involved in delivering energy to the premises' electrical
13 wiring from the photovoltaics, including, but not limited
14 to, to distributed photovoltaic generation.

15 The renewable energy credits procured pursuant to the
16 supplemental procurement plan shall be procured using up
17 to \$30,000,000 from the Illinois Power Agency Renewable
18 Energy Resources Fund. The Agency shall not plan to use
19 funds from the Illinois Power Agency Renewable Energy
20 Resources Fund in excess of the monies on deposit in such
21 fund or projected to be deposited into such fund. The
22 supplemental procurement plan shall ensure adequate,
23 reliable, affordable, efficient, and environmentally
24 sustainable renewable energy resources (including credits)
25 at the lowest total cost over time, taking into account
26 any benefits of price stability.

1 To the extent available, 50% of the renewable energy
2 credits procured from distributed renewable energy
3 generation shall come from devices of less than 25
4 kilowatts in nameplate capacity. Procurement of renewable
5 energy credits from distributed renewable energy
6 generation devices shall be done through multi-year
7 contracts of no less than 5 years. The Agency shall create
8 credit requirements for counterparties. In order to
9 minimize the administrative burden on contracting
10 entities, the Agency shall solicit the use of third
11 parties to aggregate distributed renewable energy. These
12 third parties shall enter into and administer contracts
13 with individual distributed renewable energy generation
14 device owners. An individual distributed renewable energy
15 generation device owner shall have the ability to measure
16 the output of his or her distributed renewable energy
17 generation device.

18 In developing the supplemental procurement plan, the
19 Agency shall hold at least one workshop open to the public
20 within 90 days after the effective date of this amendatory
21 Act of the 98th General Assembly and shall consider any
22 comments made by stakeholders or the public. Upon
23 development of the supplemental procurement plan within
24 this 90-day period, copies of the supplemental procurement
25 plan shall be posted and made publicly available on the
26 Agency's and Commission's websites. All interested parties

1 shall have 14 days following the date of posting to
2 provide comment to the Agency on the supplemental
3 procurement plan. All comments submitted to the Agency
4 shall be specific, supported by data or other detailed
5 analyses, and, if objecting to all or a portion of the
6 supplemental procurement plan, accompanied by specific
7 alternative wording or proposals. All comments shall be
8 posted on the Agency's and Commission's websites. Within
9 14 days following the end of the 14-day review period, the
10 Agency shall revise the supplemental procurement plan as
11 necessary based on the comments received and file its
12 revised supplemental procurement plan with the Commission
13 for approval.

14 (2) Within 5 days after the filing of the supplemental
15 procurement plan at the Commission, any person objecting
16 to the supplemental procurement plan shall file an
17 objection with the Commission. Within 10 days after the
18 filing, the Commission shall determine whether a hearing
19 is necessary. The Commission shall enter its order
20 confirming or modifying the supplemental procurement plan
21 within 90 days after the filing of the supplemental
22 procurement plan by the Agency.

23 (3) The Commission shall approve the supplemental
24 procurement plan of renewable energy credits to be
25 procured from new or existing photovoltaics, including,
26 but not limited to, distributed photovoltaic generation,

1 if the Commission determines that it will ensure adequate,
2 reliable, affordable, efficient, and environmentally
3 sustainable electric service in the form of renewable
4 energy credits at the lowest total cost over time, taking
5 into account any benefits of price stability.

6 (4) The supplemental procurement process under this
7 subsection (i) shall include each of the following
8 components:

9 (A) Procurement administrator. The Agency may
10 retain a procurement administrator in the manner set
11 forth in item (2) of subsection (a) of Section 1-75 of
12 this Act to conduct the supplemental procurement or
13 may elect to use the same procurement administrator
14 administering the Agency's annual procurement under
15 Section 1-75.

16 (B) Procurement monitor. The procurement monitor
17 retained by the Commission pursuant to Section
18 16-111.5 of the Public Utilities Act shall:

19 (i) monitor interactions among the procurement
20 administrator and bidders and suppliers;

21 (ii) monitor and report to the Commission on
22 the progress of the supplemental procurement
23 process;

24 (iii) provide an independent confidential
25 report to the Commission regarding the results of
26 the procurement events;

1 (iv) assess compliance with the procurement
2 plan approved by the Commission for the
3 supplemental procurement process;

4 (v) preserve the confidentiality of supplier
5 and bidding information in a manner consistent
6 with all applicable laws, rules, regulations, and
7 tariffs;

8 (vi) provide expert advice to the Commission
9 and consult with the procurement administrator
10 regarding issues related to procurement process
11 design, rules, protocols, and policy-related
12 matters;

13 (vii) consult with the procurement
14 administrator regarding the development and use of
15 benchmark criteria, standard form contracts,
16 credit policies, and bid documents; and

17 (viii) perform, with respect to the
18 supplemental procurement process, any other
19 procurement monitor duties specifically delineated
20 within subsection (i) of this Section.

21 (C) Solicitation, pre-qualification, and
22 registration of bidders. The procurement administrator
23 shall disseminate information to potential bidders to
24 promote a procurement event, notify potential bidders
25 that the procurement administrator may enter into a
26 post-bid price negotiation with bidders that meet the

1 applicable benchmarks, provide supply requirements,
2 and otherwise explain the competitive procurement
3 process. In addition to such other publication as the
4 procurement administrator determines is appropriate,
5 this information shall be posted on the Agency's and
6 the Commission's websites. The procurement
7 administrator shall also administer the
8 prequalification process, including evaluation of
9 credit worthiness, compliance with procurement rules,
10 and agreement to the standard form contract developed
11 pursuant to item (D) of this paragraph (4). The
12 procurement administrator shall then identify and
13 register bidders to participate in the procurement
14 event.

15 (D) Standard contract forms and credit terms and
16 instruments. The procurement administrator, in
17 consultation with the Agency, the Commission, and
18 other interested parties and subject to Commission
19 oversight, shall develop and provide standard contract
20 forms for the supplier contracts that meet generally
21 accepted industry practices as well as include any
22 applicable State of Illinois terms and conditions that
23 are required for contracts entered into by an agency
24 of the State of Illinois. Standard credit terms and
25 instruments that meet generally accepted industry
26 practices shall be similarly developed. Contracts for

1 new photovoltaics shall include a provision attesting
2 that the supplier will use a qualified person for the
3 installation of the device pursuant to paragraph (1)
4 of subsection (i) of this Section. The procurement
5 administrator shall make available to the Commission
6 all written comments it receives on the contract
7 forms, credit terms, or instruments. If the
8 procurement administrator cannot reach agreement with
9 the parties as to the contract terms and conditions,
10 the procurement administrator must notify the
11 Commission of any disputed terms and the Commission
12 shall resolve the dispute. The terms of the contracts
13 shall not be subject to negotiation by winning
14 bidders, and the bidders must agree to the terms of the
15 contract in advance so that winning bids are selected
16 solely on the basis of price.

17 (E) Requests for proposals; competitive
18 procurement process. The procurement administrator
19 shall design and issue requests for proposals to
20 supply renewable energy credits in accordance with the
21 supplemental procurement plan, as approved by the
22 Commission. The requests for proposals shall set forth
23 a procedure for sealed, binding commitment bidding
24 with pay-as-bid settlement, and provision for
25 selection of bids on the basis of price, provided,
26 however, that no bid shall be accepted if it exceeds

1 the benchmark developed pursuant to item (F) of this
2 paragraph (4).

3 (F) Benchmarks. Benchmarks for each product to be
4 procured shall be developed by the procurement
5 administrator in consultation with Commission staff,
6 the Agency, and the procurement monitor for use in
7 this supplemental procurement.

8 (G) A plan for implementing contingencies in the
9 event of supplier default, Commission rejection of
10 results, or any other cause.

11 (5) Within 2 business days after opening the sealed
12 bids, the procurement administrator shall submit a
13 confidential report to the Commission. The report shall
14 contain the results of the bidding for each of the
15 products along with the procurement administrator's
16 recommendation for the acceptance and rejection of bids
17 based on the price benchmark criteria and other factors
18 observed in the process. The procurement monitor also
19 shall submit a confidential report to the Commission
20 within 2 business days after opening the sealed bids. The
21 report shall contain the procurement monitor's assessment
22 of bidder behavior in the process as well as an assessment
23 of the procurement administrator's compliance with the
24 procurement process and rules. The Commission shall review
25 the confidential reports submitted by the procurement
26 administrator and procurement monitor and shall accept or

1 reject the recommendations of the procurement
2 administrator within 2 business days after receipt of the
3 reports.

4 (6) Within 3 business days after the Commission
5 decision approving the results of a procurement event, the
6 Agency shall enter into binding contractual arrangements
7 with the winning suppliers using the standard form
8 contracts.

9 (7) The names of the successful bidders and the
10 average of the winning bid prices for each contract type
11 and for each contract term shall be made available to the
12 public within 2 days after the supplemental procurement
13 event. The Commission, the procurement monitor, the
14 procurement administrator, the Agency, and all
15 participants in the procurement process shall maintain the
16 confidentiality of all other supplier and bidding
17 information in a manner consistent with all applicable
18 laws, rules, regulations, and tariffs. Confidential
19 information, including the confidential reports submitted
20 by the procurement administrator and procurement monitor
21 pursuant to this Section, shall not be made publicly
22 available and shall not be discoverable by any party in
23 any proceeding, absent a compelling demonstration of need,
24 nor shall those reports be admissible in any proceeding
25 other than one for law enforcement purposes.

26 (8) The supplemental procurement provided in this

1 subsection (i) shall not be subject to the requirements
2 and limitations of subsections (c) and (d) of this
3 Section.

4 (9) Expenses incurred in connection with the
5 procurement process held pursuant to this Section,
6 including, but not limited to, the cost of developing the
7 supplemental procurement plan, the procurement
8 administrator, procurement monitor, and the cost of the
9 retirement of renewable energy credits purchased pursuant
10 to the supplemental procurement shall be paid for from the
11 Illinois Power Agency Renewable Energy Resources Fund. The
12 Agency shall enter into an interagency agreement with the
13 Commission to reimburse the Commission for its costs
14 associated with the procurement monitor for the
15 supplemental procurement process.

16 (Source: P.A. 98-672, eff. 6-30-14; 99-906, eff. 6-1-17;
17 102-662, eff. 9-15-21.)

18 (20 ILCS 3855/1-70)

19 Sec. 1-70. Agency officials.

20 (a) The Agency shall have a Director who meets the
21 qualifications specified in Section 5-222 of the Civil
22 Administrative Code of Illinois.

23 (b) Within the Illinois Power Agency, the Agency shall
24 establish a Planning and Procurement Bureau and may establish
25 a Resource Development Bureau. Each Bureau shall report to the

1 Director.

2 (c) The Chief of the Planning and Procurement Bureau shall
3 be appointed by the Director, at the Director's sole
4 discretion, and (i) shall have at least 5 years of direct
5 experience in electricity supply planning and procurement and
6 (ii) shall also hold an advanced degree in risk management,
7 law, business, or a related field.

8 (d) The Chief of the Resource Development Bureau may be
9 appointed by the Director and (i) shall have at least 5 years
10 of direct experience in electric generating project
11 development and (ii) shall also hold an advanced degree in
12 economics, engineering, law, business, or a related field.

13 (e) For terms ending before December 31, 2019, the
14 Director shall receive an annual salary of \$100,000 or as set
15 by the ~~Executive Ethics Commission based on a review of~~
16 ~~comparable State agency director salaries, whichever is~~
17 ~~higher. No annual salary for the Director or a Bureau Chief~~
18 ~~shall exceed the amount of salary set by law for the Governor~~
19 ~~that is in effect on July 1 of that fiscal year. Compensation~~
20 ~~Review Board, whichever is higher. For terms ending before~~
21 ~~December 31, 2019, the Bureau Chiefs shall each receive an~~
22 ~~annual salary of \$85,000 or as set by the Compensation Review~~
23 ~~Board, whichever is higher. For terms beginning after the~~
24 ~~effective date of this amendatory Act of the 100th General~~
25 ~~Assembly, the annual salaries for the Director and the Bureau~~
26 ~~Chiefs shall be an amount equal to 15% more than the respective~~

1 position's annual salary as of December 31, 2018. The
2 calculation of the 2018 salary base for this adjustment shall
3 not include any cost of living adjustments, as authorized by
4 Senate Joint Resolution 192 of the 86th General Assembly, for
5 the period beginning July 1, 2009 to June 30, 2019. Beginning
6 July 1, 2019 and each July 1 thereafter, the Director and the
7 Bureau Chiefs shall receive an increase in salary based on a
8 cost of living adjustment as authorized by Senate Joint
9 Resolution 192 of the 86th General Assembly.

10 (f) The Director and Bureau Chiefs shall not, for 2 years
11 prior to appointment or for 2 years after he or she leaves his
12 or her position, be employed by an electric utility,
13 independent power producer, power marketer, or alternative
14 retail electric supplier regulated by the Commission or the
15 Federal Energy Regulatory Commission.

16 (g) The Director and Bureau Chiefs are prohibited from:
17 (i) owning, directly or indirectly, 5% or more of the voting
18 capital stock of an electric utility, independent power
19 producer, power marketer, or alternative retail electric
20 supplier; (ii) being in any chain of successive ownership of
21 5% or more of the voting capital stock of any electric utility,
22 independent power producer, power marketer, or alternative
23 retail electric supplier; (iii) receiving any form of
24 compensation, fee, payment, or other consideration from an
25 electric utility, independent power producer, power marketer,
26 or alternative retail electric supplier, including legal fees,

1 consulting fees, bonuses, or other sums. These limitations do
2 not apply to any compensation received pursuant to a defined
3 benefit plan or other form of deferred compensation, provided
4 that the individual has otherwise severed all ties to the
5 utility, power producer, power marketer, or alternative retail
6 electric supplier.

7 (Source: P.A. 99-536, eff. 7-8-16; 100-1179, eff. 1-18-19;
8 102-662, eff. 9-15-21.)

9 (20 ILCS 3855/1-75)

10 Sec. 1-75. Planning and Procurement Bureau. The Planning
11 and Procurement Bureau has the following duties and
12 responsibilities:

13 (a) The Planning and Procurement Bureau shall each year,
14 beginning in 2008, develop procurement plans and conduct
15 competitive procurement processes in accordance with the
16 requirements of Section 16-111.5 of the Public Utilities Act
17 for the eligible retail customers of electric utilities that
18 on December 31, 2005 provided electric service to at least
19 100,000 customers in Illinois. Beginning with the delivery
20 year commencing on June 1, 2017, the Planning and Procurement
21 Bureau shall develop plans and processes for the procurement
22 of zero emission credits from zero emission facilities in
23 accordance with the requirements of subsection (d-5) of this
24 Section. ~~Beginning on the effective date of this amendatory~~
25 ~~Act of the 102nd General Assembly, the Planning and~~

1 ~~Procurement Bureau shall develop plans and processes for the~~
2 ~~procurement of carbon mitigation credits from carbon-free~~
3 ~~energy resources in accordance with the requirements of~~
4 ~~subsection (d-10) of this Section.~~ The Planning and
5 Procurement Bureau shall also develop procurement plans and
6 conduct competitive procurement processes in accordance with
7 the requirements of Section 16-111.5 of the Public Utilities
8 Act for the eligible retail customers of small
9 multi-jurisdictional electric utilities that (i) on December
10 31, 2005 served less than 100,000 customers in Illinois and
11 (ii) request a procurement plan for their Illinois
12 jurisdictional load. This Section shall not apply to a small
13 multi-jurisdictional utility until such time as a small
14 multi-jurisdictional utility requests the Agency to prepare a
15 procurement plan for their Illinois jurisdictional load. For
16 the purposes of this Section, the term "eligible retail
17 customers" has the same definition as found in Section
18 16-111.5(a) of the Public Utilities Act.

19 Beginning with the plan or plans to be implemented in the
20 2017 delivery year, the Agency shall no longer include the
21 procurement of renewable energy resources in the annual
22 procurement plans required by this subsection (a), except as
23 provided in subsection (q) of Section 16-111.5 of the Public
24 Utilities Act, and shall instead develop a long-term renewable
25 resources procurement plan in accordance with subsection (c)
26 of this Section and Section 16-111.5 of the Public Utilities

1 Act.

2 ~~In accordance with subsection (c-5) of this Section, the~~
3 ~~Planning and Procurement Bureau shall oversee 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 utility scale solar projects to be~~
7 ~~installed, along with energy storage facilities, at or~~
8 ~~adjacent to the sites of electric generating facilities that,~~
9 ~~as of January 1, 2016, burned coal as their primary fuel~~
10 ~~source.~~

11 (1) The Agency shall each year, beginning in 2008, as
12 needed, issue a request for qualifications for experts or
13 expert consulting firms to develop the procurement plans
14 in accordance with Section 16-111.5 of the Public
15 Utilities Act. In order to qualify an expert or expert
16 consulting firm must have:

17 (A) direct previous experience assembling
18 large-scale power supply plans or portfolios for
19 end-use customers;

20 (B) an advanced degree in economics, mathematics,
21 engineering, risk management, or a related area of
22 study;

23 (C) 10 years of experience in the electricity
24 sector, including managing supply risk;

25 (D) expertise in wholesale electricity market
26 rules, including those established by the Federal

1 Energy Regulatory Commission and regional transmission
2 organizations;

3 (E) expertise in credit protocols and familiarity
4 with contract protocols;

5 (F) adequate resources to perform and fulfill the
6 required functions and responsibilities; and

7 (G) the absence of a conflict of interest and
8 inappropriate bias for or against potential bidders or
9 the affected electric utilities.

10 (2) The Agency shall each year, as needed, issue a
11 request for qualifications for a procurement administrator
12 to conduct the competitive procurement processes in
13 accordance with Section 16-111.5 of the Public Utilities
14 Act. In order to qualify an expert or expert consulting
15 firm must have:

16 (A) direct previous experience administering a
17 large-scale competitive procurement process;

18 (B) an advanced degree in economics, mathematics,
19 engineering, or a related area of study;

20 (C) 10 years of experience in the electricity
21 sector, including risk management experience;

22 (D) expertise in wholesale electricity market
23 rules, including those established by the Federal
24 Energy Regulatory Commission and regional transmission
25 organizations;

26 (E) expertise in credit and contract protocols;

1 (F) adequate resources to perform and fulfill the
2 required functions and responsibilities; and

3 (G) the absence of a conflict of interest and
4 inappropriate bias for or against potential bidders or
5 the affected electric utilities.

6 (3) The Agency shall provide affected utilities and
7 other interested parties with the lists of qualified
8 experts or expert consulting firms identified through the
9 request for qualifications processes that are under
10 consideration to develop the procurement plans and to
11 serve as the procurement administrator. The Agency shall
12 also provide each qualified expert's or expert consulting
13 firm's response to the request for qualifications. All
14 information provided under this subparagraph shall also be
15 provided to the Commission. The Agency may provide by rule
16 for fees associated with supplying the information to
17 utilities and other interested parties. These parties
18 shall, within 5 business days, notify the Agency in
19 writing if they object to any experts or expert consulting
20 firms on the lists. Objections shall be based on:

21 (A) failure to satisfy qualification criteria;

22 (B) identification of a conflict of interest; or

23 (C) evidence of inappropriate bias for or against
24 potential bidders or the affected utilities.

25 The Agency shall remove experts or expert consulting
26 firms from the lists within 10 days if there is a

1 reasonable basis for an objection and provide the updated
2 lists to the affected utilities and other interested
3 parties. If the Agency fails to remove an expert or expert
4 consulting firm from a list, an objecting party may seek
5 review by the Commission within 5 days thereafter by
6 filing a petition, and the Commission shall render a
7 ruling on the petition within 10 days. There is no right of
8 appeal of the Commission's ruling.

9 (4) The Agency shall issue requests for proposals to
10 the qualified experts or expert consulting firms to
11 develop a procurement plan for the affected utilities and
12 to serve as procurement administrator.

13 (5) The Agency shall select an expert or expert
14 consulting firm to develop procurement plans based on the
15 proposals submitted and shall award contracts of up to 5
16 years to those selected.

17 (6) The Agency shall select an expert or expert
18 consulting firm, with approval of the Commission, to serve
19 as procurement administrator based on the proposals
20 submitted. If the Commission rejects, within 5 days, the
21 Agency's selection, the Agency shall submit another
22 recommendation within 3 days based on the proposals
23 submitted. The Agency shall award a 5-year contract to the
24 expert or expert consulting firm so selected with
25 Commission approval.

26 (b) The experts or expert consulting firms retained by the

1 Agency shall, as appropriate, prepare procurement plans, and
2 conduct a competitive procurement process as prescribed in
3 Section 16-111.5 of the Public Utilities Act, to ensure
4 adequate, reliable, affordable, efficient, and environmentally
5 sustainable electric service at the lowest total cost over
6 time, taking into account any benefits of price stability, for
7 eligible retail customers of electric utilities that on
8 December 31, 2005 provided electric service to at least
9 100,000 customers in the State of Illinois, and for eligible
10 Illinois retail customers of small multi-jurisdictional
11 electric utilities that (i) on December 31, 2005 served less
12 than 100,000 customers in Illinois and (ii) request a
13 procurement plan for their Illinois jurisdictional load.

14 (c) Renewable portfolio standard.

15 (1) (A) The Agency shall develop a long-term renewable
16 resources procurement plan that shall include procurement
17 programs and competitive procurement events necessary to
18 meet the goals set forth in this subsection (c). The
19 initial long-term renewable resources procurement plan
20 shall be released for comment no later than 160 days after
21 June 1, 2017 (the effective date of Public Act 99-906).
22 The Agency shall review, and may revise on an expedited
23 basis, the long-term renewable resources procurement plan
24 at least every 2 years, which shall be conducted in
25 conjunction with the procurement plan under Section
26 16-111.5 of the Public Utilities Act to the extent

1 practicable to minimize administrative expense. ~~No later~~
2 ~~than 120 days after the effective date of this amendatory~~
3 ~~Act of the 102nd General Assembly, the Agency shall~~
4 ~~release for comment a revision to the long-term renewable~~
5 ~~resources procurement plan, updating elements of the most~~
6 ~~recently approved plan as needed to comply with this~~
7 ~~amendatory Act of the 102nd General Assembly, and any~~
8 ~~long-term renewable resources procurement plan update~~
9 ~~published by the Agency but not yet approved by the~~
10 ~~Illinois Commerce Commission shall be withdrawn.~~ The
11 long-term renewable resources procurement plans shall be
12 subject to review and approval by the Commission under
13 Section 16-111.5 of the Public Utilities Act.

14 (B) Subject to subparagraph (F) of this paragraph (1),
15 the long-term renewable resources procurement plan shall
16 include ~~attempt to meet~~ the goals for procurement of
17 renewable energy credits to meet ~~at levels of~~ at least the
18 following overall percentages: 13% by the 2017 delivery
19 year; increasing by at least 1.5% each delivery year
20 thereafter to at least 25% by the 2025 delivery year;
21 ~~increasing by at least 3% each delivery year thereafter to~~
22 ~~at least 40% by the 2030 delivery year,~~ and continuing at
23 no less than 25% ~~40%~~ for each delivery year thereafter.
24 ~~The Agency shall attempt to procure 50% by delivery year~~
25 ~~2040. The Agency shall determine the annual increase~~
26 ~~between delivery year 2030 and delivery year 2040, if any,~~

1 ~~taking into account energy demand, other energy resources,~~
2 ~~and other public policy goals.~~ In the event of a conflict
3 between these goals and the new wind and new photovoltaic
4 procurement requirements described in items (i) through
5 (iii) of subparagraph (C) of this paragraph (1), the
6 long-term plan shall prioritize compliance with the new
7 wind and new photovoltaic procurement requirements
8 described in items (i) through (iii) of subparagraph (C)
9 of this paragraph (1) over the annual percentage targets
10 described in this subparagraph (B). ~~The Agency shall not~~
11 ~~comply with the annual percentage targets described in~~
12 ~~this subparagraph (B) by procuring renewable energy~~
13 ~~credits that are unlikely to lead to the development of~~
14 ~~new renewable resources.~~

15 For the delivery year beginning June 1, 2017, the
16 procurement plan shall ~~attempt to include, subject to the~~
17 ~~prioritization outlined in this subparagraph (B),~~
18 cost-effective renewable energy resources equal to at
19 least 13% of each utility's load for eligible retail
20 customers and 13% of the applicable portion of each
21 utility's load for retail customers who are not eligible
22 retail customers, which applicable portion shall equal 50%
23 of the utility's load for retail customers who are not
24 eligible retail customers on February 28, 2017.

25 For the delivery year beginning June 1, 2018, the
26 procurement plan shall ~~attempt to include, subject to the~~

1 ~~prioritization outlined in this subparagraph (B),~~
2 cost-effective renewable energy resources equal to at
3 least 14.5% of each utility's load for eligible retail
4 customers and 14.5% of the applicable portion of each
5 utility's load for retail customers who are not eligible
6 retail customers, which applicable portion shall equal 75%
7 of the utility's load for retail customers who are not
8 eligible retail customers on February 28, 2017.

9 For the delivery year beginning June 1, 2019, and for
10 each year thereafter, the procurement plans shall ~~attempt~~
11 ~~to include, subject to the prioritization outlined in this~~
12 ~~subparagraph (B),~~ cost-effective renewable energy
13 resources equal to a minimum percentage of each utility's
14 load for all retail customers as follows: 16% by June 1,
15 2019; increasing by 1.5% each year thereafter to 25% by
16 June 1, 2025; and 25% by June 1, 2026; ~~increasing by at~~
17 ~~least 3% each delivery year thereafter to at least 40% by~~
18 ~~the 2030 delivery year, and continuing at no less than 40%~~
19 ~~for each delivery year thereafter. The Agency shall~~
20 ~~attempt to procure 50% by delivery year 2040. The Agency~~
21 ~~shall determine the annual increase between delivery year~~
22 ~~2030 and delivery year 2040, if any, taking into account~~
23 ~~energy demand, other energy resources, and other public~~
24 ~~policy goals.~~

25 For each delivery year, the Agency shall first
26 recognize each utility's obligations for that delivery

1 year under existing contracts. Any renewable energy
2 credits under existing contracts, including renewable
3 energy credits as part of renewable energy resources,
4 shall be used to meet the goals set forth in this
5 subsection (c) for the delivery year.

6 (C) Of the renewable energy credits procured under
7 this subsection (c), at least 75% shall come from wind and
8 photovoltaic projects. The long-term renewable resources
9 procurement plan described in subparagraph (A) of this
10 paragraph (1) shall include the procurement of renewable
11 energy credits ~~from new projects~~ in amounts equal to at
12 least the following:

13 (i) By the end of the 2020 delivery year: At least
14 2,000,000 renewable energy credits for each delivery
15 year shall come from new wind projects; and At least
16 2,000,000 renewable energy credits for each delivery
17 year shall come from new photovoltaic projects; of
18 ~~10,000,000 renewable energy credits delivered annually~~
19 ~~by the end of the 2021 delivery year, and increasing~~
20 ~~ratably to reach 45,000,000 renewable energy credits~~
21 ~~delivered annually from new wind and solar projects by~~
22 ~~the end of delivery year 2030 such that the goals in~~
23 ~~subparagraph (B) of this paragraph (1) are met~~
24 ~~entirely by procurements of renewable energy credits~~
25 ~~from new wind and photovoltaic projects. Of that~~
26 amount, to the extent possible, the Agency shall

1 procure ~~45% from wind projects and 55% from~~
2 ~~photovoltaic projects. Of the amount to be procured~~
3 ~~from photovoltaic projects, the Agency shall procure:~~
4 at least 50% from solar photovoltaic projects using
5 the program outlined in subparagraph (K) of this
6 paragraph (1) from distributed renewable energy
7 generation devices or community renewable generation
8 projects; at least 40% ~~47%~~ from utility-scale solar
9 projects; at least 2% ~~3%~~ from brownfield site
10 photovoltaic projects that are not community renewable
11 generation projects; and the remainder shall be
12 determined through the long-term planning process
13 described in subparagraph (A) of this paragraph (1).

14 ~~In developing the long-term renewable resources~~
15 ~~procurement plan, the Agency shall consider other~~
16 ~~approaches, in addition to competitive procurements,~~
17 ~~that can be used to procure renewable energy credits~~
18 ~~from brownfield site photovoltaic projects and thereby~~
19 ~~help return blighted or contaminated land to~~
20 ~~productive use while enhancing public health and the~~
21 ~~well-being of Illinois residents, including those in~~
22 ~~environmental justice communities, as defined using~~
23 ~~existing methodologies and findings used by the Agency~~
24 ~~and its Administrator in its Illinois Solar for All~~
25 ~~Program.~~

26 (ii) ~~In any given delivery year, if forecasted~~

1 ~~expenses are less than the maximum budget available~~
2 ~~under subparagraph (E) of this paragraph (1), the~~
3 ~~Agency shall continue to procure new renewable energy~~
4 ~~credits until that budget is exhausted in the manner~~
5 ~~outlined in item (i) of this subparagraph (C). By the~~
6 ~~end of the 2025 delivery year:~~

7 At least 3,000,000 renewable energy credits
8 for each delivery year shall come from new wind
9 projects; and

10 At least 3,000,000 renewable energy credits
11 for each delivery year shall come from new
12 photovoltaic projects; of that amount, to the
13 extent possible, the Agency shall procure: at
14 least 50% from solar photovoltaic projects using
15 the program outlined in subparagraph (K) of this
16 paragraph (1) from distributed renewable energy
17 devices or community renewable generation
18 projects; at least 40% from utility-scale solar
19 projects; at least 2% from brownfield site
20 photovoltaic projects that are not community
21 renewable generation projects; and the remainder
22 shall be determined through the long-term planning
23 process described in subparagraph (A) of this
24 paragraph (1).

25 (iii) By the end of the 2030 delivery year:

26 At least 4,000,000 renewable energy credits

1 for each delivery year shall come from new wind
2 projects; and

3 At least 4,000,000 renewable energy credits
4 for each delivery year shall come from new
5 photovoltaic projects; of that amount, to the
6 extent possible, the Agency shall procure: at
7 least 50% from solar photovoltaic projects using
8 the program outlined in subparagraph (K) of this
9 paragraph (1) from distributed renewable energy
10 devices or community renewable generation
11 projects; at least 40% from utility-scale solar
12 projects; at least 2% from brownfield site
13 photovoltaic projects that are not community
14 renewable generation projects; and the remainder
15 shall be determined through the long-term planning
16 process described in subparagraph (A) of this
17 paragraph (1).

18 ~~(iii)~~ For purposes of this Section:

19 "New wind projects" means wind renewable energy
20 facilities that are energized after June 1, 2017 for
21 the delivery year commencing June 1, 2017 or within 3
22 years after the date the Commission approves contracts
23 for subsequent delivery years.

24 "New photovoltaic projects" means photovoltaic
25 renewable energy facilities that are energized after
26 June 1, 2017. Photovoltaic projects developed under

1 Section 1-56 of this Act shall not apply towards the
2 new photovoltaic project requirements in this
3 subparagraph (C).

4 ~~For purposes of calculating whether the Agency has~~
5 ~~procured enough new wind and solar renewable energy~~
6 ~~credits required by this subparagraph (C), renewable~~
7 ~~energy facilities that have a multi year renewable~~
8 ~~energy credit delivery contract with the utility~~
9 ~~through at least delivery year 2030 shall be~~
10 ~~considered new, however no renewable energy credits~~
11 ~~from contracts entered into before June 1, 2021 shall~~
12 ~~be used to calculate whether the Agency has procured~~
13 ~~the correct proportion of new wind and new solar~~
14 ~~contracts described in this subparagraph (C) for~~
15 ~~delivery year 2021 and thereafter.~~

16 (D) Renewable energy credits shall be cost effective.
17 For purposes of this subsection (c), "cost effective"
18 means that the costs of procuring renewable energy
19 resources do not cause the limit stated in subparagraph
20 (E) of this paragraph (1) to be exceeded and, for
21 renewable energy credits procured through a competitive
22 procurement event, do not exceed benchmarks based on
23 market prices for like products in the region. For
24 purposes of this subsection (c), "like products" means
25 contracts for renewable energy credits from the same or
26 substantially similar technology, same or substantially

1 similar vintage (new or existing), the same or
2 substantially similar quantity, and the same or
3 substantially similar contract length and structure.

4 Benchmarks ~~Benchmarks shall reflect development,~~
5 ~~financing, or related costs resulting from requirements~~
6 ~~imposed through other provisions of State law, including,~~
7 ~~but not limited to, requirements in subparagraphs (P) and~~
8 ~~(Q) of this paragraph (1) and the Renewable Energy~~
9 ~~Facilities Agricultural Impact Mitigation Act.~~

10 Confidential benchmarks shall be developed by the
11 procurement administrator, in consultation with the
12 Commission staff, Agency staff, and the procurement
13 monitor and shall be subject to Commission review and
14 approval. If price benchmarks for like products in the
15 region are not available, the procurement administrator
16 shall establish price benchmarks based on publicly
17 available data on regional technology costs and expected
18 current and future regional energy prices. The benchmarks
19 in this Section shall not be used to curtail or otherwise
20 reduce contractual obligations entered into by or through
21 the Agency prior to June 1, 2017 (the effective date of
22 Public Act 99-906).

23 (E) For purposes of this subsection (c), the required
24 procurement of cost-effective renewable energy resources
25 for a particular year commencing prior to June 1, 2017
26 shall be measured as a percentage of the actual amount of

1 electricity (megawatt-hours) supplied by the electric
2 utility to eligible retail customers in the delivery year
3 ending immediately prior to the procurement, and, for
4 delivery years commencing on and after June 1, 2017, the
5 required procurement of cost-effective renewable energy
6 resources for a particular year shall be measured as a
7 percentage of the actual amount of electricity
8 (megawatt-hours) delivered by the electric utility in the
9 delivery year ending immediately prior to the procurement,
10 to all retail customers in its service territory. For
11 purposes of this subsection (c), the amount paid per
12 kilowatthour means the total amount paid for electric
13 service expressed on a per kilowatthour basis. For
14 purposes of this subsection (c), the total amount paid for
15 electric service includes without limitation amounts paid
16 for supply, transmission, ~~capacity,~~ distribution,
17 surcharges, and add-on taxes.

18 Notwithstanding the requirements of this subsection
19 (c), the total of renewable energy resources procured
20 under the procurement plan for any single year shall be
21 subject to the limitations of this subparagraph (E). Such
22 procurement shall be reduced for all retail customers
23 based on the amount necessary to limit the annual
24 estimated average net increase due to the costs of these
25 resources included in the amounts paid by eligible retail
26 customers in connection with electric service to no more

1 than the greater of 2.015% ~~4.25%~~ of the amount paid per
2 kilowatthour by those customers during the year ending May
3 31, 2007 or the incremental amount per kilowatthour paid
4 for these resources in 2011 ~~2009~~. To arrive at a maximum
5 dollar amount of renewable energy resources to be procured
6 for the particular delivery year, the resulting per
7 kilowatthour amount shall be applied to the actual amount
8 of kilowatthours of electricity delivered, or applicable
9 portion of such amount as specified in paragraph (1) of
10 this subsection (c), as applicable, by the electric
11 utility in the delivery year immediately prior to the
12 procurement to all retail customers in its service
13 territory. The calculations required by this subparagraph
14 (E) shall be made only once for each delivery year at the
15 time that the renewable energy resources are procured.
16 Once the determination as to the amount of renewable
17 energy resources to procure is made based on the
18 calculations set forth in this subparagraph (E) and the
19 contracts procuring those amounts are executed, no
20 subsequent rate impact determinations shall be made and no
21 adjustments to those contract amounts shall be allowed.
22 All costs incurred under such contracts shall be fully
23 recoverable by the electric utility as provided in this
24 Section.

25 (F) If the limitation on the amount of renewable
26 energy resources procured in subparagraph (E) of this

1 paragraph (1) prevents the Agency from meeting all of the
2 goals in this subsection (c), the Agency's long-term plan
3 shall prioritize compliance with the requirements of this
4 subsection (c) regarding renewable energy credits in the
5 following order:

6 (i) renewable energy credits under existing
7 contractual obligations ~~as of June 1, 2021~~;

8 (i-5) funding for the Illinois Solar for All
9 Program, as described in subparagraph (O) of this
10 paragraph (1);

11 (ii) renewable energy credits necessary to comply
12 with the new wind and new photovoltaic procurement
13 requirements described in items (i) through (iii) of
14 subparagraph (C) of this paragraph (1); and

15 (iii) renewable energy credits necessary to meet
16 the remaining requirements of this subsection (c).

17 (G) The following provisions shall apply to the
18 Agency's procurement of renewable energy credits under
19 this subsection (c):

20 (i) Notwithstanding whether a long-term renewable
21 resources procurement plan has been approved, the
22 Agency shall conduct an initial forward procurement
23 for renewable energy credits from new utility-scale
24 wind projects within 160 days 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 wind projects to begin delivery on June
4 1, 2019, if available, but not later than June 1, 2021,
5 unless the project has delays in the establishment of
6 an operating interconnection with the applicable
7 transmission or distribution system as a result of the
8 actions or inactions of the transmission or
9 distribution provider, or other causes for force
10 majeure as outlined in the procurement contract, in
11 which case, not later than June 1, 2022. Payments to
12 suppliers of renewable energy credits shall commence
13 upon delivery. Renewable energy credits procured under
14 this initial procurement shall be included in the
15 Agency's long-term plan and shall apply to all
16 renewable energy goals in this subsection (c).

17 (ii) Notwithstanding whether a long-term renewable
18 resources procurement plan has been approved, the
19 Agency shall conduct an initial forward procurement
20 for renewable energy credits from new utility-scale
21 solar projects and brownfield site photovoltaic
22 projects within one year after June 1, 2017 (the
23 effective date of Public Act 99-906). For the purposes
24 of this initial forward procurement, the Agency shall
25 solicit 15-year contracts for delivery of 1,000,000
26 renewable energy credits delivered annually from new

1 utility-scale solar projects and brownfield site
2 photovoltaic projects to begin delivery on June 1,
3 2019, if available, but not later than June 1, 2021,
4 unless the project has delays in the establishment of
5 an operating interconnection with the applicable
6 transmission or distribution system as a result of the
7 actions or inactions of the transmission or
8 distribution provider, or other causes for force
9 majeure as outlined in the procurement contract, in
10 which case, not later than June 1, 2022. The Agency may
11 structure this initial procurement in one or more
12 discrete procurement events. Payments to suppliers of
13 renewable energy credits shall commence upon delivery.
14 Renewable energy credits procured under this initial
15 procurement shall be included in the Agency's
16 long-term plan and shall apply to all renewable energy
17 goals in this subsection (c).

18 (iii) Subsequent forward procurements for
19 utility-scale wind projects shall solicit at least
20 1,000,000 renewable energy credits delivered annually
21 per procurement event and shall be planned, scheduled,
22 and designed such that the cumulative amount of
23 renewable energy credits delivered from all new wind
24 projects in each delivery year shall not exceed the
25 Agency's projection of the cumulative amount of
26 renewable energy credits that will be delivered from

1 all new photovoltaic projects, including utility-scale
2 and distributed photovoltaic devices, in the same
3 delivery year at the time scheduled for wind contract
4 delivery. ~~Notwithstanding whether the Commission has~~
5 ~~approved the periodic long term renewable resources~~
6 ~~procurement plan revision described in Section~~
7 ~~16-111.5 of the Public Utilities Act, the Agency shall~~
8 ~~conduct at least one subsequent forward procurement~~
9 ~~for renewable energy credits from new utility scale~~
10 ~~wind projects, new utility scale solar projects, and~~
11 ~~new brownfield site photovoltaic projects within 240~~
12 ~~days after the effective date of this amendatory Act~~
13 ~~of the 102nd General Assembly in quantities necessary~~
14 ~~to meet the requirements of subparagraph (C) of this~~
15 ~~paragraph (1) through the delivery year beginning June~~
16 ~~1, 2021.~~

17 (iv) ~~Notwithstanding whether the Commission has~~
18 ~~approved the periodic long term renewable resources~~
19 ~~procurement plan revision described in Section~~
20 ~~16-111.5 of the Public Utilities Act, the Agency shall~~
21 ~~open capacity for each category in the Adjustable~~
22 ~~Block program within 90 days after the effective date~~
23 ~~of this amendatory Act of the 102nd General Assembly~~
24 ~~manner.~~

25 (1) ~~The Agency shall open the first block of~~
26 ~~annual capacity for the category described in item~~

~~(i) of subparagraph (K) of this paragraph (1). The first block of annual capacity for item (i) shall be for at least 75 megawatts of total nameplate capacity. The price of the renewable energy credit for this block of capacity shall be 4% less than the price of the last open block in this category. Projects on a waitlist shall be awarded contracts first in the order in which they appear on the waitlist. Notwithstanding anything to the contrary, for those renewable energy credits that qualify and are procured under this subitem (1) of this item (iv), the renewable energy credit delivery contract value shall be paid in full, based on the estimated generation during the first 15 years of operation, by the contracting utilities at the time that the facility producing the renewable energy credits is interconnected at the distribution system level of the utility and verified as energized and in compliance by the Program Administrator. The electric utility shall receive and retire all renewable energy credits generated by the project for the first 15 years of operation. Renewable energy credits generated by the project thereafter shall not be transferred under the renewable energy credit delivery 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 first block of annual capacity for item (ii)~~
5 ~~shall be for at least 75 megawatts of total~~
6 ~~nameplate capacity.~~

7 ~~(A) The price of the renewable energy~~
8 ~~credit for any project on a waitlist for this~~
9 ~~category before the opening of this block~~
10 ~~shall be 4% less than the price of the last~~
11 ~~open block in this category. Projects on the~~
12 ~~waitlist shall be awarded contracts first in~~
13 ~~the order in which they appear on the~~
14 ~~waitlist. Any projects that are less than or~~
15 ~~equal to 25 kilowatts in size on the waitlist~~
16 ~~for this capacity shall be moved to the~~
17 ~~waitlist for paragraph (1) of this item (iv).~~
18 ~~Notwithstanding anything to the contrary,~~
19 ~~projects that were on the waitlist prior to~~
20 ~~opening of this block shall not be required to~~
21 ~~be in compliance with the requirements of~~
22 ~~subparagraph (Q) of this paragraph (1) of this~~
23 ~~subsection (c). Notwithstanding anything to~~
24 ~~the contrary, for those renewable energy~~
25 ~~credits procured from projects that were on~~
26 ~~the waitlist for this category before the~~

1 ~~opening of this block 20% of the renewable~~
2 ~~energy credit delivery contract value, based~~
3 ~~on the estimated generation during the first~~
4 ~~15 years of operation, shall be paid by the~~
5 ~~contracting utilities at the time that the~~
6 ~~facility producing the renewable energy~~
7 ~~credits is interconnected at the distribution~~
8 ~~system level of the utility and verified as~~
9 ~~energized by the Program Administrator. The~~
10 ~~remaining portion shall be paid ratably over~~
11 ~~the subsequent 4-year period. The electric~~
12 ~~utility shall receive and retire all renewable~~
13 ~~energy credits generated by the project during~~
14 ~~the first 15 years of operation. Renewable~~
15 ~~energy credits generated by the project~~
16 ~~thereafter shall not be transferred under the~~
17 ~~renewable energy credit delivery contract with~~
18 ~~the counterparty electric utility.~~

19 ~~(B) The price of renewable energy credits~~
20 ~~for any project not on the waitlist for this~~
21 ~~category before the opening of the block shall~~
22 ~~be determined and published by the Agency.~~
23 ~~Projects not on a waitlist as of the opening~~
24 ~~of this block shall be subject to the~~
25 ~~requirements of subparagraph (Q) of this~~
26 ~~paragraph (1), as applicable. Projects not on~~

1 ~~a waitlist as of the opening of this block~~
2 ~~shall be subject to the contract provisions~~
3 ~~outlined in item (iii) of subparagraph (L) of~~
4 ~~this paragraph (1). The Agency shall strive to~~
5 ~~publish updated prices and an updated~~
6 ~~renewable energy credit delivery contract as~~
7 ~~quickly as possible.~~

8 ~~(3) For opening the first 2 blocks of annual~~
9 ~~capacity for projects participating in item (iii)~~
10 ~~of subparagraph (K) of paragraph (1) of subsection~~
11 ~~(c), projects shall be selected exclusively from~~
12 ~~those projects on the ordinal waitlists of~~
13 ~~community renewable generation projects~~
14 ~~established by the Agency based on the status of~~
15 ~~those ordinal waitlists as of December 31, 2020,~~
16 ~~and only those projects previously determined to~~
17 ~~be eligible for the Agency's April 2019 community~~
18 ~~solar project selection process.~~

19 ~~The first 2 blocks of annual capacity for item~~
20 ~~(iii) shall be for 250 megawatts of total~~
21 ~~nameplate capacity, with both blocks opening~~
22 ~~simultaneously under the schedule outlined in the~~
23 ~~paragraphs below. Projects shall be selected as~~
24 ~~follows:~~

25 ~~(A) The geographic balance of selected~~
26 ~~projects shall follow the Group classification~~

1 ~~found in the Agency's Revised Long-Term~~
2 ~~Renewable Resources Procurement Plan, with 70%~~
3 ~~of capacity allocated to projects on the Group~~
4 ~~B waitlist and 30% of capacity allocated to~~
5 ~~projects on the Group A waitlist.~~

6 ~~(B) Contract awards for waitlisted~~
7 ~~projects shall be allocated proportionate to~~
8 ~~the total nameplate capacity amount across~~
9 ~~both ordinal waitlists associated with that~~
10 ~~applicant firm or its affiliates, subject to~~
11 ~~the following conditions.~~

12 ~~(i) Each applicant firm having a~~
13 ~~waitlisted project eligible for selection~~
14 ~~shall receive no less than 500 kilowatts~~
15 ~~in awarded capacity across all groups, and~~
16 ~~no approved vendor may receive more than~~
17 ~~20% of each Group's waitlist allocation.~~

18 ~~(ii) Each applicant firm, upon~~
19 ~~receiving an award of program capacity~~
20 ~~proportionate to its waitlisted capacity,~~
21 ~~may then determine which waitlisted~~
22 ~~projects it chooses to be selected for a~~
23 ~~contract award up to that capacity amount.~~

24 ~~(iii) Assuming all other program~~
25 ~~requirements are met, applicant firms may~~
26 ~~adjust the nameplate capacity of applicant~~

1 ~~projects without losing waitlist~~
2 ~~eligibility, so long as no project is~~
3 ~~greater than 2,000 kilowatts in size.~~

4 ~~(iv) Assuming all other program~~
5 ~~requirements are met, applicant firms may~~
6 ~~adjust the expected production associated~~
7 ~~with applicant projects, subject to~~
8 ~~verification by the Program Administrator.~~

9 ~~(C) After a review of affiliate~~
10 ~~information and the current ordinal waitlists,~~
11 ~~the Agency shall announce the nameplate~~
12 ~~capacity award amounts associated with~~
13 ~~applicant firms no later than 90 days after~~
14 ~~the effective date of this amendatory Act of~~
15 ~~the 102nd General Assembly.~~

16 ~~(D) Applicant firms shall submit their~~
17 ~~portfolio of projects used to satisfy those~~
18 ~~contract awards no less than 90 days after the~~
19 ~~Agency's announcement. The total nameplate~~
20 ~~capacity of all projects used to satisfy that~~
21 ~~portfolio shall be no greater than the~~
22 ~~Agency's nameplate capacity award amount~~
23 ~~associated with that applicant firm. An~~
24 ~~applicant firm may decline, in whole or in~~
25 ~~part, its nameplate capacity award without~~
26 ~~penalty, with such unmet capacity rolled over~~

1 ~~to the next block opening for project~~
2 ~~selection under item (iii) of subparagraph (K)~~
3 ~~of this subsection (c). Any projects not~~
4 ~~included in an applicant firm's portfolio may~~
5 ~~reapply without prejudice upon the next block~~
6 ~~reopening for project selection under item~~
7 ~~(iii) of subparagraph (K) of this subsection~~
8 ~~(c).~~

9 ~~(E) The renewable energy credit delivery~~
10 ~~contract shall be subject to the contract and~~
11 ~~payment terms outlined in item (iv) of~~
12 ~~subparagraph (L) of this subsection (c).~~
13 ~~Contract instruments used for this~~
14 ~~subparagraph shall contain the following~~
15 ~~terms:~~

16 ~~(i) Renewable energy credit prices~~
17 ~~shall be fixed, without further adjustment~~
18 ~~under any other provision of this Act or~~
19 ~~for any other reason, at 10% lower than~~
20 ~~prices applicable to the last open block~~
21 ~~for this category, inclusive of any adders~~
22 ~~available for achieving a minimum of 50%~~
23 ~~of subscribers to the project's nameplate~~
24 ~~capacity being residential or small~~
25 ~~commercial customers with subscriptions of~~
26 ~~below 25 kilowatts in size;~~

1 ~~(ii) A requirement that a minimum of~~
2 ~~50% of subscribers to the project's~~
3 ~~nameplate capacity be residential or small~~
4 ~~commercial customers with subscriptions of~~
5 ~~below 25 kilowatts in size;~~

6 ~~(iii) Permission for the ability of a~~
7 ~~contract holder to substitute projects~~
8 ~~with other waitlisted projects without~~
9 ~~penalty should a project receive a~~
10 ~~non binding estimate of costs to construct~~
11 ~~the interconnection facilities and any~~
12 ~~required distribution upgrades associated~~
13 ~~with that project of greater than 30 cents~~
14 ~~per watt AC of that project's nameplate~~
15 ~~capacity. In developing the applicable~~
16 ~~contract instrument, the Agency may~~
17 ~~consider whether other circumstances~~
18 ~~outside of the control of the applicant~~
19 ~~firm should also warrant project~~
20 ~~substitution rights.~~

21 ~~The Agency shall publish a finalized~~
22 ~~updated renewable energy credit delivery~~
23 ~~contract developed consistent with these terms~~
24 ~~and conditions no less than 30 days before~~
25 ~~applicant firms must submit their portfolio of~~
26 ~~projects pursuant to item (D).~~

1 ~~(F) To be eligible for an award, the~~
2 ~~applicant firm shall certify that not less~~
3 ~~than prevailing wage, as determined pursuant~~
4 ~~to the Illinois Prevailing Wage Act, was or~~
5 ~~will be paid to employees who are engaged in~~
6 ~~construction activities associated with a~~
7 ~~selected project.~~

8 ~~(4) The Agency shall open the first block of~~
9 ~~annual capacity for the category described in item~~
10 ~~(iv) of subparagraph (K) of this paragraph (1).~~
11 ~~The first block of annual capacity for item (iv)~~
12 ~~shall be for at least 50 megawatts of total~~
13 ~~nameplate capacity. Renewable energy credit prices~~
14 ~~shall be fixed, without further adjustment under~~
15 ~~any other provision of this Act or for any other~~
16 ~~reason, at the price in the last open block in the~~
17 ~~category described in item (ii) of subparagraph~~
18 ~~(K) of this paragraph (1). Pricing for future~~
19 ~~blocks of annual capacity for this category may be~~
20 ~~adjusted in the Agency's second revision to its~~
21 ~~Long Term Renewable Resources Procurement Plan.~~
22 ~~Projects in this category shall be subject to the~~
23 ~~contract terms outlined in item (iv) of~~
24 ~~subparagraph (L) of this paragraph (1).~~

25 ~~(5) The Agency shall open the equivalent of 2~~
26 ~~years of annual capacity for the category~~

1 ~~described in item (v) of subparagraph (K) of this~~
2 ~~paragraph (1). The first block of annual capacity~~
3 ~~for item (v) shall be for at least 10 megawatts of~~
4 ~~total nameplate capacity. Notwithstanding the~~
5 ~~provisions of item (v) of subparagraph (K) of this~~
6 ~~paragraph (1), for the purpose of this initial~~
7 ~~block, the agency shall accept new project~~
8 ~~applications intended to increase the diversity of~~
9 ~~areas hosting community solar projects, the~~
10 ~~business models of projects, and the size of~~
11 ~~projects, as described by the Agency in its~~
12 ~~long term renewable resources procurement plan~~
13 ~~that is approved as of the effective date of this~~
14 ~~amendatory Act of the 102nd General Assembly.~~
15 ~~Projects in this category shall be subject to the~~
16 ~~contract terms outlined in item (iii) of~~
17 ~~subsection (L) of this paragraph (1).~~

18 ~~(6) The Agency shall open the first blocks of~~
19 ~~annual capacity for the category described in item~~
20 ~~(vi) of subparagraph (K) of this paragraph (1),~~
21 ~~with allocations of capacity within the block~~
22 ~~generally matching the historical share of block~~
23 ~~capacity allocated between the category described~~
24 ~~in items (i) and (ii) of subparagraph (K) of this~~
25 ~~paragraph (1). The first two blocks of annual~~
26 ~~capacity for item (vi) shall be for at least 75~~

~~megawatts of total nameplate capacity. The price of renewable energy credits for the blocks of capacity shall be 4% less than the price of the last open blocks in the categories described in items (i) and (ii) of subparagraph (K) of this paragraph (1). Pricing for future blocks of annual capacity for this category may be adjusted in the Agency's second revision to its Long Term Renewable Resources Procurement Plan. Projects in this category shall be subject to the applicable contract terms outlined in items (ii) and (iii) of subparagraph (L) of this paragraph (1). If, at any time after the time set for delivery of renewable energy credits pursuant to the initial procurements in items (i) and (ii) of this subparagraph (G), the cumulative amount of renewable energy credits projected to be delivered from all new wind projects in a given delivery year exceeds the cumulative amount of renewable energy credits projected to be delivered from all new photovoltaic projects in that delivery year by 200,000 or more renewable energy credits, then the Agency shall within 60 days adjust the procurement programs in the long-term renewable resources procurement plan to ensure that the projected cumulative amount of renewable energy credits to~~

1 be delivered from all new wind projects does not
2 exceed the projected cumulative amount of
3 renewable energy credits to be delivered from all
4 new photovoltaic projects by 200,000 or more
5 renewable energy credits, provided that nothing in
6 this Section shall preclude the projected
7 cumulative amount of renewable energy credits to
8 be delivered from all new photovoltaic projects
9 from exceeding the projected cumulative amount of
10 renewable energy credits to be delivered from all
11 new wind projects in each delivery year and
12 provided further that nothing in this item (iv)
13 shall require the curtailment of an executed
14 contract. The Agency shall update, on a quarterly
15 basis, its projection of the renewable energy
16 credits to be delivered from all projects in each
17 delivery year. Notwithstanding anything to the
18 contrary, the Agency may adjust the timing of
19 procurement events conducted under this
20 subparagraph (G). The long-term renewable
21 resources procurement plan shall set forth the
22 process by which the adjustments may be made.

23 ~~(v) Upon the effective date of this amendatory Act~~
24 ~~of the 102nd General Assembly, for all competitive~~
25 ~~procurements and any procurements of renewable energy~~
26 ~~credit from new utility scale wind and new~~

1 ~~utility scale photovoltaic projects, the Agency shall~~
2 ~~procure indexed renewable energy credits and direct~~
3 ~~respondents to offer a strike price.~~

4 ~~(1) The purchase price of the indexed~~
5 ~~renewable energy credit payment shall be~~
6 ~~calculated for each settlement period. That~~
7 ~~payment, for any settlement period, shall be equal~~
8 ~~to the difference resulting from subtracting the~~
9 ~~strike price from the index price for that~~
10 ~~settlement period. If this difference results in a~~
11 ~~negative number, the indexed REC counterparty~~
12 ~~shall owe the seller the absolute value multiplied~~
13 ~~by the quantity of energy produced in the relevant~~
14 ~~settlement period. If this difference results in a~~
15 ~~positive number, the seller shall owe the indexed~~
16 ~~REC counterparty this amount multiplied by the~~
17 ~~quantity of energy produced in the relevant~~
18 ~~settlement period.~~

19 ~~(2) Parties shall cash settle every month,~~
20 ~~summing up all settlements (both positive and~~
21 ~~negative, if applicable) for the prior month.~~

22 ~~(3) To ensure funding in the annual budget~~
23 ~~established under subparagraph (E) for indexed~~
24 ~~renewable energy credit procurements for each year~~
25 ~~of the term of such contracts, which must have a~~
26 ~~minimum tenure of 20 calendar years, the~~

1 ~~procurement administrator, Agency, Commission~~
2 ~~staff, and procurement monitor shall quantify the~~
3 ~~annual cost of the contract by utilizing an~~
4 ~~industry standard, third party forward price curve~~
5 ~~for energy at the appropriate hub or load zone,~~
6 ~~including the estimated magnitude and timing of~~
7 ~~the price effects related to federal carbon~~
8 ~~controls. Each forward price curve shall contain a~~
9 ~~specific value of the forecasted market price of~~
10 ~~electricity for each annual delivery year of the~~
11 ~~contract. For procurement planning purposes, the~~
12 ~~impact on the annual budget for the cost of~~
13 ~~indexed renewable energy credits for each delivery~~
14 ~~year shall be determined as the expected annual~~
15 ~~contract expenditure for that year, equaling the~~
16 ~~difference between (i) the sum across all relevant~~
17 ~~contracts of the applicable strike price~~
18 ~~multiplied by contract quantity and (ii) the sum~~
19 ~~across all relevant contracts of the forward price~~
20 ~~curve for the applicable load zone for that year~~
21 ~~multiplied by contract quantity. The contracting~~
22 ~~utility shall not assume an obligation in excess~~
23 ~~of the estimated annual cost of the contracts for~~
24 ~~indexed renewable energy credits. Forward curves~~
25 ~~shall be revised on an annual basis as updated~~
26 ~~forward price curves are released and filed with~~

1 ~~the Commission in the proceeding approving the~~
2 ~~Agency's most recent long term renewable resources~~
3 ~~procurement plan. If the expected contract spend~~
4 ~~is higher or lower than the total quantity of~~
5 ~~contracts multiplied by the forward price curve~~
6 ~~value for that year, the forward price curve shall~~
7 ~~be updated by the procurement administrator, in~~
8 ~~consultation with the Agency, Commission staff,~~
9 ~~and procurement monitors, using then currently~~
10 ~~available price forecast data and additional~~
11 ~~budget dollars shall be obligated or reobligated~~
12 ~~as appropriate.~~

13 ~~(4) To ensure that indexed renewable energy~~
14 ~~credit prices remain predictable and affordable,~~
15 ~~the Agency may consider the institution of a price~~
16 ~~collar on REC prices paid under indexed renewable~~
17 ~~energy credit procurements establishing floor and~~
18 ~~ceiling REC prices applicable to indexed REC~~
19 ~~contract prices. Any price collars applicable to~~
20 ~~indexed REC procurements shall be proposed by the~~
21 ~~Agency through its long term renewable resources~~
22 ~~procurement plan.~~

23 ~~(vi)~~ (v) All procurements under this subparagraph
24 (G) shall comply with the geographic requirements in
25 subparagraph (I) of this paragraph (1) and shall
26 follow the procurement processes and procedures

1 described in this Section and Section 16-111.5 of the
2 Public Utilities Act to the extent practicable, and
3 these processes and procedures may be expedited to
4 accommodate the schedule established by this
5 subparagraph (G).

6 (H) The procurement of renewable energy resources for
7 a given delivery year shall be reduced as described in
8 this subparagraph (H) if an alternative retail electric
9 supplier meets the requirements described in this
10 subparagraph (H).

11 (i) Within 45 days after June 1, 2017 (the
12 effective date of Public Act 99-906), an alternative
13 retail electric supplier or its successor shall submit
14 an informational filing to the Illinois Commerce
15 Commission certifying that, as of December 31, 2015,
16 the alternative retail electric supplier owned one or
17 more electric generating facilities that generates
18 renewable energy resources as defined in Section 1-10
19 of this Act, provided that such facilities are not
20 powered by wind or photovoltaics, and the facilities
21 generate one renewable energy credit for each
22 megawatthour of energy produced from the facility.

23 The informational filing shall identify each
24 facility that was eligible to satisfy the alternative
25 retail electric supplier's obligations under Section
26 16-115D of the Public Utilities Act as described in

1 this item (i).

2 (ii) For a given delivery year, the alternative
3 retail electric supplier may elect to supply its
4 retail customers with renewable energy credits from
5 the facility or facilities described in item (i) of
6 this subparagraph (H) that continue to be owned by the
7 alternative retail electric supplier.

8 (iii) The alternative retail electric supplier
9 shall notify the Agency and the applicable utility, no
10 later than February 28 of the year preceding the
11 applicable delivery year or 15 days after June 1, 2017
12 (the effective date of Public Act 99-906), whichever
13 is later, of its election under item (ii) of this
14 subparagraph (H) to supply renewable energy credits to
15 retail customers of the utility. Such election shall
16 identify the amount of renewable energy credits to be
17 supplied by the alternative retail electric supplier
18 to the utility's retail customers and the source of
19 the renewable energy credits identified in the
20 informational filing as described in item (i) of this
21 subparagraph (H), subject to the following
22 limitations:

23 For the delivery year beginning June 1, 2018,
24 the maximum amount of renewable energy credits to
25 be supplied by an alternative retail electric
26 supplier under this subparagraph (H) shall be 68%

1 multiplied by 25% multiplied by 14.5% multiplied
2 by the amount of metered electricity
3 (megawatt-hours) delivered by the alternative
4 retail electric supplier to Illinois retail
5 customers during the delivery year ending May 31,
6 2016.

7 For delivery years beginning June 1, 2019 and
8 each year thereafter, the maximum amount of
9 renewable energy credits to be supplied by an
10 alternative retail electric supplier under this
11 subparagraph (H) shall be 68% multiplied by 50%
12 multiplied by 16% multiplied by the amount of
13 metered electricity (megawatt-hours) delivered by
14 the alternative retail electric supplier to
15 Illinois retail customers during the delivery year
16 ending May 31, 2016, provided that the 16% value
17 shall increase by 1.5% each delivery year
18 thereafter to 25% by the delivery year beginning
19 June 1, 2025, and thereafter the 25% value shall
20 apply to each delivery year.

21 For each delivery year, the total amount of
22 renewable energy credits supplied by all alternative
23 retail electric suppliers under this subparagraph (H)
24 shall not exceed 9% of the Illinois target renewable
25 energy credit quantity. The Illinois target renewable
26 energy credit quantity for the delivery year beginning

1 June 1, 2018 is 14.5% multiplied by the total amount of
2 metered electricity (megawatt-hours) delivered in the
3 delivery year immediately preceding that delivery
4 year, provided that the 14.5% shall increase by 1.5%
5 each delivery year thereafter to 25% by the delivery
6 year beginning June 1, 2025, and thereafter the 25%
7 value shall apply to each delivery year.

8 If the requirements set forth in items (i) through
9 (iii) of this subparagraph (H) are met, the charges
10 that would otherwise be applicable to the retail
11 customers of the alternative retail electric supplier
12 under paragraph (6) of this subsection (c) for the
13 applicable delivery year shall be reduced by the ratio
14 of the quantity of renewable energy credits supplied
15 by the alternative retail electric supplier compared
16 to that supplier's target renewable energy credit
17 quantity. The supplier's target renewable energy
18 credit quantity for the delivery year beginning June
19 1, 2018 is 14.5% multiplied by the total amount of
20 metered electricity (megawatt-hours) delivered by the
21 alternative retail supplier in that delivery year,
22 provided that the 14.5% shall increase by 1.5% each
23 delivery year thereafter to 25% by the delivery year
24 beginning June 1, 2025, and thereafter the 25% value
25 shall apply to each delivery year.

26 On or before April 1 of each year, the Agency shall

1 annually publish a report on its website that
2 identifies the aggregate amount of renewable energy
3 credits supplied by alternative retail electric
4 suppliers under this subparagraph (H).

5 (I) The Agency shall design its long-term renewable
6 energy procurement plan to maximize the State's interest
7 in the health, safety, and welfare of its residents,
8 including but not limited to minimizing sulfur dioxide,
9 nitrogen oxide, particulate matter and other pollution
10 that adversely affects public health in this State,
11 increasing fuel and resource diversity in this State,
12 enhancing the reliability and resiliency of the
13 electricity distribution system in this State, meeting
14 goals to limit carbon dioxide emissions under federal or
15 State law, and contributing to a cleaner and healthier
16 environment for the citizens of this State. In order to
17 further these legislative purposes, renewable energy
18 credits shall be eligible to be counted toward the
19 renewable energy requirements of this subsection (c) if
20 they are generated from facilities located in this State.
21 The Agency may qualify renewable energy credits from
22 facilities located in states adjacent to Illinois ~~or~~
23 ~~renewable energy credits associated with the electricity~~
24 ~~generated by a utility scale wind energy facility or~~
25 ~~utility scale photovoltaic facility and transmitted by a~~
26 ~~qualifying direct current project described in subsection~~

1 ~~(b-5) of Section 8-406 of the Public Utilities Act to a~~
2 ~~delivery point on the electric transmission grid located~~
3 ~~in this State or a state adjacent to Illinois, if the~~
4 generator demonstrates and the Agency determines that the
5 operation of such facility or facilities will help promote
6 the State's interest in the health, safety, and welfare of
7 its residents based on the public interest criteria
8 described above. ~~For the purposes of this Section,~~
9 ~~renewable resources that are delivered via a high voltage~~
10 ~~direct current converter station located in Illinois shall~~
11 ~~be deemed generated in Illinois at the time and location~~
12 ~~the energy is converted to alternating current by the high~~
13 ~~voltage direct current converter station if the high~~
14 ~~voltage direct current transmission line: (i) after the~~
15 ~~effective date of this amendatory Act of the 102nd General~~
16 ~~Assembly, was constructed with a project labor agreement;~~
17 ~~(ii) is capable of transmitting electricity at 525kv;~~
18 ~~(iii) has an Illinois converter station located and~~
19 ~~interconnected in the region of the PJM Interconnection,~~
20 ~~LLC; (iv) does not operate as a public utility; and (v) if~~
21 ~~the high voltage direct current transmission line was~~
22 ~~energized after June 1, 2023.~~ To ensure that the public
23 interest criteria are applied to the procurement and given
24 full effect, the Agency's long-term procurement plan shall
25 describe in detail how each public interest factor shall
26 be considered and weighted for facilities located in

1 states adjacent to Illinois.

2 (J) In order to promote the competitive development of
3 renewable energy resources in furtherance of the State's
4 interest in the health, safety, and welfare of its
5 residents, renewable energy credits shall not be eligible
6 to be counted toward the renewable energy requirements of
7 this subsection (c) if they are sourced from a generating
8 unit whose costs were being recovered through rates
9 regulated by this State or any other state or states on or
10 after January 1, 2017. Each contract executed to purchase
11 renewable energy credits under this subsection (c) shall
12 provide for the contract's termination if the costs of the
13 generating unit supplying the renewable energy credits
14 subsequently begin to be recovered through rates regulated
15 by this State or any other state or states; and each
16 contract shall further provide that, in that event, the
17 supplier of the credits must return 110% of all payments
18 received under the contract. Amounts returned under the
19 requirements of this subparagraph (J) shall be retained by
20 the utility and all of these amounts shall be used for the
21 procurement of additional renewable energy credits from
22 new wind or new photovoltaic resources as defined in this
23 subsection (c). The long-term plan shall provide that
24 these renewable energy credits shall be procured in the
25 next procurement event.

26 Notwithstanding the limitations of this subparagraph

1 (J), renewable energy credits sourced from generating
2 units that are constructed, purchased, owned, or leased by
3 an electric utility as part of an approved project,
4 program, or pilot under Section 1-56 of this Act shall be
5 eligible to be counted toward the renewable energy
6 requirements of this subsection (c), regardless of how the
7 costs of these units are recovered. ~~As long as a~~
8 ~~generating unit or an identifiable portion of a generating~~
9 ~~unit has not had and does not have its costs recovered~~
10 ~~through rates regulated by this State or any other state,~~
11 ~~HVDC renewable energy credits associated with that~~
12 ~~generating unit or identifiable portion thereof shall be~~
13 ~~eligible to be counted toward the renewable energy~~
14 ~~requirements of this subsection (c).~~

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

1 enable the photovoltaic market to scale up and for
2 renewable energy credit prices to adjust at a predictable
3 rate over time. The prices set by the Adjustable Block
4 program can be reflected as a set value or as the product
5 of a formula.

6 The Adjustable Block program shall include for each
7 category of eligible projects ~~for each delivery year: a~~
8 ~~single block of nameplate capacity, a price for renewable~~
9 ~~energy credits within that block, and the terms and~~
10 ~~conditions for securing a spot on a waitlist once the~~
11 ~~block is~~ : a schedule of standard block purchase prices to
12 be offered; a series of steps, with associated nameplate
13 capacity and purchase prices that adjust from step to
14 step; and automatic opening of the next step as soon as the
15 nameplate capacity and available purchase prices for an
16 open step are fully committed or reserved. ~~Except as~~
17 ~~outlined below, the waitlist of projects in a given year~~
18 ~~will carry over to apply to the subsequent year when~~
19 ~~another block is opened.~~ Only projects energized on or
20 after June 1, 2017 shall be eligible for the Adjustable
21 Block program. For each ~~category for each delivery year~~
22 block group the Agency shall determine the number of
23 blocks, the amount of generation capacity in each block,
24 and the purchase price for each block, provided that the
25 purchase price provided and the total amount of generation
26 in all blocks for all ~~categories~~ block groups shall be

1 sufficient to meet the goals in this subsection (c). ~~The~~
2 ~~Agency shall strive to issue a single block sized to~~
3 ~~provide for stability and market growth. The Agency shall~~
4 ~~establish program eligibility requirements that ensure~~
5 ~~that projects that enter the program are sufficiently~~
6 ~~mature to indicate a demonstrable path to completion.~~ The
7 Agency may periodically review its prior decisions
8 establishing the number of blocks, the amount of
9 generation capacity in each block, and the purchase price
10 for each block, and may propose, on an expedited basis,
11 changes to these previously set values, including but not
12 limited to redistributing these amounts and the available
13 funds as necessary and appropriate, subject to Commission
14 approval as part of the periodic plan revision process
15 described in Section 16-111.5 of the Public Utilities Act.
16 The Agency may define different block sizes, purchase
17 prices, or other distinct terms and conditions for
18 projects located in different utility service territories
19 if the Agency deems it necessary to meet the goals in this
20 subsection (c).

21 The Adjustable Block program shall include at least
22 the following block groups ~~categories~~ in at least the
23 following amounts, which may be adjusted upon review by
24 the Agency and approval by the Commission as described in
25 this subparagraph (K):

26 (i) At least 25% ~~20%~~ from distributed renewable

1 energy generation devices with a nameplate capacity of
2 no more than 10 ~~25~~ kilowatts.

3 (ii) At least 25% ~~20%~~ from distributed renewable
4 energy generation devices with a nameplate capacity of
5 more than 10 ~~25~~ kilowatts and no more than 2,000 ~~5,000~~
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 25% ~~30%~~ 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 or earlier if the Agency~~
20 ~~determines there is additional capacity needed for to~~
21 ~~meet previous delivery year requirements, the~~
22 ~~following shall apply:~~

23 ~~(1) the Agency shall select projects on a~~
24 ~~first come, first serve basis, however the Agency~~
25 ~~may suggest additional methods to prioritize~~
26 ~~projects that are submitted at the same time;~~

1 ~~(2) projects shall have subscriptions of 25 kW~~
2 ~~or less for at least 50% of the facility's~~
3 ~~nameplate capacity and the Agency shall price the~~
4 ~~renewable energy credits with that as a factor;~~

5 ~~(3) projects shall not be colocated with one~~
6 ~~or more other community renewable generation~~
7 ~~projects, as defined in the Agency's first revised~~
8 ~~long term renewable resources procurement plan~~
9 ~~approved by the Commission on February 18, 2020,~~
10 ~~such that the aggregate nameplate capacity exceeds~~
11 ~~5,000 kilowatts; and~~

12 ~~(4) projects greater than 2 MW may not apply~~
13 ~~until after the approval of the Agency's revised~~
14 ~~Long Term Renewable Resources Procurement Plan~~
15 ~~after the effective date of this amendatory Act of~~
16 ~~the 102nd General Assembly.~~

17 ~~(iv) At least 15% from distributed renewable~~
18 ~~generation devices or photovoltaic community renewable~~
19 ~~generation projects installed at public schools. The~~
20 ~~Agency may create subcategories within this category~~
21 ~~to account for the differences between project size or~~
22 ~~location. Projects located within environmental~~
23 ~~justice communities or within Organizational Units~~
24 ~~that fall within Tier 1 or Tier 2 shall be given~~
25 ~~priority. Each of the Agency's periodic updates to its~~
26 ~~long term renewable resources procurement plan to~~

1 ~~incorporate the procurement described in this~~
2 ~~subparagraph (iv) shall also include the proposed~~
3 ~~quantities or blocks, pricing, and contract terms~~
4 ~~applicable to the procurement as indicated herein. In~~
5 ~~each such update and procurement, the Agency shall set~~
6 ~~the renewable energy credit price and establish~~
7 ~~payment terms for the renewable energy credits~~
8 ~~procured pursuant to this subparagraph (iv) that make~~
9 ~~it feasible and affordable for public schools to~~
10 ~~install photovoltaic distributed renewable energy~~
11 ~~devices on their premises, including, but not limited~~
12 ~~to, those public schools subject to the prioritization~~
13 ~~provisions of this subparagraph. For the purposes of~~
14 ~~this item (iv):~~

15 ~~"Environmental Justice Community" shall have the~~
16 ~~same meaning set forth in the Agency's long term~~
17 ~~renewable resources procurement plan;~~

18 ~~"Organization Unit", "Tier 1" and "Tier 2" shall~~
19 ~~have the meanings set for in Section 18-8.15 of the~~
20 ~~School Code;~~

21 ~~"Public schools" shall have the meaning set forth~~
22 ~~in Section 1-3 of the School Code.~~

23 ~~(v) At least 5% from community-driven community~~
24 ~~solar projects intended to provide more direct and~~
25 ~~tangible connection and benefits to the communities~~
26 ~~which they serve or in which they operate and,~~

1 ~~additionally, to increase the variety of community~~
2 ~~solar locations, models, and options in Illinois. As~~
3 ~~part of its long term renewable resources procurement~~
4 ~~plan, the Agency shall develop selection criteria for~~
5 ~~projects participating in this category. Nothing in~~
6 ~~this Section shall preclude the Agency from creating a~~
7 ~~selection process that maximizes community ownership~~
8 ~~and community benefits in selecting projects to~~
9 ~~receive renewable energy credits. Selection criteria~~
10 ~~shall include:~~

11 ~~(1) community ownership or community~~
12 ~~wealth building;~~

13 ~~(2) additional direct and indirect community~~
14 ~~benefit, beyond project participation as a~~
15 ~~subscriber, including, but not limited to,~~
16 ~~economic, environmental, social, cultural, and~~
17 ~~physical benefits;~~

18 ~~(3) meaningful involvement in project~~
19 ~~organization and development by community members~~
20 ~~or nonprofit organizations or public entities~~
21 ~~located in or serving the community;~~

22 ~~(4) engagement in project operations and~~
23 ~~management by nonprofit organizations, public~~
24 ~~entities, or community members; and~~

25 ~~(5) whether a project is developed in response~~
26 ~~to a site specific RFP developed by community~~

1 ~~members or a nonprofit organization or public~~
2 ~~entity located in or serving the community.~~

3 ~~Selection criteria may also prioritize projects~~
4 ~~that:~~

5 ~~(1) are developed in collaboration with or to~~
6 ~~provide complementary opportunities for the Clean~~
7 ~~Jobs Workforce Network Program, the Illinois~~
8 ~~Climate Works Preapprenticeship Program, the~~
9 ~~Returning Residents Clean Jobs Training Program,~~
10 ~~the Clean Energy Contractor Incubator Program, or~~
11 ~~the Clean Energy Primes Contractor Accelerator~~
12 ~~Program;~~

13 ~~(2) increase the diversity of locations of~~
14 ~~community solar projects in Illinois, including by~~
15 ~~locating in urban areas and population centers;~~

16 ~~(3) are located in Equity Investment Eligible~~
17 ~~Communities;~~

18 ~~(4) are not greenfield projects;~~

19 ~~(5) serve only local subscribers;~~

20 ~~(6) have a nameplate capacity that does not~~
21 ~~exceed 500 kW;~~

22 ~~(7) are developed by an equity eligible~~
23 ~~contractor; or~~

24 ~~(8) otherwise meaningfully advance the goals~~
25 ~~of providing more direct and tangible connection~~
26 ~~and benefits to the communities which they serve~~

1 ~~er in which they operate and increasing the~~
2 ~~variety of community solar locations, models, and~~
3 ~~options in Illinois.~~

4 ~~For the purposes of this item (v):~~

5 ~~"Community" means a social unit in which people~~
6 ~~come together regularly to effect change; a social~~
7 ~~unit in which participants are marked by a cooperative~~
8 ~~spirit, a common purpose, or shared interests or~~
9 ~~characteristics; or a space understood by its~~
10 ~~residents to be delineated through geographic~~
11 ~~boundaries or landmarks.~~

12 ~~"Community benefit" means a range of services and~~
13 ~~activities that provide affirmative, economic,~~
14 ~~environmental, social, cultural, or physical value to~~
15 ~~a community; or a mechanism that enables economic~~
16 ~~development, high quality employment, and education~~
17 ~~opportunities for local workers and residents, or~~
18 ~~formal monitoring and oversight structures such that~~
19 ~~community members may ensure that those services and~~
20 ~~activities respond to local knowledge and needs.~~

21 ~~"Community ownership" means an arrangement in~~
22 ~~which an electric generating facility is, or over time~~
23 ~~will be, in significant part, owned collectively by~~
24 ~~members of the community to which an electric~~
25 ~~generating facility provides benefits; members of that~~
26 ~~community participate in decisions regarding the~~

1 ~~governance, operation, maintenance, and upgrades of~~
2 ~~and to that facility; and members of that community~~
3 ~~benefit from regular use of that facility.~~

4 ~~Terms and guidance within these criteria that are~~
5 ~~not defined in this item (v) shall be defined by the~~
6 ~~Agency, with stakeholder input, during the development~~
7 ~~of the Agency's long term renewable resources~~
8 ~~procurement plan. The Agency shall develop regular~~
9 ~~opportunities for projects to submit applications for~~
10 ~~projects under this category, and develop selection~~
11 ~~criteria that gives preference to projects that better~~
12 ~~meet individual criteria as well as projects that~~
13 ~~address a higher number of criteria.~~

14 ~~(vi) At least 10% from distributed renewable~~
15 ~~energy generation devices, which includes distributed~~
16 ~~renewable energy devices with a nameplate capacity~~
17 ~~under 5,000 kilowatts or photovoltaic community~~
18 ~~renewable generation projects, from applicants that~~
19 ~~are equity eligible contractors. The Agency may create~~
20 ~~subcategories within this category to account for the~~
21 ~~differences between project size and type. The Agency~~
22 ~~shall propose to increase the percentage in this item~~
23 ~~(vi) over time to 40% based on factors, including, but~~
24 ~~not limited to, the number of equity eligible~~
25 ~~contractors and capacity used in this item (vi) in~~
26 ~~previous delivery years.~~

1 ~~The Agency shall propose a payment structure for~~
2 ~~contracts executed pursuant to this paragraph under~~
3 ~~which, upon a demonstration of qualification or need,~~
4 ~~applicant firms are advanced capital disbursed after~~
5 ~~contract execution but before the contracted project's~~
6 ~~energization. The amount or percentage of capital~~
7 ~~advanced prior to project energization shall be~~
8 ~~sufficient to both cover any increase in development~~
9 ~~costs resulting from prevailing wage requirements or~~
10 ~~project labor agreements, and designed to overcome~~
11 ~~barriers in access to capital faced by equity eligible~~
12 ~~contractors. The amount or percentage of advanced~~
13 ~~capital may vary by subcategory within this category~~
14 ~~and by an applicant's demonstration of need, with such~~
15 ~~levels to be established through the Long Term~~
16 ~~Renewable Resources Procurement Plan authorized under~~
17 ~~subparagraph (A) of paragraph (1) of subsection (c) of~~
18 ~~this Section.~~

19 ~~Contracts developed featuring capital advanced~~
20 ~~prior to a project's energization shall feature~~
21 ~~provisions to ensure both the successful development~~
22 ~~of applicant projects and the delivery of the~~
23 ~~renewable energy credits for the full term of the~~
24 ~~contract, including ongoing collateral requirements~~
25 ~~and other provisions deemed necessary by the Agency,~~
26 ~~and may include energization timelines longer than for~~

1 ~~comparable project types. The percentage or amount of~~
2 ~~capital advanced prior to project energization shall~~
3 ~~not operate to increase the overall contract value,~~
4 ~~however contracts executed under this subparagraph may~~
5 ~~feature renewable energy credit prices higher than~~
6 ~~those offered to similar projects participating in~~
7 ~~other categories. Capital advanced prior to~~
8 ~~energization shall serve to reduce the ratable~~
9 ~~payments made after energization under items (ii) and~~
10 ~~(iii) of subparagraph (L) or payments made for each~~
11 ~~renewable energy credit delivery under item (iv) of~~
12 ~~subparagraph (L).~~

13 ~~(vii)~~ (iv) The remaining 25% capacity shall be
14 allocated as specified by the Agency in the long-term
15 renewable resources procurement plan ~~order to respond~~
16 ~~to market demand. The Agency shall allocate any~~
17 ~~discretionary capacity prior to the beginning of each~~
18 ~~delivery year.~~

19 ~~To the extent there is uncontracted capacity from any~~
20 ~~block in any of categories (i) through (vi) at the end of a~~
21 ~~delivery year, the Agency shall redistribute that capacity~~
22 ~~to one or more other categories giving priority to~~
23 ~~categories with projects on a waitlist. The redistributed~~
24 ~~capacity shall be added to the annual capacity in the~~
25 ~~subsequent delivery year, and the price for renewable~~
26 ~~energy credits shall be the price for the new delivery~~

1 ~~year. Redistributed capacity shall not be considered~~
2 ~~redistributed when determining whether the goals in this~~
3 ~~subsection (K) have been met.~~

4 ~~Notwithstanding anything to the contrary, as the~~
5 ~~Agency increases the capacity in item (vi) to 40% over~~
6 ~~time, the Agency may reduce the capacity of items (i)~~
7 ~~through (v) proportionate to the capacity of the~~
8 ~~categories of projects in item (vi), to achieve a balance~~
9 ~~of project types.~~

10 The Adjustable Block program shall be designed to
11 ensure that renewable energy credits are procured from
12 photovoltaic distributed renewable energy generation
13 devices and new photovoltaic community renewable energy
14 generation projects in diverse locations and are not
15 concentrated in a few geographic ~~regional~~ areas.

16 (L) ~~Notwithstanding provisions for advancing capital~~
17 ~~prior to project energization found in item (vi) of~~
18 ~~subparagraph (K), the~~ The procurement of photovoltaic
19 renewable energy credits under items (i) through ~~(vi)~~ (iv)
20 of subparagraph (K) of this paragraph (1) shall ~~otherwise~~
21 be subject to the following contract and payment terms:

22 (i) ~~(Blank).~~ The Agency shall procure contracts of at
23 least 15 years in length.

24 (ii) For those renewable energy credits that
25 qualify and are procured under item (i) of
26 subparagraph (K) of this paragraph (1), ~~and any~~

1 ~~similar category projects that are procured under item~~
2 ~~(vi) of subparagraph (K) of this paragraph (1) that~~
3 ~~qualify and are procured under item (vi), the contract~~
4 ~~length shall be 15 years. The renewable energy credit~~
5 ~~delivery contract value~~ purchase price shall be paid
6 in full, ~~based on the estimated generation during the~~
7 ~~first 15 years of operation,~~ by the contracting
8 utilities at the time that the facility producing the
9 renewable energy credits is interconnected at the
10 distribution system level of the utility and ~~verified~~
11 ~~as energized and compliant by the Program~~
12 ~~Administrator~~ energized. The electric utility shall
13 receive and retire all renewable energy credits
14 generated by the project for the first 15 years of
15 operation. ~~Renewable energy credits generated by the~~
16 ~~project thereafter shall not be transferred under the~~
17 ~~renewable energy credit delivery contract with the~~
18 ~~counterparty electric utility.~~

19 (iii) For those renewable energy credits that
20 qualify and are procured under item (ii) and ~~(v)~~ (iii)
21 of subparagraph (K) of this paragraph (1) and ~~any like~~
22 ~~projects similar category that qualify and are~~
23 ~~procured under item (vi), the contract length shall be~~
24 ~~15 years. 15%~~ any additional categories of distributed
25 generation included in the long-term renewable
26 resources procurement plan and approved by the

1 Commission, 20 percent of the renewable energy credit
2 ~~delivery contract value, based on the estimated~~
3 ~~generation during the first 15 years of operation,~~
4 purchase price shall be paid by the contracting
5 utilities at the time that the facility producing the
6 renewable energy credits is interconnected at the
7 distribution system level of the utility and ~~verified~~
8 ~~as energized and compliant by the Program~~
9 ~~Administrator.~~ The remaining portion shall be paid
10 ratably over the subsequent 4-year ~~6-year~~ period. The
11 electric utility shall receive and retire all
12 renewable energy credits generated by the project for
13 the first 15 years of operation. ~~Renewable energy~~
14 ~~credits generated by the project thereafter shall not~~
15 ~~be transferred under the renewable energy credit~~
16 ~~delivery contract with the counterparty electric~~
17 ~~utility.~~

18 (iv) (Blank). ~~For those renewable energy credits~~
19 ~~that qualify and are procured under items (iii) and~~
20 ~~(iv) of subparagraph (K) of this paragraph (1), and~~
21 ~~any like projects that qualify and are procured under~~
22 ~~item (vi), the renewable energy credit delivery~~
23 ~~contract length shall be 20 years and shall be paid~~
24 ~~over the delivery term, not to exceed during each~~
25 ~~delivery year the contract price multiplied by the~~
26 ~~estimated annual renewable energy credit generation~~

1 ~~amount. If generation of renewable energy credits~~
2 ~~during a delivery year exceeds the estimated annual~~
3 ~~generation amount, the excess renewable energy credits~~
4 ~~shall be carried forward to future delivery years and~~
5 ~~shall not expire during the delivery term. If~~
6 ~~generation of renewable energy credits during a~~
7 ~~delivery year, including carried forward excess~~
8 ~~renewable energy credits, if any, is less than the~~
9 ~~estimated annual generation amount, payments during~~
10 ~~such delivery year will not exceed the quantity~~
11 ~~generated plus the quantity carried forward multiplied~~
12 ~~by the contract price. The electric utility shall~~
13 ~~receive all renewable energy credits generated by the~~
14 ~~project during the first 20 years of operation and~~
15 ~~retire all renewable energy credits paid for under~~
16 ~~this item (iv) and return at the end of the delivery~~
17 ~~term all renewable energy credits that were not paid~~
18 ~~for. Renewable energy credits generated by the project~~
19 ~~thereafter shall not be transferred under the~~
20 ~~renewable energy credit delivery contract with the~~
21 ~~counterparty electric utility. Notwithstanding the~~
22 ~~preceding, for those projects participating under item~~
23 ~~(iii) of subparagraph (K), the contract price for a~~
24 ~~delivery year shall be based on subscription levels as~~
25 ~~measured on the higher of the first business day of the~~
26 ~~delivery year or the first business day 6 months after~~

1 ~~the first business day of the delivery year.~~
2 ~~Subscription of 90% of nameplate capacity or greater~~
3 ~~shall be deemed to be fully subscribed for the~~
4 ~~purposes of this item (iv). For projects receiving a~~
5 ~~20 year delivery contract, REC prices shall be~~
6 ~~adjusted downward for consistency with the incentive~~
7 ~~levels previously determined to be necessary to~~
8 ~~support projects under 15 year delivery contracts,~~
9 ~~taking into consideration any additional new~~
10 ~~requirements placed on the projects, including, but~~
11 ~~not limited to, labor standards.~~

12 ~~(v)~~ (iv) Each contract shall include provisions to
13 ensure the delivery of the ~~estimated quantity of~~
14 renewable energy credits for the full term of the
15 contract ~~and ongoing collateral requirements and other~~
16 ~~provisions deemed appropriate by the Agency.~~

17 ~~(vi)~~ (v) The utility shall be the counterparty to
18 the contracts executed under this subparagraph (L)
19 that are approved by the Commission under the process
20 described in Section 16-111.5 of the Public Utilities
21 Act. No contract shall be executed for an amount that
22 is less than one renewable energy credit per year.

23 ~~(vii)~~ (vi) If, at any time, approved applications
24 for the Adjustable Block program exceed funds
25 collected by the electric utility or would cause the
26 Agency to exceed the limitation described in

1 subparagraph (E) of this paragraph (1) on the amount
2 of renewable energy resources that may be procured,
3 then the Agency shall ~~may~~ consider future uncommitted
4 funds to be reserved for these contracts on a
5 first-come, first-served basis, with the delivery of
6 renewable energy credits required beginning at the
7 time that the reserved funds become available.

8 ~~(viii)~~ (vii) Nothing in this Section shall require
9 the utility to advance any payment or pay any amounts
10 that exceed the actual amount of revenues ~~anticipated~~
11 ~~to be~~ collected by the utility under paragraph (6) of
12 this subsection (c) and subsection (k) of Section
13 16-108 of the Public Utilities Act ~~inclusive of~~
14 ~~eligible funds collected in prior years and~~
15 ~~alternative compliance payments for use by the~~
16 ~~utility,~~ and contracts executed under this Section
17 shall expressly incorporate this limitation.

18 ~~(ix)~~ ~~Notwithstanding other requirements of this~~
19 ~~subparagraph (L), no modification shall be required to~~
20 ~~Adjustable Block program contracts if they were~~
21 ~~already executed prior to the establishment, approval,~~
22 ~~and implementation of new contract forms as a result~~
23 ~~of this amendatory Act of the 102nd General Assembly.~~

24 ~~(x)~~ ~~Contracts may be assignable, but only to~~
25 ~~entities first deemed by the Agency to have met~~
26 ~~program terms and requirements applicable to direct~~

1 ~~program participation. In developing contracts for the~~
2 ~~delivery of renewable energy credits, the Agency shall~~
3 ~~be permitted to establish fees applicable to each~~
4 ~~contract assignment.~~

5 (M) The Agency shall be authorized to retain one or
6 more experts or expert consulting firms to develop,
7 administer, implement, operate, and evaluate the
8 Adjustable Block program described in subparagraph (K) of
9 this paragraph (1), and the Agency shall retain the
10 consultant or consultants in the same manner, to the
11 extent practicable, as the Agency retains others to
12 administer provisions of this Act, including, but not
13 limited to, the procurement administrator. The selection
14 of experts and expert consulting firms and the procurement
15 process described in this subparagraph (M) are exempt from
16 the requirements of Section 20-10 of the Illinois
17 Procurement Code, under Section 20-10 of that Code. The
18 Agency shall strive to minimize administrative expenses in
19 the implementation of the Adjustable Block program.

20 ~~The Program Administrator may charge application fees~~
21 ~~to participating firms to cover the cost of program~~
22 ~~administration. Any application fee amounts shall~~
23 ~~initially be determined through the long term renewable~~
24 ~~resources procurement plan, and modifications to any~~
25 ~~application fee that deviate more than 25% from the~~
26 ~~Commission's approved value must be approved by the~~

1 ~~Commission as a long term plan revision under Section~~
2 ~~16-111.5 of the Public Utilities Act. The Agency shall~~
3 ~~consider stakeholder feedback when making adjustments to~~
4 ~~application fees and shall notify stakeholders in advance~~
5 ~~of any planned changes.~~

6 ~~In addition to covering the costs of program~~
7 ~~administration, the Agency, in conjunction with its~~
8 ~~Program Administrator, may also use the proceeds of such~~
9 ~~fees charged to participating firms to support public~~
10 ~~education and ongoing regional and national coordination~~
11 ~~with nonprofit organizations, public bodies, and others~~
12 ~~engaged in the implementation of renewable energy~~
13 ~~incentive programs or similar initiatives. This work may~~
14 ~~include developing papers and reports, hosting regional~~
15 ~~and national conferences, and other work deemed necessary~~
16 ~~by the Agency to position the State of Illinois as a~~
17 ~~national leader in renewable energy incentive program~~
18 ~~development and administration.~~

19 The Agency and its consultant or consultants shall
20 monitor block activity, share program activity with
21 stakeholders and conduct regularly scheduled ~~quarterly~~
22 meetings to discuss program activity and market
23 conditions. If necessary, the Agency may make prospective
24 administrative adjustments to the Adjustable Block program
25 design, such as redistributing available funds or making
26 adjustments to purchase prices as necessary to achieve the

1 goals of this subsection (c). Program modifications to any
2 ~~block~~ price, capacity block, or other program element that
3 do not deviate from the Commission's approved value by
4 more than 25% ~~10%~~ shall take effect immediately and are
5 not subject to Commission review and approval. Program
6 modifications to any ~~block~~ price, capacity block, or other
7 program element that deviate more than 25% ~~10%~~ from the
8 Commission's approved value must be approved by the
9 Commission as a long-term plan amendment under Section
10 16-111.5 of the Public Utilities Act. The Agency shall
11 consider stakeholder feedback when making adjustments to
12 the Adjustable Block design and shall notify stakeholders
13 in advance of any planned changes.

14 ~~The Agency and its program administrators for both the~~
15 ~~Adjustable Block program and the Illinois Solar for All~~
16 ~~Program, consistent with the requirements of this~~
17 ~~subsection (c) and subsection (b) of Section 1-56 of this~~
18 ~~Act, shall propose the Adjustable Block program terms,~~
19 ~~conditions, and requirements, including the prices to be~~
20 ~~paid for renewable energy credits, where applicable, and~~
21 ~~requirements applicable to participating entities and~~
22 ~~project applications, through the development, review, and~~
23 ~~approval of the Agency's long term renewable resources~~
24 ~~procurement plan described in this subsection (c) and~~
25 ~~paragraph (5) of subsection (b) of Section 16-111.5 of the~~
26 ~~Public Utilities Act. Terms, conditions, and requirements~~

1 ~~for program participation shall include the following:~~

2 ~~(i) The Agency shall establish a registration~~
3 ~~process for entities seeking to qualify for~~
4 ~~program administered incentive funding and establish~~
5 ~~baseline qualifications for vendor approval. The~~
6 ~~Agency must maintain a list of approved entities on~~
7 ~~each program's website, and may revoke a vendor's~~
8 ~~ability to receive program administered incentive~~
9 ~~funding status upon a determination that the vendor~~
10 ~~failed to comply with contract terms, the law, or~~
11 ~~other program requirements.~~

12 ~~(ii) The Agency shall establish program~~
13 ~~requirements and minimum contract terms to ensure~~
14 ~~projects are properly installed and produce their~~
15 ~~expected amounts of energy. Program requirements may~~
16 ~~include on site inspections and photo documentation of~~
17 ~~projects under construction. The Agency may require~~
18 ~~repairs, alterations, or additions to remedy any~~
19 ~~material deficiencies discovered. Vendors who have a~~
20 ~~disproportionately high number of deficient systems~~
21 ~~may lose their eligibility to continue to receive~~
22 ~~State administered incentive funding through Agency~~
23 ~~programs and procurements.~~

24 ~~(iii) To discourage deceptive marketing or other~~
25 ~~bad faith business practices, the Agency may require~~
26 ~~direct program participants, including agents~~

1 ~~operating on their behalf, to provide standardized~~
2 ~~disclosures to a customer prior to that customer's~~
3 ~~execution of a contract for the development of a~~
4 ~~distributed generation system or a subscription to a~~
5 ~~community solar project.~~

6 ~~(iv) The Agency shall establish one or multiple~~
7 ~~Consumer Complaints Centers to accept complaints~~
8 ~~regarding businesses that participate in, or otherwise~~
9 ~~benefit from, State administered incentive funding~~
10 ~~through Agency administered programs. The Agency shall~~
11 ~~maintain a public database of complaints with any~~
12 ~~confidential or particularly sensitive information~~
13 ~~redacted from public entries.~~

14 ~~(v) Through a filing in the proceeding for the~~
15 ~~approval of its long term renewable energy resources~~
16 ~~procurement plan, the Agency shall provide an annual~~
17 ~~written report to the Illinois Commerce Commission~~
18 ~~documenting the frequency and nature of complaints and~~
19 ~~any enforcement actions taken in response to those~~
20 ~~complaints.~~

21 ~~(vi) The Agency shall schedule regular meetings~~
22 ~~with representatives of the Office of the Attorney~~
23 ~~General, the Illinois Commerce Commission, consumer~~
24 ~~protection groups, and other interested stakeholders~~
25 ~~to share relevant information about consumer~~
26 ~~protection, project compliance, and complaints~~

1 ~~received.~~

2 ~~(vii) To the extent that complaints received~~
3 ~~implicate the jurisdiction of the Office of the~~
4 ~~Attorney General, the Illinois Commerce Commission, or~~
5 ~~local, State, or federal law enforcement, the Agency~~
6 ~~shall also refer complaints to those entities as~~
7 ~~appropriate.~~

8 (N) The long-term renewable resources procurement plan
9 required by this subsection (c) shall include a community
10 renewable generation program. The Agency shall establish
11 the terms, conditions, and program requirements for
12 ~~photovoltaic~~ community renewable generation projects with
13 a goal to expand renewable energy generating facility
14 access to a broader group of energy consumers, to ensure
15 robust participation opportunities for residential and
16 small commercial customers and those who cannot install
17 renewable energy on their own properties. ~~Subject to~~
18 ~~reasonable limitations, any~~ Any plan approved by the
19 Commission shall allow subscriptions to community
20 renewable generation projects to be portable and
21 transferable. For purposes of this subparagraph (N),
22 "portable" means that subscriptions may be retained by the
23 subscriber even if the subscriber relocates or changes its
24 address within the same utility service territory; and
25 "transferable" means that a subscriber may assign or sell
26 subscriptions to another person within the same utility

1 service territory.

2 ~~Through the development of its long-term renewable~~
3 ~~resources procurement plan, the Agency may consider~~
4 ~~whether community renewable generation projects utilizing~~
5 ~~technologies other than photovoltaics should be supported~~
6 ~~through State administered incentive funding, and may~~
7 ~~issue requests for information to gauge market demand.~~

8 Electric utilities shall provide a monetary credit to
9 a subscriber's subsequent bill for service for the
10 proportional output of a community renewable generation
11 project attributable to that subscriber as specified in
12 Section 16-107.5 of the Public Utilities Act.

13 The Agency shall purchase renewable energy credits
14 from subscribed shares of photovoltaic community renewable
15 generation projects through the Adjustable Block program
16 described in subparagraph (K) of this paragraph (1) or
17 through the Illinois Solar for All Program described in
18 Section 1-56 of this Act. The electric utility shall
19 purchase any unsubscribed energy from community renewable
20 generation projects that are Qualifying Facilities ("QF")
21 under the electric utility's tariff for purchasing the
22 output from QFs under Public Utilities Regulatory Policies
23 Act of 1978.

24 The owners of and any subscribers to a community
25 renewable generation project shall not be considered
26 public utilities or alternative retail electricity

1 suppliers under the Public Utilities Act solely as a
2 result of their interest in or subscription to a community
3 renewable generation project and shall not be required to
4 become an alternative retail electric supplier by
5 participating in a community renewable generation project
6 with a public utility.

7 (O) For the delivery year beginning June 1, 2018, the
8 long-term renewable resources procurement plan required by
9 this subsection (c) shall provide for the Agency to
10 procure contracts to continue offering the Illinois Solar
11 for All Program described in subsection (b) of Section
12 1-56 of this Act, and the contracts approved by the
13 Commission shall be executed by the utilities that are
14 subject to this subsection (c). The long-term renewable
15 resources procurement plan shall allocate ~~up to~~
16 ~~\$50,000,000~~ 5% of the funds available under the plan for
17 the applicable delivery year, or \$10,000,000 per delivery
18 year, whichever is greater, to fund the programs, and the
19 plan shall determine the amount of funding to be
20 apportioned to the programs identified in subsection (b)
21 of Section 1-56 of this Act; provided that ~~for the~~
22 ~~delivery years beginning June 1, 2021, June 1, 2022, and~~
23 ~~June 1, 2023, the long-term renewable resources~~
24 ~~procurement plan may average the annual budgets over a~~
25 ~~3-year period to account for program ramp-up. For~~ for the
26 delivery years beginning June 1, 2017, June 1, 2021, and

1 June 1, 2024 2025, ~~June 1, 2027,~~ and ~~June 1, 2030~~ and
2 ~~additional~~ the long-term renewable resources procurement
3 plan shall allocate 10% of the funds available under the
4 plan for the applicable delivery year, or \$20,000,000 per
5 delivery year, whichever is greater, and \$10,000,000 of
6 such funds in such year shall be ~~provided to the~~
7 ~~Department of Commerce and Economic Opportunity to~~
8 ~~implement the workforce development programs and reporting~~
9 ~~as outlined in~~ used by an electric utility that serves
10 more than 3,000,000 retail customers in the State to
11 implement a Commission-approved plan under Section
12 16-108.12 of the Public Utilities Act. In making the
13 determinations required under this subparagraph (O), the
14 Commission shall consider the experience and performance
15 under the programs and any evaluation reports. The
16 Commission shall also provide for an independent
17 evaluation of those programs on a periodic basis that are
18 funded under this subparagraph (O).

19 ~~(P) All programs and procurements under this~~
20 ~~subsection (c) shall be designed to encourage~~
21 ~~participating projects to use a diverse and equitable~~
22 ~~workforce and a diverse set of contractors, including~~
23 ~~minority-owned businesses, disadvantaged businesses,~~
24 ~~trade unions, graduates of any workforce training programs~~
25 ~~administered under this Act, and small businesses.~~

26 ~~The Agency shall develop a method to optimize~~

1 ~~procurement of renewable energy credits from proposed~~
2 ~~utility-scale projects that are located in communities~~
3 ~~eligible to receive Energy Transition Community Grants~~
4 ~~pursuant to Section 10-20 of the Energy Community~~
5 ~~Reinvestment Act. If this requirement conflicts with other~~
6 ~~provisions of law or the Agency determines that full~~
7 ~~compliance with the requirements of this subparagraph (P)~~
8 ~~would be unreasonably costly or administratively~~
9 ~~impractical, the Agency is to propose alternative~~
10 ~~approaches to achieve development of renewable energy~~
11 ~~resources in communities eligible to receive Energy~~
12 ~~Transition Community Grants pursuant to Section 10-20 of~~
13 ~~the Energy Community Reinvestment Act or seek an exemption~~
14 ~~from this requirement from the Commission.~~

15 ~~(Q) Each facility listed in subitems (i) through~~
16 ~~(viii) of item (1) of this subparagraph (Q) for which a~~
17 ~~renewable energy credit delivery contract is signed after~~
18 ~~the effective date of this amendatory Act of the 102nd~~
19 ~~General Assembly is subject to the following requirements~~
20 ~~through the Agency's long-term renewable resources~~
21 ~~procurement plan:~~

22 ~~(1) Each facility shall be subject to the~~
23 ~~prevailing wage requirements included in the~~
24 ~~Prevailing Wage Act. The Agency shall require~~
25 ~~verification that all construction performed on the~~
26 ~~facility by the renewable energy credit delivery~~

1 ~~contract holder, its contractors, or its~~
2 ~~subcontractors relating to construction of the~~
3 ~~facility is performed by construction employees~~
4 ~~receiving an amount for that work equal to or greater~~
5 ~~than the general prevailing rate, as that term is~~
6 ~~defined in Section 3 of the Prevailing Wage Act. For~~
7 ~~purposes of this item (1), "house of worship" means~~
8 ~~property that is both (1) used exclusively by a~~
9 ~~religious society or body of persons as a place for~~
10 ~~religious exercise or religious worship and (2)~~
11 ~~recognized as exempt from taxation pursuant to Section~~
12 ~~15-40 of the Property Tax Code. This item (1) shall~~
13 ~~apply to any the following:~~

14 ~~(i) all new utility scale wind projects;~~

15 ~~(ii) all new utility scale photovoltaic~~
16 ~~projects;~~

17 ~~(iii) all new brownfield photovoltaic~~
18 ~~projects;~~

19 ~~(iv) all new photovoltaic community renewable~~
20 ~~energy facilities that qualify for item (iii) of~~
21 ~~subparagraph (K) of this paragraph (1);~~

22 ~~(v) all new community driven community~~
23 ~~photovoltaic projects that qualify for item (v) of~~
24 ~~subparagraph (K) of this paragraph (1);~~

25 ~~(vi) all new photovoltaic distributed~~
26 ~~renewable energy generation devices on schools~~

1 ~~that qualify for item (iv) of subparagraph (K) of~~
2 ~~this paragraph (1);~~

3 ~~(vii) all new photovoltaic distributed~~
4 ~~renewable energy generation devices that (1)~~
5 ~~qualify for item (i) of subparagraph (K) of this~~
6 ~~paragraph (1); (2) are not projects that serve~~
7 ~~single family or multi family residential~~
8 ~~buildings; and (3) are not houses of worship where~~
9 ~~the aggregate capacity including collocated~~
10 ~~projects would not exceed 100 kilowatts;~~

11 ~~(viii) all new photovoltaic distributed~~
12 ~~renewable energy generation devices that (1)~~
13 ~~qualify for item (ii) of subparagraph (K) of this~~
14 ~~paragraph (1); (2) are not projects that serve~~
15 ~~single family or multi family residential~~
16 ~~buildings; and (3) are not houses of worship where~~
17 ~~the aggregate capacity including collocated~~
18 ~~projects would not exceed 100 kilowatts.~~

19 ~~(2) Renewable energy credits procured from new~~
20 ~~utility scale wind projects, new utility scale solar~~
21 ~~projects, and new brownfield solar projects pursuant~~
22 ~~to Agency procurement events occurring after the~~
23 ~~effective date of this amendatory Act of the 102nd~~
24 ~~General Assembly must be from facilities built by~~
25 ~~general contractors that must enter into a project~~
26 ~~labor agreement, as defined by this Act, prior to~~

1 ~~construction. The project labor agreement shall be~~
2 ~~filed with the Director in accordance with procedures~~
3 ~~established by the Agency through its long-term~~
4 ~~renewable resources procurement plan. Any information~~
5 ~~submitted to the Agency in this item (2) shall be~~
6 ~~considered commercially sensitive information. At a~~
7 ~~minimum, the project labor agreement must provide the~~
8 ~~names, addresses, and occupations of the owner of the~~
9 ~~plant and the individuals representing the labor~~
10 ~~organization employees participating in the project~~
11 ~~labor agreement consistent with the Project Labor~~
12 ~~Agreements Act. The agreement must also specify the~~
13 ~~terms and conditions as defined by this Act.~~

14 ~~(3) It is the intent of this Section to ensure that~~
15 ~~economic development occurs across Illinois~~
16 ~~communities, that emerging businesses may grow, and~~
17 ~~that there is improved access to the clean energy~~
18 ~~economy by persons who have greater economic burdens~~
19 ~~to success. The Agency shall take into consideration~~
20 ~~the unique cost of compliance of this subparagraph (Q)~~
21 ~~that might be borne by equity eligible contractors,~~
22 ~~shall include such costs when determining the price of~~
23 ~~renewable energy credits in the Adjustable Block~~
24 ~~program, and shall take such costs into consideration~~
25 ~~in a nondiscriminatory manner when comparing bids for~~
26 ~~competitive procurements. The Agency shall consider~~

~~costs associated with compliance whether in the development, financing, or construction of projects. The Agency shall periodically review the assumptions in these costs and may adjust prices, in compliance with subparagraph (M) of this paragraph (1).~~

~~(R) In its long term renewable resources procurement plan, the Agency shall establish a self direct renewable portfolio standard compliance program for eligible self direct customers that purchase renewable energy credits from utility scale wind and solar projects through long term agreements for purchase of renewable energy credits as described in this Section. Such long term agreements may include the purchase of energy or other products on a physical or financial basis and may involve an alternative retail electric supplier as defined in Section 16 102 of the Public Utilities Act. This program shall take effect in the delivery year commencing June 1, 2023.~~

~~(1) For the purposes of this subparagraph:~~

~~"Eligible self direct customer" means any retail customers of an electric utility that serves 3,000,000 or more retail customers in the State and whose total highest 30 minute demand was more than 10,000 kilowatts, or any retail customers of an electric utility that serves less than 3,000,000 retail customers but more than 500,000 retail customers in~~

1 ~~the State and whose total highest 15-minute demand was~~
2 ~~more than 10,000 kilowatts.~~

3 ~~"Retail customer" has the meaning set forth in~~
4 ~~Section 16-102 of the Public Utilities Act and~~
5 ~~multiple retail customer accounts under the same~~
6 ~~corporate parent may aggregate their account demands~~
7 ~~to meet the 10,000 kilowatt threshold. The criteria~~
8 ~~for determining whether this subparagraph is~~
9 ~~applicable to a retail customer shall be based on the~~
10 ~~12 consecutive billing periods prior to the start of~~
11 ~~the year in which the application is filed.~~

12 ~~(2) For renewable energy credits to count toward~~
13 ~~the self-direct renewable portfolio standard~~
14 ~~compliance program, they must:~~

15 ~~(i) qualify as renewable energy credits as~~
16 ~~defined in Section 1-10 of this Act;~~

17 ~~(ii) be sourced from one or more renewable~~
18 ~~energy generating facilities that comply with the~~
19 ~~geographic requirements as set forth in~~
20 ~~subparagraph (I) of paragraph (1) of subsection~~
21 ~~(c) as interpreted through the Agency's long-term~~
22 ~~renewable resources procurement plan, or, where~~
23 ~~applicable, the geographic requirements that~~
24 ~~governed utility-scale renewable energy credits at~~
25 ~~the time the eligible self-direct customer entered~~
26 ~~into the applicable renewable energy credit~~

1 ~~purchase agreement;~~

2 ~~(iii) be procured through long-term contracts~~
3 ~~with term lengths of at least 10 years either~~
4 ~~directly with the renewable energy generating~~
5 ~~facility or through a bundled power purchase~~
6 ~~agreement, a virtual power purchase agreement, an~~
7 ~~agreement between the renewable generating~~
8 ~~facility, an alternative retail electric supplier,~~
9 ~~and the customer, or such other structure as is~~
10 ~~permissible under this subparagraph (R);~~

11 ~~(iv) be equivalent in volume to at least 40%~~
12 ~~of the eligible self-direct customer's usage,~~
13 ~~determined annually by the eligible self-direct~~
14 ~~customer's usage during the previous delivery~~
15 ~~year, measured to the nearest megawatt-hour;~~

16 ~~(v) be retired by or on behalf of the large~~
17 ~~energy customer;~~

18 ~~(vi) be sourced from new utility scale wind~~
19 ~~projects or new utility scale solar projects; and~~

20 ~~(vii) if the contracts for renewable energy~~
21 ~~credits are entered into after the effective date~~
22 ~~of this amendatory Act of the 102nd General~~
23 ~~Assembly, the new utility scale wind projects or~~
24 ~~new utility scale solar projects must comply with~~
25 ~~the requirements established in subparagraphs (P)~~
26 ~~and (Q) of paragraph (1) of this subsection (c)~~

1 ~~and subsection (e-10).~~

2 ~~(3) The self-direct renewable portfolio standard~~
3 ~~compliance program shall be designed to allow eligible~~
4 ~~self-direct customers to procure new renewable energy~~
5 ~~credits from new utility scale wind projects or new~~
6 ~~utility scale photovoltaic projects. The Agency shall~~
7 ~~annually determine the amount of utility scale~~
8 ~~renewable energy credits it will include each year~~
9 ~~from the self direct renewable portfolio standard~~
10 ~~compliance program, subject to receiving qualifying~~
11 ~~applications. In making this determination, the Agency~~
12 ~~shall evaluate publicly available analyses and studies~~
13 ~~of the potential market size for utility scale~~
14 ~~renewable energy long term purchase agreements by~~
15 ~~commercial and industrial energy customers and make~~
16 ~~that report publicly available. If demand for~~
17 ~~participation in the self direct renewable portfolio~~
18 ~~standard compliance program exceeds availability, the~~
19 ~~Agency shall ensure participation is evenly split~~
20 ~~between commercial and industrial users to the extent~~
21 ~~there is sufficient demand from both customer classes.~~
22 ~~Each renewable energy credit procured pursuant to this~~
23 ~~subparagraph (R) by a self direct customer shall~~
24 ~~reduce the total volume of renewable energy credits~~
25 ~~the Agency is otherwise required to procure from new~~
26 ~~utility scale projects pursuant to subparagraph (C) of~~

1 ~~paragraph (1) of this subsection (c) on behalf of~~
2 ~~contracting utilities where the eligible self-direct~~
3 ~~customer is located. The self-direct customer shall~~
4 ~~file an annual compliance report with the Agency~~
5 ~~pursuant to terms established by the Agency through~~
6 ~~its long term renewable resources procurement plan to~~
7 ~~be eligible for participation in this program.~~
8 ~~Customers must provide the Agency with their most~~
9 ~~recent electricity billing statements or other~~
10 ~~information deemed necessary by the Agency to~~
11 ~~demonstrate they are an eligible self-direct customer.~~

12 ~~(4) The Commission shall approve a reduction in~~
13 ~~the volumetric charges collected pursuant to Section~~
14 ~~16-108 of the Public Utilities Act for approved~~
15 ~~eligible self-direct customers equivalent to the~~
16 ~~anticipated cost of renewable energy credit deliveries~~
17 ~~under contracts for new utility scale wind and new~~
18 ~~utility scale solar entered for each delivery year~~
19 ~~after the large energy customer begins retiring~~
20 ~~eligible new utility scale renewable energy credits~~
21 ~~for self-compliance. The self-direct credit amount~~
22 ~~shall be determined annually and is equal to the~~
23 ~~estimated portion of the cost authorized by~~
24 ~~subparagraph (E) of paragraph (1) of this subsection~~
25 ~~(c) that supported the annual procurement of~~
26 ~~utility scale renewable energy credits in the prior~~

1 ~~delivery year using a methodology described in the~~
2 ~~long-term renewable resources procurement plan,~~
3 ~~expressed on a per kilowatthour basis, and does not~~
4 ~~include (i) costs associated with any contracts~~
5 ~~entered into before the delivery year in which the~~
6 ~~customer files the initial compliance report to be~~
7 ~~eligible for participation in the self-direct program,~~
8 ~~and (ii) costs associated with procuring renewable~~
9 ~~energy credits through existing and future contracts~~
10 ~~through the Adjustable Block Program, subsection (c 5)~~
11 ~~of this Section 1-75, and the Solar for All Program.~~
12 ~~The Agency shall assist the Commission in determining~~
13 ~~the current and future costs. The Agency must~~
14 ~~determine the self-direct credit amount for new and~~
15 ~~existing eligible self-direct customers and submit~~
16 ~~this to the Commission in an annual compliance filing.~~
17 ~~The Commission must approve the self-direct credit~~
18 ~~amount by June 1, 2023 and June 1 of each delivery year~~
19 ~~thereafter.~~

20 ~~(5) Customers described in this subparagraph (R)~~
21 ~~shall apply, on a form developed by the Agency, to the~~
22 ~~Agency to be designated as a self-direct eligible~~
23 ~~customer. Once the Agency determines that a~~
24 ~~self-direct customer is eligible for participation in~~
25 ~~the program, the self-direct customer will remain~~
26 ~~eligible until the end of the term of the contract.~~

1 ~~Thereafter, application may be made not less than 12~~
2 ~~months before the filing date of the long-term~~
3 ~~renewable resources procurement plan described in this~~
4 ~~Act. At a minimum, such application shall contain the~~
5 ~~following:~~

6 ~~(i) the customer's certification that, at the~~
7 ~~time of the customer's application, the customer~~
8 ~~qualifies to be a self-direct eligible customer,~~
9 ~~including documents demonstrating that~~
10 ~~qualification;~~

11 ~~(ii) the customer's certification that the~~
12 ~~customer has entered into or will enter into by~~
13 ~~the beginning of the applicable procurement year,~~
14 ~~one or more bilateral contracts for new wind~~
15 ~~projects or new photovoltaic projects, including~~
16 ~~supporting documentation;~~

17 ~~(iii) certification that the contract or~~
18 ~~contracts for new renewable energy resources are~~
19 ~~long-term contracts with term lengths of at least~~
20 ~~10 years, including supporting documentation;~~

21 ~~(iv) certification of the quantities of~~
22 ~~renewable energy credits that the customer will~~
23 ~~purchase each year under such contract or~~
24 ~~contracts, including supporting documentation;~~

25 ~~(v) proof that the contract is sufficient to~~
26 ~~produce renewable energy credits to be equivalent~~

1 ~~in volume to at least 40% of the large energy~~
2 ~~customer's usage from the previous delivery year,~~
3 ~~measured to the nearest megawatt-hour; and~~

4 ~~(vi) certification that the customer intends~~
5 ~~to maintain the contract for the duration of the~~
6 ~~length of the contract.~~

7 ~~(6) If a customer receives the self direct credit~~
8 ~~but fails to properly procure and retire renewable~~
9 ~~energy credits as required under this subparagraph~~
10 ~~(R), the Commission, on petition from the Agency and~~
11 ~~after notice and hearing, may direct such customer's~~
12 ~~utility to recover the cost of the wrongfully received~~
13 ~~self direct credits plus interest through an adder to~~
14 ~~charges assessed pursuant to Section 16-108 of the~~
15 ~~Public Utilities Act. Self direct customers who~~
16 ~~knowingly fail to properly procure and retire~~
17 ~~renewable energy credits and do not notify the Agency~~
18 ~~are ineligible for continued participation in the~~
19 ~~self direct renewable portfolio standard compliance~~
20 ~~program.~~

21 (2) (Blank).

22 (3) (Blank).

23 (4) The electric utility shall retire all renewable
24 energy credits used to comply with the standard.

25 (5) Beginning with the 2010 delivery year and ending
26 June 1, 2017, an electric utility subject to this

1 subsection (c) shall apply the lesser of the maximum
2 alternative compliance payment rate or the most recent
3 estimated alternative compliance payment rate for its
4 service territory for the corresponding compliance period,
5 established pursuant to subsection (d) of Section 16-115D
6 of the Public Utilities Act to its retail customers that
7 take service pursuant to the electric utility's hourly
8 pricing tariff or tariffs. The electric utility shall
9 retain all amounts collected as a result of the
10 application of the alternative compliance payment rate or
11 rates to such customers, and, beginning in 2011, the
12 utility shall include in the information provided under
13 item (1) of subsection (d) of Section 16-111.5 of the
14 Public Utilities Act the amounts collected under the
15 alternative compliance payment rate or rates for the prior
16 year ending May 31. Notwithstanding any limitation on the
17 procurement of renewable energy resources imposed by item
18 (2) of this subsection (c), the Agency shall increase its
19 spending on the purchase of renewable energy resources to
20 be procured by the electric utility for the next plan year
21 by an amount equal to the amounts collected by the utility
22 under the alternative compliance payment rate or rates in
23 the prior year ending May 31.

24 (6) The electric utility shall be entitled to recover
25 all of its costs associated with the procurement of
26 renewable energy credits under plans approved under this

1 Section and Section 16-111.5 of the Public Utilities Act.
2 These costs shall include associated reasonable expenses
3 for implementing the procurement programs, including, but
4 not limited to, the costs of administering and evaluating
5 the Adjustable Block program, through an automatic
6 adjustment clause tariff in accordance with subsection (k)
7 of Section 16-108 of the Public Utilities Act.

8 (7) Renewable energy credits procured from new
9 photovoltaic projects or new distributed renewable energy
10 generation devices under this Section after June 1, 2017
11 (the effective date of Public Act 99-906) must be procured
12 from devices installed by a qualified person in compliance
13 with the requirements of Section 16-128A of the Public
14 Utilities Act and any rules or regulations adopted
15 thereunder.

16 In meeting the renewable energy requirements of this
17 subsection (c), to the extent feasible and consistent with
18 State and federal law, the renewable energy credit
19 procurements, Adjustable Block solar program, and
20 community renewable generation program shall provide
21 employment opportunities for all segments of the
22 population and workforce, including minority-owned and
23 female-owned business enterprises, and shall not,
24 consistent with State and federal law, discriminate based
25 on race or socioeconomic status.

26 ~~(c 5) Procurement of renewable energy credits from new~~

1 ~~renewable energy facilities installed at or adjacent to the~~
2 ~~sites of electric generating facilities that burn or burned~~
3 ~~coal as their primary fuel source.~~

4 ~~(1) In addition to the procurement of renewable energy~~
5 ~~credits pursuant to long term renewable resources~~
6 ~~procurement plans in accordance with subsection (c) of~~
7 ~~this Section and Section 16-111.5 of the Public Utilities~~
8 ~~Act, the Agency shall conduct procurement events in~~
9 ~~accordance with this subsection (c-5) for the procurement~~
10 ~~by electric utilities that served more than 300,000 retail~~
11 ~~customers in this State as of January 1, 2019 of renewable~~
12 ~~energy credits from new renewable energy facilities to be~~
13 ~~installed at or adjacent to the sites of electric~~
14 ~~generating facilities that, as of January 1, 2016, burned~~
15 ~~coal as their primary fuel source and meet the other~~
16 ~~criteria specified in this subsection (c-5). For purposes~~
17 ~~of this subsection (c-5), "new renewable energy facility"~~
18 ~~means a new utility scale solar project as defined in this~~
19 ~~Section 1-75. The renewable energy credits procured~~
20 ~~pursuant to this subsection (c-5) may be included or~~
21 ~~counted for purposes of compliance with the amounts of~~
22 ~~renewable energy credits required to be procured pursuant~~
23 ~~to subsection (c) of this Section to the extent that there~~
24 ~~are otherwise shortfalls in compliance with such~~
25 ~~requirements. The procurement of renewable energy credits~~
26 ~~by electric utilities pursuant to this subsection (c-5)~~

1 ~~shall be funded solely by revenues collected from the Coal~~
2 ~~to Solar and Energy Storage Initiative Charge provided for~~
3 ~~in this subsection (c-5) and subsection (i-5) of Section~~
4 ~~16-108 of the Public Utilities Act, shall not be funded by~~
5 ~~revenues collected through any of the other funding~~
6 ~~mechanisms provided for in subsection (c) of this Section,~~
7 ~~and shall not be subject to the limitation imposed by~~
8 ~~subsection (c) on charges to retail customers for costs to~~
9 ~~procure renewable energy resources pursuant to subsection~~
10 ~~(c), and shall not be subject to any other requirements or~~
11 ~~limitations of subsection (c).~~

12 ~~(2) The Agency shall conduct 2 procurement events to~~
13 ~~select owners of electric generating facilities meeting~~
14 ~~the eligibility criteria specified in this subsection~~
15 ~~(c-5) to enter into long term contracts to sell renewable~~
16 ~~energy credits to electric utilities serving more than~~
17 ~~300,000 retail customers in this State as of January 1,~~
18 ~~2019. The first procurement event shall be conducted no~~
19 ~~later than March 31, 2022, unless the Agency elects to~~
20 ~~delay it, until no later than May 1, 2022, due to its~~
21 ~~overall volume of work, and shall be to select owners of~~
22 ~~electric generating facilities located in this State and~~
23 ~~south of federal Interstate Highway 80 that meet the~~
24 ~~eligibility criteria specified in this subsection (c-5).~~
25 ~~The second procurement event shall be conducted no sooner~~
26 ~~than September 30, 2022 and no later than October 31, 2022~~

1 ~~and shall be to select owners of electric generating~~
2 ~~facilities located anywhere in this State that meet the~~
3 ~~eligibility criteria specified in this subsection (c-5).~~
4 ~~The Agency shall establish and announce a time period,~~
5 ~~which shall begin no later than 30 days prior to the~~
6 ~~scheduled date for the procurement event, during which~~
7 ~~applicants may submit applications to be selected as~~
8 ~~suppliers of renewable energy credits pursuant to this~~
9 ~~subsection (c-5). The eligibility criteria for selection~~
10 ~~as a supplier of renewable energy credits pursuant to this~~
11 ~~subsection (c-5) shall be as follows:~~

12 ~~(A) The applicant owns an electric generating~~
13 ~~facility located in this State that: (i) as of January~~
14 ~~1, 2016, burned coal as its primary fuel to generate~~
15 ~~electricity; and (ii) has, or had prior to retirement,~~
16 ~~an electric generating capacity of at least 150~~
17 ~~megawatts. The electric generating facility can be~~
18 ~~either: (i) retired as of the date of the procurement~~
19 ~~event; or (ii) still operating as of the date of the~~
20 ~~procurement event.~~

21 ~~(B) The applicant is not (i) an electric~~
22 ~~cooperative as defined in Section 3-119 of the Public~~
23 ~~Utilities Act, or (ii) an entity described in~~
24 ~~subsection (b)(1) of Section 3-105 of the Public~~
25 ~~Utilities Act, or an association or consortium of or~~
26 ~~an entity owned by entities described in (i) or (ii);~~

1 ~~and the coal-fueled electric generating facility was~~
2 ~~at one time owned, in whole or in part, by a public~~
3 ~~utility as defined in Section 3-105 of the Public~~
4 ~~Utilities Act.~~

5 ~~(C) If participating in the first procurement~~
6 ~~event, the applicant proposes and commits to construct~~
7 ~~and operate, at the site, and if necessary for~~
8 ~~sufficient space on property adjacent to the existing~~
9 ~~property, at which the electric generating facility~~
10 ~~identified in paragraph (A) is located: (i) a new~~
11 ~~renewable energy facility of at least 20 megawatts but~~
12 ~~no more than 100 megawatts of electric generating~~
13 ~~capacity, and (ii) an energy storage facility having a~~
14 ~~storage capacity equal to at least 2 megawatts and at~~
15 ~~most 10 megawatts. If participating in the second~~
16 ~~procurement event, the applicant proposes and commits~~
17 ~~to construct and operate, at the site, and if~~
18 ~~necessary for sufficient space on property adjacent to~~
19 ~~the existing property, at which the electric~~
20 ~~generating facility identified in paragraph (A) is~~
21 ~~located: (i) a new renewable energy facility of at~~
22 ~~least 5 megawatts but no more than 20 megawatts of~~
23 ~~electric generating capacity, and (ii) an energy~~
24 ~~storage facility having a storage capacity equal to at~~
25 ~~least 0.5 megawatts and at most one megawatt.~~

26 ~~(D) The applicant agrees that the new renewable~~

1 ~~energy facility and the energy storage facility will~~
2 ~~be constructed or installed by a qualified entity or~~
3 ~~entities in compliance with the requirements of~~
4 ~~subsection (g) of Section 16-128A of the Public~~
5 ~~Utilities Act and any rules adopted thereunder.~~

6 ~~(E) The applicant agrees that personnel operating~~
7 ~~the new renewable energy facility and the energy~~
8 ~~storage facility will have the requisite skills,~~
9 ~~knowledge, training, experience, and competence, which~~
10 ~~may be demonstrated by completion or current~~
11 ~~participation and ultimate completion by employees of~~
12 ~~an accredited or otherwise recognized apprenticeship~~
13 ~~program for the employee's particular craft, trade, or~~
14 ~~skill, including through training and education~~
15 ~~courses and opportunities offered by the owner to~~
16 ~~employees of the coal fueled electric generating~~
17 ~~facility or by previous employment experience~~
18 ~~performing the employee's particular work skill or~~
19 ~~function.~~

20 ~~(F) The applicant commits that not less than the~~
21 ~~prevailing wage, as determined pursuant to the~~
22 ~~Prevailing Wage Act, will be paid to the applicant's~~
23 ~~employees engaged in construction activities~~
24 ~~associated with the new renewable energy facility and~~
25 ~~the new energy storage facility and to the employees~~
26 ~~of applicant's contractors engaged in construction~~

1 ~~activities associated with the new renewable energy~~
2 ~~facility and the new energy storage facility, and~~
3 ~~that, on or before the commercial operation date of~~
4 ~~the new renewable energy facility, the applicant shall~~
5 ~~file a report with the Agency certifying that the~~
6 ~~requirements of this subparagraph (F) have been met.~~

7 ~~(G) The applicant commits that if selected, it~~
8 ~~will negotiate a project labor agreement for the~~
9 ~~construction of the new renewable energy facility and~~
10 ~~associated energy storage facility that includes~~
11 ~~provisions requiring the parties to the agreement to~~
12 ~~work together to establish diversity threshold~~
13 ~~requirements and to ensure best efforts to meet~~
14 ~~diversity targets, improve diversity at the applicable~~
15 ~~job site, create diverse apprenticeship opportunities,~~
16 ~~and create opportunities to employ former coal fired~~
17 ~~power plant workers.~~

18 ~~(H) The applicant commits to enter into a contract~~
19 ~~or contracts for the applicable duration to provide~~
20 ~~specified numbers of renewable energy credits each~~
21 ~~year from the new renewable energy facility to~~
22 ~~electric utilities that served more than 300,000~~
23 ~~retail customers in this State as of January 1, 2019,~~
24 ~~at a price of \$30 per renewable energy credit. The~~
25 ~~price per renewable energy credit shall be fixed at~~
26 ~~\$30 for the applicable duration and the renewable~~

1 ~~energy credits shall not be indexed renewable energy~~
2 ~~credits as provided for in item (v) of subparagraph~~
3 ~~(C) of paragraph (1) of subsection (c) of Section 1-75~~
4 ~~of this Act. The applicable duration of each contract~~
5 ~~shall be 20 years, unless the applicant is physically~~
6 ~~interconnected to the PJM Interconnection, LLC~~
7 ~~transmission grid and had a generating capacity of at~~
8 ~~least 1,200 megawatts as of January 1, 2021, in which~~
9 ~~case the applicable duration of the contract shall be~~
10 ~~15 years.~~

11 ~~(I) The applicant's application is certified by an~~
12 ~~officer of the applicant and by an officer of the~~
13 ~~applicant's ultimate parent company, if any.~~

14 ~~(3) An applicant may submit applications to contract~~
15 ~~to supply renewable energy credits from more than one new~~
16 ~~renewable energy facility to be constructed at or adjacent~~
17 ~~to one or more qualifying electric generating facilities~~
18 ~~owned by the applicant. The Agency may select new~~
19 ~~renewable energy facilities to be located at or adjacent~~
20 ~~to the sites of more than one qualifying electric~~
21 ~~generation facility owned by an applicant to contract with~~
22 ~~electric utilities to supply renewable energy credits from~~
23 ~~such facilities.~~

24 ~~(4) The Agency shall assess fees to each applicant to~~
25 ~~recover the Agency's costs incurred in receiving and~~
26 ~~evaluating applications, conducting the procurement event,~~

1 ~~developing contracts for sale, delivery and purchase of~~
2 ~~renewable energy credits, and monitoring the~~
3 ~~administration of such contracts, as provided for in this~~
4 ~~subsection (c 5), including fees paid to a procurement~~
5 ~~administrator retained by the Agency for one or more of~~
6 ~~these purposes.~~

7 ~~(5) The Agency shall select the applicants and the new~~
8 ~~renewable energy facilities to contract with electric~~
9 ~~utilities to supply renewable energy credits in accordance~~
10 ~~with this subsection (c 5). In the first procurement~~
11 ~~event, the Agency shall select applicants and new~~
12 ~~renewable energy facilities to supply renewable energy~~
13 ~~credits, at a price of \$30 per renewable energy credit,~~
14 ~~aggregating to no less than 400,000 renewable energy~~
15 ~~credits per year for the applicable duration, assuming~~
16 ~~sufficient qualifying applications to supply, in the~~
17 ~~aggregate, at least that amount of renewable energy~~
18 ~~credits per year; and not more than 580,000 renewable~~
19 ~~energy credits per year for the applicable duration. In~~
20 ~~the second procurement event, the Agency shall select~~
21 ~~applicants and new renewable energy facilities to supply~~
22 ~~renewable energy credits, at a price of \$30 per renewable~~
23 ~~energy credit, aggregating to no more than 625,000~~
24 ~~renewable energy credits per year less the amount of~~
25 ~~renewable energy credits each year contracted for as a~~
26 ~~result of the first procurement event, for the applicable~~

1 ~~durations. The number of renewable energy credits to be~~
2 ~~procured as specified in this paragraph (5) shall not be~~
3 ~~reduced based on renewable energy credits procured in the~~
4 ~~self-direct renewable energy credit compliance program~~
5 ~~established pursuant to subparagraph (R) of paragraph (1)~~
6 ~~of subsection (c) of Section 1-75.~~

7 ~~(6) The obligation to purchase renewable energy~~
8 ~~credits from the applicants and their new renewable energy~~
9 ~~facilities selected by the Agency shall be allocated to~~
10 ~~the electric utilities based on their respective~~
11 ~~percentages of kilowatthours delivered to delivery~~
12 ~~services customers to the aggregate kilowatthour~~
13 ~~deliveries by the electric utilities to delivery services~~
14 ~~customers for the year ended December 31, 2021. In order~~
15 ~~to achieve these allocation percentages between or among~~
16 ~~the electric utilities, the Agency shall require each~~
17 ~~applicant that is selected in the procurement event to~~
18 ~~enter into a contract with each electric utility for the~~
19 ~~sale and purchase of renewable energy credits from each~~
20 ~~new renewable energy facility to be constructed and~~
21 ~~operated by the applicant, with the sale and purchase~~
22 ~~obligations under the contracts to aggregate to the total~~
23 ~~number of renewable energy credits per year to be supplied~~
24 ~~by the applicant from the new renewable energy facility.~~

25 ~~(7) The Agency shall submit its proposed selection of~~
26 ~~applicants, new renewable energy facilities to be~~

1 ~~constructed, and renewable energy credit amounts for each~~
2 ~~procurement event to the Commission for approval. The~~
3 ~~Commission shall, within 2 business days after receipt of~~
4 ~~the Agency's proposed selections, approve the proposed~~
5 ~~selections if it determines that the applicants and the~~
6 ~~new renewable energy facilities to be constructed meet the~~
7 ~~selection criteria set forth in this subsection (c 5) and~~
8 ~~that the Agency seeks approval for contracts of applicable~~
9 ~~durations aggregating to no more than the maximum amount~~
10 ~~of renewable energy credits per year authorized by this~~
11 ~~subsection (c-5) for the procurement event, at a price of~~
12 ~~\$30 per renewable energy credit.~~

13 ~~(8) The Agency, in conjunction with its procurement~~
14 ~~administrator if one is retained, the electric utilities,~~
15 ~~and potential applicants for contracts to produce and~~
16 ~~supply renewable energy credits pursuant to this~~
17 ~~subsection (c 5), shall develop a standard form contract~~
18 ~~for the sale, delivery and purchase of renewable energy~~
19 ~~credits pursuant to this subsection (c 5). Each contract~~
20 ~~resulting from the first procurement event shall allow for~~
21 ~~a commercial operation date for the new renewable energy~~
22 ~~facility of either June 1, 2023 or June 1, 2024, with such~~
23 ~~dates subject to adjustment as provided in this paragraph.~~
24 ~~Each contract resulting from the second procurement event~~
25 ~~shall provide for a commercial operation date on June 1~~
26 ~~next occurring up to 48 months after execution of the~~

1 ~~contract. Each contract shall provide that the owner shall~~
2 ~~receive payments for renewable energy credits for the~~
3 ~~applicable durations beginning with the commercial~~
4 ~~operation date of the new renewable energy facility. The~~
5 ~~form contract shall provide for adjustments to the~~
6 ~~commercial operation and payment start dates as needed due~~
7 ~~to any delays in completing the procurement and~~
8 ~~contracting processes, in finalizing interconnection~~
9 ~~agreements and installing interconnection facilities, and~~
10 ~~in obtaining other necessary governmental permits and~~
11 ~~approvals. The form contract shall be, to the maximum~~
12 ~~extent possible, consistent with standard electric~~
13 ~~industry contracts for sale, delivery, and purchase of~~
14 ~~renewable energy credits while taking into account the~~
15 ~~specific requirements of this subsection (c-5). The form~~
16 ~~contract shall provide for over delivery and~~
17 ~~under delivery of renewable energy credits within~~
18 ~~reasonable ranges during each 12 month period and penalty,~~
19 ~~default, and enforcement provisions for failure of the~~
20 ~~selling party to deliver renewable energy credits as~~
21 ~~specified in the contract and to comply with the~~
22 ~~requirements of this subsection (c-5). The standard form~~
23 ~~contract shall specify that all renewable energy credits~~
24 ~~delivered to the electric utility pursuant to the contract~~
25 ~~shall be retired. The Agency shall make the proposed~~
26 ~~contracts available for a reasonable period for comment by~~

1 ~~potential applicants, and shall publish the final form~~
2 ~~contract at least 30 days before the date of the first~~
3 ~~procurement event.~~

4 ~~(9) Coal to Solar and Energy Storage Initiative~~
5 ~~Charge.~~

6 ~~(A) By no later than July 1, 2022, each electric~~
7 ~~utility that served more than 300,000 retail customers~~
8 ~~in this State as of January 1, 2019 shall file a tariff~~
9 ~~with the Commission for the billing and collection of~~
10 ~~a Coal to Solar and Energy Storage Initiative Charge~~
11 ~~in accordance with subsection (i-5) of Section 16-108~~
12 ~~of the Public Utilities Act, with such tariff to be~~
13 ~~effective, following review and approval or~~
14 ~~modification by the Commission, beginning January 1,~~
15 ~~2023. The tariff shall provide for the calculation and~~
16 ~~setting of the electric utility's Coal to Solar and~~
17 ~~Energy Storage Initiative Charge to collect revenues~~
18 ~~estimated to be sufficient, in the aggregate, (i) to~~
19 ~~enable the electric utility to pay for the renewable~~
20 ~~energy credits it has contracted to purchase in the~~
21 ~~delivery year beginning June 1, 2023 and each delivery~~
22 ~~year thereafter from new renewable energy facilities~~
23 ~~located at the sites of qualifying electric generating~~
24 ~~facilities, and (ii) to fund the grant payments to be~~
25 ~~made in each delivery year by the Department of~~
26 ~~Commerce and Economic Opportunity, or any successor~~

1 ~~department or agency, which shall be referred to in~~
2 ~~this subsection (c-5) as the Department, pursuant to~~
3 ~~paragraph (10) of this subsection (c-5). The electric~~
4 ~~utility's tariff shall provide for the billing and~~
5 ~~collection of the Coal to Solar and Energy Storage~~
6 ~~Initiative Charge on each kilowatthour of electricity~~
7 ~~delivered to its delivery services customers within~~
8 ~~its service territory and shall provide for an annual~~
9 ~~reconciliation of revenues collected with actual~~
10 ~~costs, in accordance with subsection (i-5) of Section~~
11 ~~16-108 of the Public Utilities Act.~~

12 ~~(B) Each electric utility shall remit on a monthly~~
13 ~~basis to the State Treasurer, for deposit in the Coal~~
14 ~~to Solar and Energy Storage Initiative Fund provided~~
15 ~~for in this subsection (c-5), the electric utility's~~
16 ~~collections of the Coal to Solar and Energy Storage~~
17 ~~Initiative Charge in the amount estimated to be needed~~
18 ~~by the Department for grant payments pursuant to grant~~
19 ~~contracts entered into by the Department pursuant to~~
20 ~~paragraph (10) of this subsection (c-5).~~

21 ~~(10) Coal to Solar and Energy Storage Initiative Fund.~~

22 ~~(A) The Coal to Solar and Energy Storage~~
23 ~~Initiative Fund is established as a special fund in~~
24 ~~the State treasury. The Coal to Solar and Energy~~
25 ~~Storage Initiative Fund is authorized to receive, by~~
26 ~~statutory deposit, that portion specified in item (B)~~

1 ~~of paragraph (9) of this subsection (c-5) of moneys~~
2 ~~collected by electric utilities through imposition of~~
3 ~~the Coal to Solar and Energy Storage Initiative Charge~~
4 ~~required by this subsection (c-5). The Coal to Solar~~
5 ~~and Energy Storage Initiative Fund shall be~~
6 ~~administered by the Department to provide grants to~~
7 ~~support the installation and operation of energy~~
8 ~~storage facilities at the sites of qualifying electric~~
9 ~~generating facilities meeting the criteria specified~~
10 ~~in this paragraph (10).~~

11 ~~(B) The Coal to Solar and Energy Storage~~
12 ~~Initiative Fund shall not be subject to sweeps,~~
13 ~~administrative charges, or chargebacks, including, but~~
14 ~~not limited to, those authorized under Section 8h of~~
15 ~~the State Finance Act, that would in any way result in~~
16 ~~the transfer of those funds from the Coal to Solar and~~
17 ~~Energy Storage Initiative Fund to any other fund of~~
18 ~~this State or in having any such funds utilized for any~~
19 ~~purpose other than the express purposes set forth in~~
20 ~~this paragraph (10).~~

21 ~~(C) The Department shall utilize up to~~
22 ~~\$280,500,000 in the Coal to Solar and Energy Storage~~
23 ~~Initiative Fund for grants, assuming sufficient~~
24 ~~qualifying applicants, to support installation of~~
25 ~~energy storage facilities at the sites of up to 3~~
26 ~~qualifying electric generating facilities located in~~

1 ~~the Midcontinent Independent System Operator, Inc.,~~
2 ~~region in Illinois and the sites of up to 2 qualifying~~
3 ~~electric generating facilities located in the PJM~~
4 ~~Interconnection, LLC region in Illinois that meet the~~
5 ~~criteria set forth in this subparagraph (C). The~~
6 ~~criteria for receipt of a grant pursuant to this~~
7 ~~subparagraph (C) are as follows:~~

8 ~~(1) the electric generating facility at the~~
9 ~~site has, or had prior to retirement, an electric~~
10 ~~generating capacity of at least 150 megawatts;~~

11 ~~(2) the electric generating facility burns (or~~
12 ~~burned prior to retirement) coal as its primary~~
13 ~~source of fuel;~~

14 ~~(3) if the electric generating facility is~~
15 ~~retired, it was retired subsequent to January 1,~~
16 ~~2016;~~

17 ~~(4) the owner of the electric generating~~
18 ~~facility has not been selected by the Agency~~
19 ~~pursuant to this subsection (c 5) of this Section~~
20 ~~to enter into a contract to sell renewable energy~~
21 ~~credits to one or more electric utilities from a~~
22 ~~new renewable energy facility located or to be~~
23 ~~located at or adjacent to the site at which the~~
24 ~~electric generating facility is located;~~

25 ~~(5) the electric generating facility located~~
26 ~~at the site was at one time owned, in whole or in~~

1 ~~part, by a public utility as defined in Section~~
2 ~~3-105 of the Public Utilities Act;~~

3 ~~(6) the electric generating facility at the~~
4 ~~site is not owned by (i) an electric cooperative~~
5 ~~as defined in Section 3-119 of the Public~~
6 ~~Utilities Act, or (ii) an entity described in~~
7 ~~subsection (b) (1) of Section 3-105 of the Public~~
8 ~~Utilities Act, or an association or consortium of~~
9 ~~or an entity owned by entities described in items~~
10 ~~(i) or (ii);~~

11 ~~(7) the proposed energy storage facility at~~
12 ~~the site will have energy storage capacity of at~~
13 ~~least 37 megawatts;~~

14 ~~(8) the owner commits to place the energy~~
15 ~~storage facility into commercial operation on~~
16 ~~either June 1, 2023, June 1, 2024, or June 1, 2025,~~
17 ~~with such date subject to adjustment as needed due~~
18 ~~to any delays in completing the grant contracting~~
19 ~~process, in finalizing interconnection agreements~~
20 ~~and in installing interconnection facilities, and~~
21 ~~in obtaining necessary governmental permits and~~
22 ~~approvals;~~

23 ~~(9) the owner agrees that the new energy~~
24 ~~storage facility will be constructed or installed~~
25 ~~by a qualified entity or entities consistent with~~
26 ~~the requirements of subsection (g) of Section~~

1 ~~16-128A of the Public Utilities Act and any rules~~
2 ~~adopted under that Section;~~

3 ~~(10) the owner agrees that personnel operating~~
4 ~~the energy storage facility will have the~~
5 ~~requisite skills, knowledge, training, experience,~~
6 ~~and competence, which may be demonstrated by~~
7 ~~completion or current participation and ultimate~~
8 ~~completion by employees of an accredited or~~
9 ~~otherwise recognized apprenticeship program for~~
10 ~~the employee's particular craft, trade, or skill,~~
11 ~~including through training and education courses~~
12 ~~and opportunities offered by the owner to~~
13 ~~employees of the coal-fueled electric generating~~
14 ~~facility or by previous employment experience~~
15 ~~performing the employee's particular work skill or~~
16 ~~function;~~

17 ~~(11) the owner commits that not less than the~~
18 ~~prevailing wage, as determined pursuant to the~~
19 ~~Prevailing Wage Act, will be paid to the owner's~~
20 ~~employees engaged in construction activities~~
21 ~~associated with the new energy storage facility~~
22 ~~and to the employees of the owner's contractors~~
23 ~~engaged in construction activities associated with~~
24 ~~the new energy storage facility, and that, on or~~
25 ~~before the commercial operation date of the new~~
26 ~~energy storage facility, the owner shall file a~~

1 ~~report with the Department certifying that the~~
2 ~~requirements of this subparagraph (11) have been~~
3 ~~met; and~~

4 ~~(12) the owner commits that if selected to~~
5 ~~receive a grant, it will negotiate a project labor~~
6 ~~agreement for the construction of the new energy~~
7 ~~storage facility that includes provisions~~
8 ~~requiring the parties to the agreement to work~~
9 ~~together to establish diversity threshold~~
10 ~~requirements and to ensure best efforts to meet~~
11 ~~diversity targets, improve diversity at the~~
12 ~~applicable job site, create diverse apprenticeship~~
13 ~~opportunities, and create opportunities to employ~~
14 ~~former coal-fired power plant workers.~~

15 ~~The Department shall accept applications for this~~
16 ~~grant program until March 31, 2022 and shall announce~~
17 ~~the award of grants no later than June 1, 2022. The~~
18 ~~Department shall make the grant payments to a~~
19 ~~recipient in equal annual amounts for 10 years~~
20 ~~following the date the energy storage facility is~~
21 ~~placed into commercial operation. The annual grant~~
22 ~~payments to a qualifying energy storage facility shall~~
23 ~~be \$110,000 per megawatt of energy storage capacity,~~
24 ~~with total annual grant payments pursuant to this~~
25 ~~subparagraph (C) for qualifying energy storage~~
26 ~~facilities not to exceed \$28,050,000 in any year.~~

1 ~~(D) Grants of funding for energy storage~~
2 ~~facilities pursuant to subparagraph (C) of this~~
3 ~~paragraph (10), from the Coal to Solar and Energy~~
4 ~~Storage Initiative Fund, shall be memorialized in~~
5 ~~grant contracts between the Department and the~~
6 ~~recipient. The grant contracts shall specify the date~~
7 ~~or dates in each year on which the annual grant~~
8 ~~payments shall be paid.~~

9 ~~(E) All disbursements from the Coal to Solar and~~
10 ~~Energy Storage Initiative Fund shall be made only upon~~
11 ~~warrants of the Comptroller drawn upon the Treasurer~~
12 ~~as custodian of the Fund upon vouchers signed by the~~
13 ~~Director of the Department or by the person or persons~~
14 ~~designated by the Director of the Department for that~~
15 ~~purpose. The Comptroller is authorized to draw the~~
16 ~~warrants upon vouchers so signed. The Treasurer shall~~
17 ~~accept all written warrants so signed and shall be~~
18 ~~released from liability for all payments made on those~~
19 ~~warrants.~~

20 ~~(11) Diversity, equity, and inclusion plans.~~

21 ~~(A) Each applicant selected in a procurement event~~
22 ~~to contract to supply renewable energy credits in~~
23 ~~accordance with this subsection (c-5) and each owner~~
24 ~~selected by the Department to receive a grant or~~
25 ~~grants to support the construction and operation of a~~
26 ~~new energy storage facility or facilities in~~

1 ~~accordance with this subsection (c-5) shall, within 60~~
2 ~~days following the Commission's approval of the~~
3 ~~applicant to contract to supply renewable energy~~
4 ~~credits or within 60 days following execution of a~~
5 ~~grant contract with the Department, as applicable,~~
6 ~~submit to the Commission a diversity, equity, and~~
7 ~~inclusion plan setting forth the applicant's or~~
8 ~~owner's numeric goals for the diversity composition of~~
9 ~~its supplier entities for the new renewable energy~~
10 ~~facility or new energy storage facility, as~~
11 ~~applicable, which shall be referred to for purposes of~~
12 ~~this paragraph (11) as the project, and the~~
13 ~~applicant's or owner's action plan and schedule for~~
14 ~~achieving those goals.~~

15 ~~(B) For purposes of this paragraph (11), diversity~~
16 ~~composition shall be based on the percentage, which~~
17 ~~shall be a minimum of 25%, of eligible expenditures~~
18 ~~for contract awards for materials and services (which~~
19 ~~shall be defined in the plan) to business enterprises~~
20 ~~owned by minority persons, women, or persons with~~
21 ~~disabilities as defined in Section 2 of the Business~~
22 ~~Enterprise for Minorities, Women, and Persons with~~
23 ~~Disabilities Act, to LGBTQ business enterprises, to~~
24 ~~veteran-owned business enterprises, and to business~~
25 ~~enterprises located in environmental justice~~
26 ~~communities. The diversity composition goals of the~~

1 ~~plan may include eligible expenditures in areas for~~
2 ~~vendor or supplier opportunities in addition to~~
3 ~~development and construction of the project, and may~~
4 ~~exclude from eligible expenditures materials and~~
5 ~~services with limited market availability, limited~~
6 ~~production and availability from suppliers in the~~
7 ~~United States, such as solar panels and storage~~
8 ~~batteries, and material and services that are subject~~
9 ~~to critical energy infrastructure or cybersecurity~~
10 ~~requirements or restrictions. The plan may provide~~
11 ~~that the diversity composition goals may be met~~
12 ~~through Tier 1 Direct or Tier 2 subcontracting~~
13 ~~expenditures or a combination thereof for the project.~~

14 ~~(C) The plan shall provide for, but not be limited~~
15 ~~to: (i) internal initiatives, including multi-tier~~
16 ~~initiatives, by the applicant or owner, or by its~~
17 ~~engineering, procurement and construction contractor~~
18 ~~if one is used for the project, which for purposes of~~
19 ~~this paragraph (11) shall be referred to as the EPC~~
20 ~~contractor, to enable diverse businesses to be~~
21 ~~considered fairly for selection to provide materials~~
22 ~~and services; (ii) requirements for the applicant or~~
23 ~~owner or its EPC contractor to proactively solicit and~~
24 ~~utilize diverse businesses to provide materials and~~
25 ~~services; and (iii) requirements for the applicant or~~
26 ~~owner or its EPC contractor to hire a diverse~~

1 ~~workforce for the project. The plan shall include a~~
2 ~~description of the applicant's or owner's diversity~~
3 ~~recruiting efforts both for the project and for other~~
4 ~~areas of the applicant's or owner's business~~
5 ~~operations. The plan shall provide for the imposition~~
6 ~~of financial penalties on the applicant's or owner's~~
7 ~~EPC contractor for failure to exercise best efforts to~~
8 ~~comply with and execute the EPC contractor's diversity~~
9 ~~obligations under the plan. The plan may provide for~~
10 ~~the applicant or owner to set aside a portion of the~~
11 ~~work on the project to serve as an incubation program~~
12 ~~for qualified businesses, as specified in the plan,~~
13 ~~owned by minority persons, women, persons with~~
14 ~~disabilities, LGBTQ persons, and veterans, and~~
15 ~~businesses located in environmental justice~~
16 ~~communities, seeking to enter the renewable energy~~
17 ~~industry.~~

18 ~~(D) The applicant or owner may submit a revised or~~
19 ~~updated plan to the Commission from time to time as~~
20 ~~circumstances warrant. The applicant or owner shall~~
21 ~~file annual reports with the Commission detailing the~~
22 ~~applicant's or owner's progress in implementing its~~
23 ~~plan and achieving its goals and any modifications the~~
24 ~~applicant or owner has made to its plan to better~~
25 ~~achieve its diversity, equity and inclusion goals. The~~
26 ~~applicant or owner shall file a final report on the~~

1 ~~fifth June 1 following the commercial operation date~~
2 ~~of the new renewable energy resource or new energy~~
3 ~~storage facility, but the applicant or owner shall~~
4 ~~thereafter continue to be subject to applicable~~
5 ~~reporting requirements of Section 5-117 of the Public~~
6 ~~Utilities Act.~~

7 ~~(c-10) Equity accountability system. It is the purpose of~~
8 ~~this subsection (c-10) to create an equity accountability~~
9 ~~system, which includes the minimum equity standards for all~~
10 ~~renewable energy procurements, the equity category of the~~
11 ~~Adjustable Block Program, and the equity prioritization for~~
12 ~~noncompetitive procurements, that is successful in advancing~~
13 ~~priority access to the clean energy economy for businesses and~~
14 ~~workers from communities that have been excluded from economic~~
15 ~~opportunities in the energy sector, have been subject to~~
16 ~~disproportionate levels of pollution, and have~~
17 ~~disproportionately experienced negative public health~~
18 ~~outcomes. Further, it is the purpose of this subsection to~~
19 ~~ensure that this equity accountability system is successful in~~
20 ~~advancing equity across Illinois by providing access to the~~
21 ~~clean energy economy for businesses and workers from~~
22 ~~communities that have been historically excluded from economic~~
23 ~~opportunities in the energy sector, have been subject to~~
24 ~~disproportionate levels of pollution, and have~~
25 ~~disproportionately experienced negative public health~~
26 ~~outcomes.~~

1 ~~(1) Minimum equity standards. The Agency shall create~~
2 ~~programs with the purpose of increasing access to and~~
3 ~~development of equity eligible contractors, who are prime~~
4 ~~contractors and subcontractors, across all of the programs~~
5 ~~it manages. All applications for renewable energy credit~~
6 ~~procurements shall comply with specific minimum equity~~
7 ~~commitments. Starting in the delivery year immediately~~
8 ~~following the next long term renewable resources~~
9 ~~procurement plan, at least 10% of the project workforce~~
10 ~~for each entity participating in a procurement program~~
11 ~~outlined in this subsection (c-10) must be done by equity~~
12 ~~eligible persons or equity eligible contractors. The~~
13 ~~Agency shall increase the minimum percentage each delivery~~
14 ~~year thereafter by increments that ensure a statewide~~
15 ~~average of 30% of the project workforce for each entity~~
16 ~~participating in a procurement program is done by equity~~
17 ~~eligible persons or equity eligible contractors by 2030.~~
18 ~~The Agency shall propose a schedule of percentage~~
19 ~~increases to the minimum equity standards in its draft~~
20 ~~revised renewable energy resources procurement plan~~
21 ~~submitted to the Commission for approval pursuant to~~
22 ~~paragraph (5) of subsection (b) of Section 16-111.5 of the~~
23 ~~Public Utilities Act. In determining these annual~~
24 ~~increases, the Agency shall have the discretion to~~
25 ~~establish different minimum equity standards for different~~
26 ~~types of procurements and different regions of the State~~

1 ~~if the Agency finds that doing so will further the~~
2 ~~purposes of this subsection (c-10). The proposed schedule~~
3 ~~of annual increases shall be revisited and updated on an~~
4 ~~annual basis. Revisions shall be developed with~~
5 ~~stakeholder input, including from equity eligible persons,~~
6 ~~equity eligible contractors, clean energy industry~~
7 ~~representatives, and community based organizations that~~
8 ~~work with such persons and contractors.~~

9 ~~(A) At the start of each delivery year, the Agency~~
10 ~~shall require a compliance plan from each entity~~
11 ~~participating in a procurement program of subsection~~
12 ~~(c) of this Section that demonstrates how they will~~
13 ~~achieve compliance with the minimum equity standard~~
14 ~~percentage for work completed in that delivery year.~~
15 ~~If an entity applies for its approved vendor or~~
16 ~~designee status between delivery years, the Agency~~
17 ~~shall require a compliance plan at the time of~~
18 ~~application.~~

19 ~~(B) Halfway through each delivery year, the Agency~~
20 ~~shall require each entity participating in a~~
21 ~~procurement program to confirm that it will achieve~~
22 ~~compliance in that delivery year, when applicable. The~~
23 ~~Agency may offer corrective action plans to entities~~
24 ~~that are not on track to achieve compliance.~~

25 ~~(C) At the end of each delivery year, each entity~~
26 ~~participating and completing work in that delivery~~

1 ~~year in a procurement program of subsection (c) shall~~
2 ~~submit a report to the Agency that demonstrates how it~~
3 ~~achieved compliance with the minimum equity standards~~
4 ~~percentage for that delivery year.~~

5 ~~(D) The Agency shall prohibit participation in~~
6 ~~procurement programs by an approved vendor or~~
7 ~~designee, as applicable, or entities with which an~~
8 ~~approved vendor or designee, as applicable, shares a~~
9 ~~common parent company if an approved vendor or~~
10 ~~designee, as applicable, failed to meet the minimum~~
11 ~~equity standards for the prior delivery year. Waivers~~
12 ~~approved for lack of equity eligible persons or equity~~
13 ~~eligible contractors in a geographic area of a project~~
14 ~~shall not count against the approved vendor or~~
15 ~~designee. The Agency shall offer a corrective action~~
16 ~~plan for any such entities to assist them in obtaining~~
17 ~~compliance and shall allow continued access to~~
18 ~~procurement programs upon an approved vendor or~~
19 ~~designee demonstrating compliance.~~

20 ~~(E) The Agency shall pursue efficiencies achieved~~
21 ~~by combining with other approved vendor or designee~~
22 ~~reporting.~~

23 ~~(2) Equity accountability system within the Adjustable~~
24 ~~Block program. The equity category described in item (vi)~~
25 ~~of subparagraph (K) of subsection (c) is only available to~~
26 ~~applicants that are equity eligible contractors.~~

1 ~~(3) Equity accountability system within competitive~~
2 ~~procurements. Through its long-term renewable resources~~
3 ~~procurement plan, the Agency shall develop requirements~~
4 ~~for ensuring that competitive procurement processes,~~
5 ~~including utility scale solar, utility scale wind, and~~
6 ~~brownfield site photovoltaic projects, advance the equity~~
7 ~~goals of this subsection (c-10). Subject to Commission~~
8 ~~approval, the Agency shall develop bid application~~
9 ~~requirements and a bid evaluation methodology for ensuring~~
10 ~~that utilization of equity eligible contractors, whether~~
11 ~~as bidders or as participants on project development, is~~
12 ~~optimized, including requiring that winning or successful~~
13 ~~applicants for utility-scale projects are or will partner~~
14 ~~with equity eligible contractors and giving preference to~~
15 ~~bids through which a higher portion of contract value~~
16 ~~flows to equity eligible contractors. To the extent~~
17 ~~practicable, entities participating in competitive~~
18 ~~procurements shall also be required to meet all the equity~~
19 ~~accountability requirements for approved vendors and their~~
20 ~~designees under this subsection (c-10). In developing~~
21 ~~these requirements, the Agency shall also consider whether~~
22 ~~equity goals can be further advanced through additional~~
23 ~~measures.~~

24 ~~(4) In the first revision to the long-term renewable~~
25 ~~energy resources procurement plan and each revision~~
26 ~~thereafter, the Agency shall include the following:~~

1 ~~(A) The current status and number of equity~~
2 ~~eligible contractors listed in the Energy Workforce~~
3 ~~Equity Database designed in subsection (c-25),~~
4 ~~including the number of equity eligible contractors~~
5 ~~with current certifications as issued by the Agency.~~

6 ~~(B) A mechanism for measuring, tracking, and~~
7 ~~reporting project workforce at the approved vendor or~~
8 ~~designee level, as applicable, which shall include a~~
9 ~~measurement methodology and records to be made~~
10 ~~available for audit by the Agency or the Program~~
11 ~~Administrator.~~

12 ~~(C) A program for approved vendors, designees,~~
13 ~~eligible persons, and equity eligible contractors to~~
14 ~~receive trainings, guidance, and other support from~~
15 ~~the Agency or its designee regarding the equity~~
16 ~~category outlined in item (vi) of subparagraph (K) of~~
17 ~~paragraph (1) of subsection (c) and in meeting the~~
18 ~~minimum equity standards of this subsection (c-10).~~

19 ~~(D) A process for certifying equity eligible~~
20 ~~contractors and equity eligible persons. The~~
21 ~~certification process shall coordinate with the Energy~~
22 ~~Workforce Equity Database set forth in subsection~~
23 ~~(c-25).~~

24 ~~(E) An application for waiver of the minimum~~
25 ~~equity standards of this subsection, which the Agency~~
26 ~~shall have the discretion to grant in rare~~

1 ~~circumstances. The Agency may grant such a waiver~~
2 ~~where the applicant provides evidence of significant~~
3 ~~efforts toward meeting the minimum equity commitment,~~
4 ~~including: use of the Energy Workforce Equity~~
5 ~~Database; efforts to hire or contract with entities~~
6 ~~that hire eligible persons; and efforts to establish~~
7 ~~contracting relationships with eligible contractors.~~
8 ~~The Agency shall support applicants in understanding~~
9 ~~the Energy Workforce Equity Database and other~~
10 ~~resources for pursuing compliance of the minimum~~
11 ~~equity standards. Waivers shall be project-specific,~~
12 ~~unless the Agency deems it necessary to grant a waiver~~
13 ~~across a portfolio of projects, and in effect for no~~
14 ~~longer than one year. Any waiver extension or~~
15 ~~subsequent waiver request from an applicant shall be~~
16 ~~subject to the requirements of this Section and shall~~
17 ~~specify efforts made to reach compliance. When~~
18 ~~considering whether to grant a waiver, and to what~~
19 ~~extent, the Agency shall consider the degree to which~~
20 ~~similarly situated applicants have been able to meet~~
21 ~~these minimum equity commitments. For repeated waiver~~
22 ~~requests for specific lack of eligible persons or~~
23 ~~eligible contractors available, the Agency shall make~~
24 ~~recommendations to target recruitment to add such~~
25 ~~eligible persons or eligible contractors to the~~
26 ~~database.~~

1 ~~(5) The Agency shall collect information about work on~~
2 ~~projects or portfolios of projects subject to these~~
3 ~~minimum equity standards to ensure compliance with this~~
4 ~~subsection (c-10). Reporting in furtherance of this~~
5 ~~requirement may be combined with other annual reporting~~
6 ~~requirements. Such reporting shall include proof of~~
7 ~~certification of each equity eligible contractor or equity~~
8 ~~eligible person during the applicable time period.~~

9 ~~(6) The Agency shall keep confidential all information~~
10 ~~and communication that provides private or personal~~
11 ~~information.~~

12 ~~(7) Modifications to the equity accountability system.~~
13 ~~As part of the update of the long term renewable resources~~
14 ~~procurement plan to be initiated in 2023, or sooner if the~~
15 ~~Agency deems necessary, the Agency shall determine the~~
16 ~~extent to which the equity accountability system described~~
17 ~~in this subsection (c-10) has advanced the goals of this~~
18 ~~amendatory Act of the 102nd General Assembly, including~~
19 ~~through the inclusion of equity eligible persons and~~
20 ~~equity eligible contractors in renewable energy credit~~
21 ~~projects. If the Agency finds that the equity~~
22 ~~accountability system has failed to meet those goals to~~
23 ~~its fullest potential, the Agency may revise the following~~
24 ~~criteria for future Agency procurements: (A) the~~
25 ~~percentage of project workforce, or other appropriate~~
26 ~~workforce measure, certified as equity eligible persons or~~

1 ~~equity eligible contractors; (B) definitions for equity~~
2 ~~investment eligible persons and equity investment eligible~~
3 ~~community; and (C) such other modifications necessary to~~
4 ~~advance the goals of this amendatory Act of the 102nd~~
5 ~~General Assembly effectively. Such revised criteria may~~
6 ~~also establish distinct equity accountability systems for~~
7 ~~different types of procurements or different regions of~~
8 ~~the State if the Agency finds that doing so will further~~
9 ~~the purposes of such programs. Revisions shall be~~
10 ~~developed with stakeholder input, including from equity~~
11 ~~eligible persons, equity eligible contractors, and~~
12 ~~community-based organizations that work with such persons~~
13 ~~and contractors.~~

14 ~~(c-15) Racial discrimination elimination powers and~~
15 ~~process.~~

16 ~~(1) Purpose. It is the purpose of this subsection to~~
17 ~~empower the Agency and other State actors to remedy racial~~
18 ~~discrimination in Illinois' clean energy economy as~~
19 ~~effectively and expediently as possible, including through~~
20 ~~the use of race-conscious remedies, such as race-conscious~~
21 ~~contracting and hiring goals, as consistent with State and~~
22 ~~federal law.~~

23 ~~(2) Racial disparity and discrimination review~~
24 ~~process.~~

25 ~~(A) Within one year after awarding contracts using~~
26 ~~the equity actions processes established in this~~

1 ~~Section, the Agency shall publish a report evaluating~~
2 ~~the effectiveness of the equity actions point criteria~~
3 ~~of this Section in increasing participation of equity~~
4 ~~eligible persons and equity eligible contractors. The~~
5 ~~report shall disaggregate participating workers and~~
6 ~~contractors by race and ethnicity. The report shall be~~
7 ~~forwarded to the Governor, the General Assembly, and~~
8 ~~the Illinois Commerce Commission and be made available~~
9 ~~to the public.~~

10 ~~(B) As soon as is practicable thereafter, the~~
11 ~~Agency, in consultation with the Department of~~
12 ~~Commerce and Economic Opportunity, Department of~~
13 ~~Labor, and other agencies that may be relevant, shall~~
14 ~~commission and publish a disparity and availability~~
15 ~~study that measures the presence and impact of~~
16 ~~discrimination on minority businesses and workers in~~
17 ~~Illinois' clean energy economy. The Agency may hire~~
18 ~~consultants and experts to conduct the disparity and~~
19 ~~availability study, with the retention of those~~
20 ~~consultants and experts exempt from the requirements~~
21 ~~of Section 20-10 of the Illinois Procurement Code. The~~
22 ~~Illinois Power Agency shall forward a copy of its~~
23 ~~findings and recommendations to the Governor, the~~
24 ~~General Assembly, and the Illinois Commerce~~
25 ~~Commission. If the disparity and availability study~~
26 ~~establishes a strong basis in evidence that there is~~

1 ~~discrimination in Illinois' clean energy economy, the~~
2 ~~Agency, Department of Commerce and Economic~~
3 ~~Opportunity, Department of Labor, Department of~~
4 ~~Corrections, and other appropriate agencies shall take~~
5 ~~appropriate remedial actions, including race conscious~~
6 ~~remedial actions as consistent with State and federal~~
7 ~~law, to effectively remedy this discrimination. Such~~
8 ~~remedies may include modification of the equity~~
9 ~~accountability system as described in subsection~~
10 ~~(c 10).~~

11 ~~(c 20) Program data collection.~~

12 ~~(1) Purpose. Data collection, data analysis, and~~
13 ~~reporting are critical to ensure that the benefits of the~~
14 ~~clean energy economy provided to Illinois residents and~~
15 ~~businesses are equitably distributed across the State. The~~
16 ~~Agency shall collect data from program applicants in order~~
17 ~~to track and improve equitable distribution of benefits~~
18 ~~across Illinois communities for all procurements the~~
19 ~~Agency conducts. The Agency shall use this data to, among~~
20 ~~other things, measure any potential impact of racial~~
21 ~~discrimination on the distribution of benefits and provide~~
22 ~~information necessary to correct any discrimination~~
23 ~~through methods consistent with State and federal law.~~

24 ~~(2) Agency collection of program data. The Agency~~
25 ~~shall collect demographic and geographic data for each~~
26 ~~entity awarded contracts under any Agency administered~~

1 ~~program.~~

2 ~~(3) Required information to be collected. The Agency~~
3 ~~shall collect the following information from applicants~~
4 ~~and program participants where applicable:~~

5 ~~(A) demographic information, including racial or~~
6 ~~ethnic identity for real persons employed, contracted,~~
7 ~~or subcontracted through the program and owners of~~
8 ~~businesses or entities that apply to receive renewable~~
9 ~~energy credits from the Agency;~~

10 ~~(B) geographic location of the residency of real~~
11 ~~persons employed, contracted, or subcontracted through~~
12 ~~the program and geographic location of the~~
13 ~~headquarters of the business or entity that applies to~~
14 ~~receive renewable energy credits from the Agency; and~~

15 ~~(C) any other information the Agency determines is~~
16 ~~necessary for the purpose of achieving the purpose of~~
17 ~~this subsection.~~

18 ~~(4) Publication of collected information. The Agency~~
19 ~~shall publish, at least annually, information on the~~
20 ~~demographics of program participants on an aggregate~~
21 ~~basis.~~

22 ~~(5) Nothing in this subsection shall be interpreted to~~
23 ~~limit the authority of the Agency, or other agency or~~
24 ~~department of the State, to require or collect demographic~~
25 ~~information from applicants of other State programs.~~

26 ~~(c 25) Energy Workforce Equity Database.~~

1 ~~(1) The Agency, in consultation with the Department of~~
2 ~~Commerce and Economic Opportunity, shall create an Energy~~
3 ~~Workforce Equity Database, and may contract with a third~~
4 ~~party to do so ("database program administrator"). If the~~
5 ~~Department decides to contract with a third party, that~~
6 ~~third party shall be exempt from the requirements of~~
7 ~~Section 20-10 of the Illinois Procurement Code. The Energy~~
8 ~~Workforce Equity Database shall be a searchable database~~
9 ~~of suppliers, vendors, and subcontractors for clean energy~~
10 ~~industries that is:~~

11 ~~(A) publicly accessible;~~

12 ~~(B) easy for people to find and use;~~

13 ~~(C) organized by company specialty or field;~~

14 ~~(D) region specific; and~~

15 ~~(E) populated with information including, but not~~
16 ~~limited to, contacts for suppliers, vendors, or~~
17 ~~subcontractors who are minority and women owned~~
18 ~~business enterprise certified or who participate or~~
19 ~~have participated in any of the programs described in~~
20 ~~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 equity~~
25 ~~investment eligible communities;~~

26 ~~(B) job postings and recruiting opportunities;~~

1 ~~(C) a means by which recruiting clean energy~~
2 ~~companies can find and interact with current or former~~
3 ~~participants of clean energy workforce training~~
4 ~~programs;~~

5 ~~(D) information on workforce training service~~
6 ~~providers and training opportunities available to~~
7 ~~prospective workers;~~

8 ~~(E) renewable energy company diversity reporting;~~

9 ~~(F) a list of equity eligible contractors with~~
10 ~~their contact information, types of work performed,~~
11 ~~and locations worked in;~~

12 ~~(G) reporting on outcomes of the programs~~
13 ~~described in the workforce programs of the Energy~~
14 ~~Transition Act, including information such as, but not~~
15 ~~limited to, retention rate, graduation rate, and~~
16 ~~placement rates of trainees; and~~

17 ~~(H) information about the Jobs and Environmental~~
18 ~~Justice Grant Program, the Clean Energy Jobs and~~
19 ~~Justice Fund, and other sources of capital.~~

20 ~~(3) The Agency shall ensure the database is regularly~~
21 ~~updated to ensure information is current and shall~~
22 ~~coordinate with the Department of Commerce and Economic~~
23 ~~Opportunity to ensure that it includes information on~~
24 ~~individuals and entities that are or have participated in~~
25 ~~the Clean Jobs Workforce Network Program, Clean Energy~~
26 ~~Contractor Incubator Program, Returning Residents Clean~~

1 ~~Jobs Training Program, or Clean Energy Primes Contractor~~
2 ~~Accelerator Program.~~

3 ~~(c-30) Enforcement of minimum equity standards. All~~
4 ~~entities seeking renewable energy credits must submit an~~
5 ~~annual report to demonstrate compliance with each of the~~
6 ~~equity commitments required under subsection (c-10). If the~~
7 ~~Agency concludes the entity has not met or maintained its~~
8 ~~minimum equity standards required under the applicable~~
9 ~~subparagraphs under subsection (c-10), the Agency shall deny~~
10 ~~the entity's ability to participate in procurement programs in~~
11 ~~subsection (c), including by withholding approved vendor or~~
12 ~~designee status. The Agency may require the entity to enter~~
13 ~~into a corrective action plan. An entity that is not~~
14 ~~recertified for failing to meet required equity actions in~~
15 ~~subparagraph (c-10) may reapply once they have a corrective~~
16 ~~action plan and achieve compliance with the minimum equity~~
17 ~~standards.~~

18 (d) Clean coal portfolio standard.

19 (1) The procurement plans shall include electricity
20 generated using clean coal. Each utility shall enter into
21 one or more sourcing agreements with the initial clean
22 coal facility, as provided in paragraph (3) of this
23 subsection (d), covering electricity generated by the
24 initial clean coal facility representing at least 5% of
25 each utility's total supply to serve the load of eligible
26 retail customers in 2015 and each year thereafter, as

1 described in paragraph (3) of this subsection (d), subject
2 to the limits specified in paragraph (2) of this
3 subsection (d). It is the goal of the State that by January
4 1, 2025, 25% of the electricity used in the State shall be
5 generated by cost-effective clean coal facilities. For
6 purposes of this subsection (d), "cost-effective" means
7 that the expenditures pursuant to such sourcing agreements
8 do not cause the limit stated in paragraph (2) of this
9 subsection (d) to be exceeded and do not exceed cost-based
10 benchmarks, which shall be developed to assess all
11 expenditures pursuant to such sourcing agreements covering
12 electricity generated by clean coal facilities, other than
13 the initial clean coal facility, by the procurement
14 administrator, in consultation with the Commission staff,
15 Agency staff, and the procurement monitor and shall be
16 subject to Commission review and approval.

17 A utility party to a sourcing agreement shall
18 immediately retire any emission credits that it receives
19 in connection with the electricity covered by such
20 agreement.

21 Utilities shall maintain adequate records documenting
22 the purchases under the sourcing agreement to comply with
23 this subsection (d) and shall file an accounting with the
24 load forecast that must be filed with the Agency by July 15
25 of each year, in accordance with subsection (d) of Section
26 16-111.5 of the Public Utilities Act.

1 A utility shall be deemed to have complied with the
2 clean coal portfolio standard specified in this subsection
3 (d) if the utility enters into a sourcing agreement as
4 required by this subsection (d).

5 (2) For purposes of this subsection (d), the required
6 execution of sourcing agreements with the initial clean
7 coal facility for a particular year shall be measured as a
8 percentage of the actual amount of electricity
9 (megawatt-hours) supplied by the electric utility to
10 eligible retail customers in the planning year ending
11 immediately prior to the agreement's execution. For
12 purposes of this subsection (d), the amount paid per
13 kilowatthour means the total amount paid for electric
14 service expressed on a per kilowatthour basis. For
15 purposes of this subsection (d), the total amount paid for
16 electric service includes without limitation amounts paid
17 for supply, transmission, distribution, surcharges and
18 add-on taxes.

19 Notwithstanding the requirements of this subsection
20 (d), the total amount paid under sourcing agreements with
21 clean coal facilities pursuant to the procurement plan for
22 any given year shall be reduced by an amount necessary to
23 limit the annual estimated average net increase due to the
24 costs of these resources included in the amounts paid by
25 eligible retail customers in connection with electric
26 service to:

1 (A) in 2010, no more than 0.5% of the amount paid
2 per kilowatthour by those customers during the year
3 ending May 31, 2009;

4 (B) in 2011, the greater of an additional 0.5% of
5 the amount paid per kilowatthour by those customers
6 during the year ending May 31, 2010 or 1% of the amount
7 paid per kilowatthour by those customers during the
8 year ending May 31, 2009;

9 (C) in 2012, the greater of an additional 0.5% of
10 the amount paid per kilowatthour by those customers
11 during the year ending May 31, 2011 or 1.5% of the
12 amount paid per kilowatthour by those customers during
13 the year ending May 31, 2009;

14 (D) in 2013, the greater of an additional 0.5% of
15 the amount paid per kilowatthour by those customers
16 during the year ending May 31, 2012 or 2% of the amount
17 paid per kilowatthour by those customers during the
18 year ending May 31, 2009; and

19 (E) thereafter, the total amount paid under
20 sourcing agreements with clean coal facilities
21 pursuant to the procurement plan for any single year
22 shall be reduced by an amount necessary to limit the
23 estimated average net increase due to the cost of
24 these resources included in the amounts paid by
25 eligible retail customers in connection with electric
26 service to no more than the greater of (i) 2.015% of

1 the amount paid per kilowatthour by those customers
2 during the year ending May 31, 2009 or (ii) the
3 incremental amount per kilowatthour paid for these
4 resources in 2013. These requirements may be altered
5 only as provided by statute.

6 No later than June 30, 2015, the Commission shall
7 review the limitation on the total amount paid under
8 sourcing agreements, if any, with clean coal facilities
9 pursuant to this subsection (d) and report to the General
10 Assembly its findings as to whether that limitation unduly
11 constrains the amount of electricity generated by
12 cost-effective clean coal facilities that is covered by
13 sourcing agreements.

14 (3) Initial clean coal facility. In order to promote
15 development of clean coal facilities in Illinois, each
16 electric utility subject to this Section shall execute a
17 sourcing agreement to source electricity from a proposed
18 clean coal facility in Illinois (the "initial clean coal
19 facility") that will have a nameplate capacity of at least
20 500 MW when commercial operation commences, that has a
21 final Clean Air Act permit on June 1, 2009 (the effective
22 date of Public Act 95-1027), and that will meet the
23 definition of clean coal facility in Section 1-10 of this
24 Act when commercial operation commences. The sourcing
25 agreements with this initial clean coal facility shall be
26 subject to both approval of the initial clean coal

1 facility by the General Assembly and satisfaction of the
2 requirements of paragraph (4) of this subsection (d) and
3 shall be executed within 90 days after any such approval
4 by the General Assembly. The Agency and the Commission
5 shall have authority to inspect all books and records
6 associated with the initial clean coal facility during the
7 term of such a sourcing agreement. A utility's sourcing
8 agreement for electricity produced by the initial clean
9 coal facility shall include:

10 (A) a formula contractual price (the "contract
11 price") approved pursuant to paragraph (4) of this
12 subsection (d), which shall:

13 (i) be determined using a cost of service
14 methodology employing either a level or deferred
15 capital recovery component, based on a capital
16 structure consisting of 45% equity and 55% debt,
17 and a return on equity as may be approved by the
18 Federal Energy Regulatory Commission, which in any
19 case may not exceed the lower of 11.5% or the rate
20 of return approved by the General Assembly
21 pursuant to paragraph (4) of this subsection (d);
22 and

23 (ii) provide that all miscellaneous net
24 revenue, including but not limited to net revenue
25 from the sale of emission allowances, if any,
26 substitute natural gas, if any, grants or other

1 support provided by the State of Illinois or the
2 United States Government, firm transmission
3 rights, if any, by-products produced by the
4 facility, energy or capacity derived from the
5 facility and not covered by a sourcing agreement
6 pursuant to paragraph (3) of this subsection (d)
7 or item (5) of subsection (d) of Section 16-115 of
8 the Public Utilities Act, whether generated from
9 the synthesis gas derived from coal, from SNG, or
10 from natural gas, shall be credited against the
11 revenue requirement for this initial clean coal
12 facility;

13 (B) power purchase provisions, which shall:

14 (i) provide that the utility party to such
15 sourcing agreement shall pay the contract price
16 for electricity delivered under such sourcing
17 agreement;

18 (ii) require delivery of electricity to the
19 regional transmission organization market of the
20 utility that is party to such sourcing agreement;

21 (iii) require the utility party to such
22 sourcing agreement to buy from the initial clean
23 coal facility in each hour an amount of energy
24 equal to all clean coal energy made available from
25 the initial clean coal facility during such hour
26 times a fraction, the numerator of which is such

1 utility's retail market sales of electricity
2 (expressed in kilowatthours sold) in the State
3 during the prior calendar month and the
4 denominator of which is the total retail market
5 sales of electricity (expressed in kilowatthours
6 sold) in the State by utilities during such prior
7 month and the sales of electricity (expressed in
8 kilowatthours sold) in the State by alternative
9 retail electric suppliers during such prior month
10 that are subject to the requirements of this
11 subsection (d) and paragraph (5) of subsection (d)
12 of Section 16-115 of the Public Utilities Act,
13 provided that the amount purchased by the utility
14 in any year will be limited by paragraph (2) of
15 this subsection (d); and

16 (iv) be considered pre-existing contracts in
17 such utility's procurement plans for eligible
18 retail customers;

19 (C) contract for differences provisions, which
20 shall:

21 (i) require the utility party to such sourcing
22 agreement to contract with the initial clean coal
23 facility in each hour with respect to an amount of
24 energy equal to all clean coal energy made
25 available from the initial clean coal facility
26 during such hour times a fraction, the numerator

1 of which is such utility's retail market sales of
2 electricity (expressed in kilowatthours sold) in
3 the utility's service territory in the State
4 during the prior calendar month and the
5 denominator of which is the total retail market
6 sales of electricity (expressed in kilowatthours
7 sold) in the State by utilities during such prior
8 month and the sales of electricity (expressed in
9 kilowatthours sold) in the State by alternative
10 retail electric suppliers during such prior month
11 that are subject to the requirements of this
12 subsection (d) and paragraph (5) of subsection (d)
13 of Section 16-115 of the Public Utilities Act,
14 provided that the amount paid by the utility in
15 any year will be limited by paragraph (2) of this
16 subsection (d);

17 (ii) provide that the utility's payment
18 obligation in respect of the quantity of
19 electricity determined pursuant to the preceding
20 clause (i) shall be limited to an amount equal to
21 (1) the difference between the contract price
22 determined pursuant to subparagraph (A) of
23 paragraph (3) of this subsection (d) and the
24 day-ahead price for electricity delivered to the
25 regional transmission organization market of the
26 utility that is party to such sourcing agreement

1 (or any successor delivery point at which such
2 utility's supply obligations are financially
3 settled on an hourly basis) (the "reference
4 price") on the day preceding the day on which the
5 electricity is delivered to the initial clean coal
6 facility busbar, multiplied by (2) the quantity of
7 electricity determined pursuant to the preceding
8 clause (i); and

9 (iii) not require the utility to take physical
10 delivery of the electricity produced by the
11 facility;

12 (D) general provisions, which shall:

13 (i) specify a term of no more than 30 years,
14 commencing on the commercial operation date of the
15 facility;

16 (ii) provide that utilities shall maintain
17 adequate records documenting purchases under the
18 sourcing agreements entered into to comply with
19 this subsection (d) and shall file an accounting
20 with the load forecast that must be filed with the
21 Agency by July 15 of each year, in accordance with
22 subsection (d) of Section 16-111.5 of the Public
23 Utilities Act;

24 (iii) provide that all costs associated with
25 the initial clean coal facility will be
26 periodically reported to the Federal Energy

1 Regulatory Commission and to purchasers in
2 accordance with applicable laws governing
3 cost-based wholesale power contracts;

4 (iv) permit the Illinois Power Agency to
5 assume ownership of the initial clean coal
6 facility, without monetary consideration and
7 otherwise on reasonable terms acceptable to the
8 Agency, if the Agency so requests no less than 3
9 years prior to the end of the stated contract
10 term;

11 (v) require the owner of the initial clean
12 coal facility to provide documentation to the
13 Commission each year, starting in the facility's
14 first year of commercial operation, accurately
15 reporting the quantity of carbon emissions from
16 the facility that have been captured and
17 sequestered and report any quantities of carbon
18 released from the site or sites at which carbon
19 emissions were sequestered in prior years, based
20 on continuous monitoring of such sites. If, in any
21 year after the first year of commercial operation,
22 the owner of the facility fails to demonstrate
23 that the initial clean coal facility captured and
24 sequestered at least 50% of the total carbon
25 emissions that the facility would otherwise emit
26 or that sequestration of emissions from prior

1 years has failed, resulting in the release of
2 carbon dioxide into the atmosphere, the owner of
3 the facility must offset excess emissions. Any
4 such carbon offsets must be permanent, additional,
5 verifiable, real, located within the State of
6 Illinois, and legally and practicably enforceable.
7 The cost of such offsets for the facility that are
8 not recoverable shall not exceed \$15 million in
9 any given year. No costs of any such purchases of
10 carbon offsets may be recovered from a utility or
11 its customers. All carbon offsets purchased for
12 this purpose and any carbon emission credits
13 associated with sequestration of carbon from the
14 facility must be permanently retired. The initial
15 clean coal facility shall not forfeit its
16 designation as a clean coal facility if the
17 facility fails to fully comply with the applicable
18 carbon sequestration requirements in any given
19 year, provided the requisite offsets are
20 purchased. However, the Attorney General, on
21 behalf of the People of the State of Illinois, may
22 specifically enforce the facility's sequestration
23 requirement and the other terms of this contract
24 provision. Compliance with the sequestration
25 requirements and offset purchase requirements
26 specified in paragraph (3) of this subsection (d)

1 shall be reviewed annually by an independent
2 expert retained by the owner of the initial clean
3 coal facility, with the advance written approval
4 of the Attorney General. The Commission may, in
5 the course of the review specified in item (vii),
6 reduce the allowable return on equity for the
7 facility if the facility willfully fails to comply
8 with the carbon capture and sequestration
9 requirements set forth in this item (v);

10 (vi) include limits on, and accordingly
11 provide for modification of, the amount the
12 utility is required to source under the sourcing
13 agreement consistent with paragraph (2) of this
14 subsection (d);

15 (vii) require Commission review: (1) to
16 determine the justness, reasonableness, and
17 prudence of the inputs to the formula referenced
18 in subparagraphs (A)(i) through (A)(iii) of
19 paragraph (3) of this subsection (d), prior to an
20 adjustment in those inputs including, without
21 limitation, the capital structure and return on
22 equity, fuel costs, and other operations and
23 maintenance costs and (2) to approve the costs to
24 be passed through to customers under the sourcing
25 agreement by which the utility satisfies its
26 statutory obligations. Commission review shall

1 occur no less than every 3 years, regardless of
2 whether any adjustments have been proposed, and
3 shall be completed within 9 months;

4 (viii) limit the utility's obligation to such
5 amount as the utility is allowed to recover
6 through tariffs filed with the Commission,
7 provided that neither the clean coal facility nor
8 the utility waives any right to assert federal
9 pre-emption or any other argument in response to a
10 purported disallowance of recovery costs;

11 (ix) limit the utility's or alternative retail
12 electric supplier's obligation to incur any
13 liability until such time as the facility is in
14 commercial operation and generating power and
15 energy and such power and energy is being
16 delivered to the facility busbar;

17 (x) provide that the owner or owners of the
18 initial clean coal facility, which is the
19 counterparty to such sourcing agreement, shall
20 have the right from time to time to elect whether
21 the obligations of the utility party thereto shall
22 be governed by the power purchase provisions or
23 the contract for differences provisions;

24 (xi) append documentation showing that the
25 formula rate and contract, insofar as they relate
26 to the power purchase provisions, have been

1 approved by the Federal Energy Regulatory
2 Commission pursuant to Section 205 of the Federal
3 Power Act;

4 (xii) provide that any changes to the terms of
5 the contract, insofar as such changes relate to
6 the power purchase provisions, are subject to
7 review under the public interest standard applied
8 by the Federal Energy Regulatory Commission
9 pursuant to Sections 205 and 206 of the Federal
10 Power Act; and

11 (xiii) conform with customary lender
12 requirements in power purchase agreements used as
13 the basis for financing non-utility generators.

14 (4) Effective date of sourcing agreements with the
15 initial clean coal facility. Any proposed sourcing
16 agreement with the initial clean coal facility shall not
17 become effective unless the following reports are prepared
18 and submitted and authorizations and approvals obtained:

19 (i) Facility cost report. The owner of the initial
20 clean coal facility shall submit to the Commission,
21 the Agency, and the General Assembly a front-end
22 engineering and design study, a facility cost report,
23 method of financing (including but not limited to
24 structure and associated costs), and an operating and
25 maintenance cost quote for the facility (collectively
26 "facility cost report"), which shall be prepared in

1 accordance with the requirements of this paragraph (4)
2 of subsection (d) of this Section, and shall provide
3 the Commission and the Agency access to the work
4 papers, relied upon documents, and any other backup
5 documentation related to the facility cost report.

6 (ii) Commission report. Within 6 months following
7 receipt of the facility cost report, the Commission,
8 in consultation with the Agency, shall submit a report
9 to the General Assembly setting forth its analysis of
10 the facility cost report. Such report shall include,
11 but not be limited to, a comparison of the costs
12 associated with electricity generated by the initial
13 clean coal facility to the costs associated with
14 electricity generated by other types of generation
15 facilities, an analysis of the rate impacts on
16 residential and small business customers over the life
17 of the sourcing agreements, and an analysis of the
18 likelihood that the initial clean coal facility will
19 commence commercial operation by and be delivering
20 power to the facility's busbar by 2016. To assist in
21 the preparation of its report, the Commission, in
22 consultation with the Agency, may hire one or more
23 experts or consultants, the costs of which shall be
24 paid for by the owner of the initial clean coal
25 facility. The Commission and Agency may begin the
26 process of selecting such experts or consultants prior

1 to receipt of the facility cost report.

2 (iii) General Assembly approval. The proposed
3 sourcing agreements shall not take effect unless,
4 based on the facility cost report and the Commission's
5 report, the General Assembly enacts authorizing
6 legislation approving (A) the projected price, stated
7 in cents per kilowatthour, to be charged for
8 electricity generated by the initial clean coal
9 facility, (B) the projected impact on residential and
10 small business customers' bills over the life of the
11 sourcing agreements, and (C) the maximum allowable
12 return on equity for the project; and

13 (iv) Commission review. If the General Assembly
14 enacts authorizing legislation pursuant to
15 subparagraph (iii) approving a sourcing agreement, the
16 Commission shall, within 90 days of such enactment,
17 complete a review of such sourcing agreement. During
18 such time period, the Commission shall implement any
19 directive of the General Assembly, resolve any
20 disputes between the parties to the sourcing agreement
21 concerning the terms of such agreement, approve the
22 form of such agreement, and issue an order finding
23 that the sourcing agreement is prudent and reasonable.
24 The facility cost report shall be prepared as follows:

25 (A) The facility cost report shall be prepared by
26 duly licensed engineering and construction firms

1 detailing the estimated capital costs payable to one
2 or more contractors or suppliers for the engineering,
3 procurement and construction of the components
4 comprising the initial clean coal facility and the
5 estimated costs of operation and maintenance of the
6 facility. The facility cost report shall include:

7 (i) an estimate of the capital cost of the
8 core plant based on one or more front end
9 engineering and design studies for the
10 gasification island and related facilities. The
11 core plant shall include all civil, structural,
12 mechanical, electrical, control, and safety
13 systems.

14 (ii) an estimate of the capital cost of the
15 balance of the plant, including any capital costs
16 associated with sequestration of carbon dioxide
17 emissions and all interconnects and interfaces
18 required to operate the facility, such as
19 transmission of electricity, construction or
20 backfeed power supply, pipelines to transport
21 substitute natural gas or carbon dioxide, potable
22 water supply, natural gas supply, water supply,
23 water discharge, landfill, access roads, and coal
24 delivery.

25 The quoted construction costs shall be expressed
26 in nominal dollars as of the date that the quote is

1 prepared and shall include capitalized financing costs
2 during construction, taxes, insurance, and other
3 owner's costs, and an assumed escalation in materials
4 and labor beyond the date as of which the construction
5 cost quote is expressed.

6 (B) The front end engineering and design study for
7 the gasification island and the cost study for the
8 balance of plant shall include sufficient design work
9 to permit quantification of major categories of
10 materials, commodities and labor hours, and receipt of
11 quotes from vendors of major equipment required to
12 construct and operate the clean coal facility.

13 (C) The facility cost report shall also include an
14 operating and maintenance cost quote that will provide
15 the estimated cost of delivered fuel, personnel,
16 maintenance contracts, chemicals, catalysts,
17 consumables, spares, and other fixed and variable
18 operations and maintenance costs. The delivered fuel
19 cost estimate will be provided by a recognized third
20 party expert or experts in the fuel and transportation
21 industries. The balance of the operating and
22 maintenance cost quote, excluding delivered fuel
23 costs, will be developed based on the inputs provided
24 by duly licensed engineering and construction firms
25 performing the construction cost quote, potential
26 vendors under long-term service agreements and plant

1 operating agreements, or recognized third party plant
2 operator or operators.

3 The operating and maintenance cost quote
4 (including the cost of the front end engineering and
5 design study) shall be expressed in nominal dollars as
6 of the date that the quote is prepared and shall
7 include taxes, insurance, and other owner's costs, and
8 an assumed escalation in materials and labor beyond
9 the date as of which the operating and maintenance
10 cost quote is expressed.

11 (D) The facility cost report shall also include an
12 analysis of the initial clean coal facility's ability
13 to deliver power and energy into the applicable
14 regional transmission organization markets and an
15 analysis of the expected capacity factor for the
16 initial clean coal facility.

17 (E) Amounts paid to third parties unrelated to the
18 owner or owners of the initial clean coal facility to
19 prepare the core plant construction cost quote,
20 including the front end engineering and design study,
21 and the operating and maintenance cost quote will be
22 reimbursed through Coal Development Bonds.

23 (5) Re-powering and retrofitting coal-fired power
24 plants previously owned by Illinois utilities to qualify
25 as clean coal facilities. During the 2009 procurement
26 planning process and thereafter, the Agency and the

1 Commission shall consider sourcing agreements covering
2 electricity generated by power plants that were previously
3 owned by Illinois utilities and that have been or will be
4 converted into clean coal facilities, as defined by
5 Section 1-10 of this Act. Pursuant to such procurement
6 planning process, the owners of such facilities may
7 propose to the Agency sourcing agreements with utilities
8 and alternative retail electric suppliers required to
9 comply with subsection (d) of this Section and item (5) of
10 subsection (d) of Section 16-115 of the Public Utilities
11 Act, covering electricity generated by such facilities. In
12 the case of sourcing agreements that are power purchase
13 agreements, the contract price for electricity sales shall
14 be established on a cost of service basis. In the case of
15 sourcing agreements that are contracts for differences,
16 the contract price from which the reference price is
17 subtracted shall be established on a cost of service
18 basis. The Agency and the Commission may approve any such
19 utility sourcing agreements that do not exceed cost-based
20 benchmarks developed by the procurement administrator, in
21 consultation with the Commission staff, Agency staff and
22 the procurement monitor, subject to Commission review and
23 approval. The Commission shall have authority to inspect
24 all books and records associated with these clean coal
25 facilities during the term of any such contract.

26 (6) Costs incurred under this subsection (d) or

1 pursuant to a contract entered into under this subsection
2 (d) shall be deemed prudently incurred and reasonable in
3 amount and the electric utility shall be entitled to full
4 cost recovery pursuant to the tariffs filed with the
5 Commission.

6 (d-5) Zero emission standard.

7 (1) Beginning with the delivery year commencing on
8 June 1, 2017, the Agency shall, for electric utilities
9 that serve at least 100,000 retail customers in this
10 State, procure contracts with zero emission facilities
11 that are reasonably capable of generating cost-effective
12 zero emission credits in an amount approximately equal to
13 16% of the actual amount of electricity delivered by each
14 electric utility to retail customers in the State during
15 calendar year 2014. For an electric utility serving fewer
16 than 100,000 retail customers in this State that
17 requested, under Section 16-111.5 of the Public Utilities
18 Act, that the Agency procure power and energy for all or a
19 portion of the utility's Illinois load for the delivery
20 year commencing June 1, 2016, the Agency shall procure
21 contracts with zero emission facilities that are
22 reasonably capable of generating cost-effective zero
23 emission credits in an amount approximately equal to 16%
24 of the portion of power and energy to be procured by the
25 Agency for the utility. The duration of the contracts
26 procured under this subsection (d-5) shall be for a term

1 of 10 years ending May 31, 2027. The quantity of zero
2 emission credits to be procured under the contracts shall
3 be all of the zero emission credits generated by the zero
4 emission facility in each delivery year; however, if the
5 zero emission facility is owned by more than one entity,
6 then the quantity of zero emission credits to be procured
7 under the contracts shall be the amount of zero emission
8 credits that are generated from the portion of the zero
9 emission facility that is owned by the winning supplier.

10 The 16% value identified in this paragraph (1) is the
11 average of the percentage targets in subparagraph (B) of
12 paragraph (1) of subsection (c) of this Section for the 5
13 delivery years beginning June 1, 2017.

14 The procurement process shall be subject to the
15 following provisions:

16 (A) Those zero emission facilities that intend to
17 participate in the procurement shall submit to the
18 Agency the following eligibility information for each
19 zero emission facility on or before the date
20 established by the Agency:

21 (i) the in-service date and remaining useful
22 life of the zero emission facility;

23 (ii) the amount of power generated annually
24 for each of the years 2005 through 2015, and the
25 projected zero emission credits to be generated
26 over the remaining useful life of the zero

1 emission facility, which shall be used to
2 determine the capability of each facility;

3 (iii) the annual zero emission facility cost
4 projections, expressed on a per megawatthour
5 basis, over the next 6 delivery years, which shall
6 include the following: operation and maintenance
7 expenses; fully allocated overhead costs, which
8 shall be allocated using the methodology developed
9 by the Institute for Nuclear Power Operations;
10 fuel expenditures; non-fuel capital expenditures;
11 spent fuel expenditures; a return on working
12 capital; the cost of operational and market risks
13 that could be avoided by ceasing operation; and
14 any other costs necessary for continued
15 operations, provided that "necessary" means, for
16 purposes of this item (iii), that the costs could
17 reasonably be avoided only by ceasing operations
18 of the zero emission facility; and

19 (iv) a commitment to continue operating, for
20 the duration of the contract or contracts executed
21 under the procurement held under this subsection
22 (d-5), the zero emission facility that produces
23 the zero emission credits to be procured in the
24 procurement.

25 The information described in item (iii) of this
26 subparagraph (A) may be submitted on a confidential

1 basis and shall be treated and maintained by the
2 Agency, the procurement administrator, and the
3 Commission as confidential and proprietary and exempt
4 from disclosure under subparagraphs (a) and (g) of
5 paragraph (1) of Section 7 of the Freedom of
6 Information Act. The Office of Attorney General shall
7 have access to, and maintain the confidentiality of,
8 such information pursuant to Section 6.5 of the
9 Attorney General Act.

10 (B) The price for each zero emission credit
11 procured under this subsection (d-5) for each delivery
12 year shall be in an amount that equals the Social Cost
13 of Carbon, expressed on a price per megawatthour
14 basis. However, to ensure that the procurement remains
15 affordable to retail customers in this State if
16 electricity prices increase, the price in an
17 applicable delivery year shall be reduced below the
18 Social Cost of Carbon by the amount ("Price
19 Adjustment") by which the market price index for the
20 applicable delivery year exceeds the baseline market
21 price index for the consecutive 12-month period ending
22 May 31, 2016. If the Price Adjustment is greater than
23 or equal to the Social Cost of Carbon in an applicable
24 delivery year, then no payments shall be due in that
25 delivery year. The components of this calculation are
26 defined as follows:

1 (i) Social Cost of Carbon: The Social Cost of
2 Carbon is \$16.50 per megawatthour, which is based
3 on the U.S. Interagency Working Group on Social
4 Cost of Carbon's price in the August 2016
5 Technical Update using a 3% discount rate,
6 adjusted for inflation for each year of the
7 program. Beginning with the delivery year
8 commencing June 1, 2023, the price per
9 megawatthour shall increase by \$1 per
10 megawatthour, and continue to increase by an
11 additional \$1 per megawatthour each delivery year
12 thereafter.

13 (ii) Baseline market price index: The baseline
14 market price index for the consecutive 12-month
15 period ending May 31, 2016 is \$31.40 per
16 megawatthour, which is based on the sum of (aa)
17 the average day-ahead energy price across all
18 hours of such 12-month period at the PJM
19 Interconnection LLC Northern Illinois Hub, (bb)
20 50% multiplied by the Base Residual Auction, or
21 its successor, capacity price for the rest of the
22 RTO zone group determined by PJM Interconnection
23 LLC, divided by 24 hours per day, and (cc) 50%
24 multiplied by the Planning Resource Auction, or
25 its successor, capacity price for Zone 4
26 determined by the Midcontinent Independent System

1 Operator, Inc., divided by 24 hours per day.

2 (iii) Market price index: The market price
3 index for a delivery year shall be the sum of
4 projected energy prices and projected capacity
5 prices determined as follows:

6 (aa) Projected energy prices: the
7 projected energy prices for the applicable
8 delivery year shall be calculated once for the
9 year using the forward market price for the
10 PJM Interconnection, LLC Northern Illinois
11 Hub. The forward market price shall be
12 calculated as follows: the energy forward
13 prices for each month of the applicable
14 delivery year averaged for each trade date
15 during the calendar year immediately preceding
16 that delivery year to produce a single energy
17 forward price for the delivery year. The
18 forward market price calculation shall use
19 data published by the Intercontinental
20 Exchange, or its successor.

21 (bb) Projected capacity prices:

22 (I) For the delivery years commencing
23 June 1, 2017, June 1, 2018, and June 1,
24 2019, the projected capacity price shall
25 be equal to the sum of (1) 50% multiplied
26 by the Base Residual Auction, or its

1 successor, price for the rest of the RTO
2 zone group as determined by PJM
3 Interconnection LLC, divided by 24 hours
4 per day and, (2) 50% multiplied by the
5 resource auction price determined in the
6 resource auction administered by the
7 Midcontinent Independent System Operator,
8 Inc., in which the largest percentage of
9 load cleared for Local Resource Zone 4,
10 divided by 24 hours per day, and where
11 such price is determined by the
12 Midcontinent Independent System Operator,
13 Inc.

14 (II) For the delivery year commencing
15 June 1, 2020, and each year thereafter,
16 the projected capacity price shall be
17 equal to the sum of (1) 50% multiplied by
18 the Base Residual Auction, or its
19 successor, price for the ComEd zone as
20 determined by PJM Interconnection LLC,
21 divided by 24 hours per day, and (2) 50%
22 multiplied by the resource auction price
23 determined in the resource auction
24 administered by the Midcontinent
25 Independent System Operator, Inc., in
26 which the largest percentage of load

1 cleared for Local Resource Zone 4, divided
2 by 24 hours per day, and where such price
3 is determined by the Midcontinent
4 Independent System Operator, Inc.

5 For purposes of this subsection (d-5):

6 "Rest of the RTO" and "ComEd Zone" shall have
7 the meaning ascribed to them by PJM
8 Interconnection, LLC.

9 "RTO" means regional transmission
10 organization.

11 (C) No later than 45 days after June 1, 2017 (the
12 effective date of Public Act 99-906), the Agency shall
13 publish its proposed zero emission standard
14 procurement plan. The plan shall be consistent with
15 the provisions of this paragraph (1) and shall provide
16 that winning bids shall be selected based on public
17 interest criteria that include, but are not limited
18 to, minimizing carbon dioxide emissions that result
19 from electricity consumed in Illinois and minimizing
20 sulfur dioxide, nitrogen oxide, and particulate matter
21 emissions that adversely affect the citizens of this
22 State. In particular, the selection of winning bids
23 shall take into account the incremental environmental
24 benefits resulting from the procurement, such as any
25 existing environmental benefits that are preserved by
26 the procurements held under Public Act 99-906 and

1 would cease to exist if the procurements were not
2 held, including the preservation of zero emission
3 facilities. The plan shall also describe in detail how
4 each public interest factor shall be considered and
5 weighted in the bid selection process to ensure that
6 the public interest criteria are applied to the
7 procurement and given full effect.

8 For purposes of developing the plan, the Agency
9 shall consider any reports issued by a State agency,
10 board, or commission under House Resolution 1146 of
11 the 98th General Assembly and paragraph (4) of
12 subsection (d) of this Section, as well as publicly
13 available analyses and studies performed by or for
14 regional transmission organizations that serve the
15 State and their independent market monitors.

16 Upon publishing of the zero emission standard
17 procurement plan, copies of the plan shall be posted
18 and made publicly available on the Agency's website.
19 All interested parties shall have 10 days following
20 the date of posting to provide comment to the Agency on
21 the plan. All comments shall be posted to the Agency's
22 website. Following the end of the comment period, but
23 no more than 60 days later than June 1, 2017 (the
24 effective date of Public Act 99-906), the Agency shall
25 revise the plan as necessary based on the comments
26 received and file its zero emission standard

1 procurement plan with the Commission.

2 If the Commission determines that the plan will
3 result in the procurement of cost-effective zero
4 emission credits, then the Commission shall, after
5 notice and hearing, but no later than 45 days after the
6 Agency filed the plan, approve the plan or approve
7 with modification. For purposes of this subsection
8 (d-5), "cost effective" means the projected costs of
9 procuring zero emission credits from zero emission
10 facilities do not cause the limit stated in paragraph
11 (2) of this subsection to be exceeded.

12 (C-5) As part of the Commission's review and
13 acceptance or rejection of the procurement results,
14 the Commission shall, in its public notice of
15 successful bidders:

16 (i) identify how the winning bids satisfy the
17 public interest criteria described in subparagraph
18 (C) of this paragraph (1) of minimizing carbon
19 dioxide emissions that result from electricity
20 consumed in Illinois and minimizing sulfur
21 dioxide, nitrogen oxide, and particulate matter
22 emissions that adversely affect the citizens of
23 this State;

24 (ii) specifically address how the selection of
25 winning bids takes into account the incremental
26 environmental benefits resulting from the

1 procurement, including any existing environmental
2 benefits that are preserved by the procurements
3 held under Public Act 99-906 and would have ceased
4 to exist if the procurements had not been held,
5 such as the preservation of zero emission
6 facilities;

7 (iii) quantify the environmental benefit of
8 preserving the resources identified in item (ii)
9 of this subparagraph (C-5), including the
10 following:

11 (aa) the value of avoided greenhouse gas
12 emissions measured as the product of the zero
13 emission facilities' output over the contract
14 term multiplied by the U.S. Environmental
15 Protection Agency eGrid subregion carbon
16 dioxide emission rate and the U.S. Interagency
17 Working Group on Social Cost of Carbon's price
18 in the August 2016 Technical Update using a 3%
19 discount rate, adjusted for inflation for each
20 delivery year; and

21 (bb) the costs of replacement with other
22 zero carbon dioxide resources, including wind
23 and photovoltaic, based upon the simple
24 average of the following:

25 (I) the price, or if there is more
26 than one price, the average of the prices,

1 paid for renewable energy credits from new
2 utility-scale wind projects in the
3 procurement events specified in item (i)
4 of subparagraph (G) of paragraph (1) of
5 subsection (c) of this Section; and

6 (II) the price, or if there is more
7 than one price, the average of the prices,
8 paid for renewable energy credits from new
9 utility-scale solar projects and
10 brownfield site photovoltaic projects in
11 the procurement events specified in item
12 (ii) of subparagraph (G) of paragraph (1)
13 of subsection (c) of this Section and,
14 after January 1, 2015, renewable energy
15 credits from photovoltaic distributed
16 generation projects in procurement events
17 held under subsection (c) of this Section.

18 Each utility shall enter into binding contractual
19 arrangements with the winning suppliers.

20 The procurement described in this subsection
21 (d-5), including, but not limited to, the execution of
22 all contracts procured, shall be completed no later
23 than May 10, 2017. Based on the effective date of
24 Public Act 99-906, the Agency and Commission may, as
25 appropriate, modify the various dates and timelines
26 under this subparagraph and subparagraphs (C) and (D)

1 of this paragraph (1). The procurement and plan
2 approval processes required by this subsection (d-5)
3 shall be conducted in conjunction with the procurement
4 and plan approval processes required by subsection (c)
5 of this Section and Section 16-111.5 of the Public
6 Utilities Act, to the extent practicable.
7 Notwithstanding whether a procurement event is
8 conducted under Section 16-111.5 of the Public
9 Utilities Act, the Agency shall immediately initiate a
10 procurement process on June 1, 2017 (the effective
11 date of Public Act 99-906).

12 (D) Following the procurement event described in
13 this paragraph (1) and consistent with subparagraph
14 (B) of this paragraph (1), the Agency shall calculate
15 the payments to be made under each contract for the
16 next delivery year based on the market price index for
17 that delivery year. The Agency shall publish the
18 payment calculations no later than May 25, 2017 and
19 every May 25 thereafter.

20 (E) Notwithstanding the requirements of this
21 subsection (d-5), the contracts executed under this
22 subsection (d-5) shall provide that the zero emission
23 facility may, as applicable, suspend or terminate
24 performance under the contracts in the following
25 instances:

26 (i) A zero emission facility shall be excused

1 from its performance under the contract for any
2 cause beyond the control of the resource,
3 including, but not restricted to, acts of God,
4 flood, drought, earthquake, storm, fire,
5 lightning, epidemic, war, riot, civil disturbance
6 or disobedience, labor dispute, labor or material
7 shortage, sabotage, acts of public enemy,
8 explosions, orders, regulations or restrictions
9 imposed by governmental, military, or lawfully
10 established civilian authorities, which, in any of
11 the foregoing cases, by exercise of commercially
12 reasonable efforts the zero emission facility
13 could not reasonably have been expected to avoid,
14 and which, by the exercise of commercially
15 reasonable efforts, it has been unable to
16 overcome. In such event, the zero emission
17 facility shall be excused from performance for the
18 duration of the event, including, but not limited
19 to, delivery of zero emission credits, and no
20 payment shall be due to the zero emission facility
21 during the duration of the event.

22 (ii) A zero emission facility shall be
23 permitted to terminate the contract if legislation
24 is enacted into law by the General Assembly that
25 imposes or authorizes a new tax, special
26 assessment, or fee on the generation of

1 electricity, the ownership or leasehold of a
2 generating unit, or the privilege or occupation of
3 such generation, ownership, or leasehold of
4 generation units by a zero emission facility.
5 However, the provisions of this item (ii) do not
6 apply to any generally applicable tax, special
7 assessment or fee, or requirements imposed by
8 federal law.

9 (iii) A zero emission facility shall be
10 permitted to terminate the contract in the event
11 that the resource requires capital expenditures in
12 excess of \$40,000,000 that were neither known nor
13 reasonably foreseeable at the time it executed the
14 contract and that a prudent owner or operator of
15 such resource would not undertake.

16 (iv) A zero emission facility shall be
17 permitted to terminate the contract in the event
18 the Nuclear Regulatory Commission terminates the
19 resource's license.

20 (F) If the zero emission facility elects to
21 terminate a contract under subparagraph (E) of this
22 paragraph (1), then the Commission shall reopen the
23 docket in which the Commission approved the zero
24 emission standard procurement plan under subparagraph
25 (C) of this paragraph (1) and, after notice and
26 hearing, enter an order acknowledging the contract

1 termination election if such termination is consistent
2 with the provisions of this subsection (d-5).

3 (2) For purposes of this subsection (d-5), the amount
4 paid per kilowatthour means the total amount paid for
5 electric service expressed on a per kilowatthour basis.
6 For purposes of this subsection (d-5), the total amount
7 paid for electric service includes, without limitation,
8 amounts paid for supply, transmission, distribution,
9 surcharges, and add-on taxes.

10 Notwithstanding the requirements of this subsection
11 (d-5), the contracts executed under this subsection (d-5)
12 shall provide that the total of zero emission credits
13 procured under a procurement plan shall be subject to the
14 limitations of this paragraph (2). For each delivery year,
15 the contractual volume receiving payments in such year
16 shall be reduced for all retail customers based on the
17 amount necessary to limit the net increase that delivery
18 year to the costs of those credits included in the amounts
19 paid by eligible retail customers in connection with
20 electric service to no more than 1.65% of the amount paid
21 per kilowatthour by eligible retail customers during the
22 year ending May 31, 2009. The result of this computation
23 shall apply to and reduce the procurement for all retail
24 customers, and all those customers shall pay the same
25 single, uniform cents per kilowatthour charge under
26 subsection (k) of Section 16-108 of the Public Utilities

1 Act. To arrive at a maximum dollar amount of zero emission
2 credits to be paid for the particular delivery year, the
3 resulting per kilowatthour amount shall be applied to the
4 actual amount of kilowatthours of electricity delivered by
5 the electric utility in the delivery year immediately
6 prior to the procurement, to all retail customers in its
7 service territory. Unpaid contractual volume for any
8 delivery year shall be paid in any subsequent delivery
9 year in which such payments can be made without exceeding
10 the amount specified in this paragraph (2). The
11 calculations required by this paragraph (2) shall be made
12 only once for each procurement plan year. Once the
13 determination as to the amount of zero emission credits to
14 be paid is made based on the calculations set forth in this
15 paragraph (2), no subsequent rate impact determinations
16 shall be made and no adjustments to those contract amounts
17 shall be allowed. All costs incurred under those contracts
18 and in implementing this subsection (d-5) shall be
19 recovered by the electric utility as provided in this
20 Section.

21 No later than June 30, 2019, the Commission shall
22 review the limitation on the amount of zero emission
23 credits procured under this subsection (d-5) and report to
24 the General Assembly its findings as to whether that
25 limitation unduly constrains the procurement of
26 cost-effective zero emission credits.

1 (3) Six years after the execution of a contract under
2 this subsection (d-5), the Agency shall determine whether
3 the actual zero emission credit payments received by the
4 supplier over the 6-year period exceed the Average ZEC
5 Payment. In addition, at the end of the term of a contract
6 executed under this subsection (d-5), or at the time, if
7 any, a zero emission facility's contract is terminated
8 under subparagraph (E) of paragraph (1) of this subsection
9 (d-5), then the Agency shall determine whether the actual
10 zero emission credit payments received by the supplier
11 over the term of the contract exceed the Average ZEC
12 Payment, after taking into account any amounts previously
13 credited back to the utility under this paragraph (3). If
14 the Agency determines that the actual zero emission credit
15 payments received by the supplier over the relevant period
16 exceed the Average ZEC Payment, then the supplier shall
17 credit the difference back to the utility. The amount of
18 the credit shall be remitted to the applicable electric
19 utility no later than 120 days after the Agency's
20 determination, which the utility shall reflect as a credit
21 on its retail customer bills as soon as practicable;
22 however, the credit remitted to the utility shall not
23 exceed the total amount of payments received by the
24 facility under its contract.

25 For purposes of this Section, the Average ZEC Payment
26 shall be calculated by multiplying the quantity of zero

1 emission credits delivered under the contract times the
2 average contract price. The average contract price shall
3 be determined by subtracting the amount calculated under
4 subparagraph (B) of this paragraph (3) from the amount
5 calculated under subparagraph (A) of this paragraph (3),
6 as follows:

7 (A) The average of the Social Cost of Carbon, as
8 defined in subparagraph (B) of paragraph (1) of this
9 subsection (d-5), during the term of the contract.

10 (B) The average of the market price indices, as
11 defined in subparagraph (B) of paragraph (1) of this
12 subsection (d-5), during the term of the contract,
13 minus the baseline market price index, as defined in
14 subparagraph (B) of paragraph (1) of this subsection
15 (d-5).

16 If the subtraction yields a negative number, then the
17 Average ZEC Payment shall be zero.

18 (4) Cost-effective zero emission credits procured from
19 zero emission facilities shall satisfy the applicable
20 definitions set forth in Section 1-10 of this Act.

21 (5) The electric utility shall retire all zero
22 emission credits used to comply with the requirements of
23 this subsection (d-5).

24 (6) Electric utilities shall be entitled to recover
25 all of the costs associated with the procurement of zero
26 emission credits through an automatic adjustment clause

1 tariff in accordance with subsection (k) and (m) of
2 Section 16-108 of the Public Utilities Act, and the
3 contracts executed under this subsection (d-5) shall
4 provide that the utilities' payment obligations under such
5 contracts shall be reduced if an adjustment is required
6 under subsection (m) of Section 16-108 of the Public
7 Utilities Act.

8 (7) This subsection (d-5) shall become inoperative on
9 January 1, 2028.

10 ~~(d-10) Nuclear Plant Assistance; carbon mitigation~~
11 ~~credits.~~

12 ~~(1) The General Assembly finds:~~

13 ~~(A) The health, welfare, and prosperity of all~~
14 ~~Illinois citizens require that the State of Illinois act~~
15 ~~to avoid and not increase carbon emissions from electric~~
16 ~~generation sources while continuing to ensure affordable,~~
17 ~~stable, and reliable electricity to all citizens.~~

18 ~~(B) Absent immediate action by the State to preserve~~
19 ~~existing carbon free energy resources, those resources may~~
20 ~~retire, and the electric generation needs of Illinois'~~
21 ~~retail customers may be met instead by facilities that~~
22 ~~emit significant amounts of carbon pollution and other~~
23 ~~harmful air pollutants at a high social and economic cost~~
24 ~~until Illinois is able to develop other forms of clean~~
25 ~~energy.~~

26 ~~(C) The General Assembly finds that nuclear power~~

1 ~~generation is necessary for the State's transition to 100%~~
2 ~~clean energy, and ensuring continued operation of nuclear~~
3 ~~plants advances environmental and public health interests~~
4 ~~through providing carbon-free electricity while reducing~~
5 ~~the air pollution profile of the Illinois energy~~
6 ~~generation fleet.~~

7 ~~(D) The clean energy attributes of nuclear generation~~
8 ~~facilities support the State in its efforts to achieve~~
9 ~~100% clean energy.~~

10 ~~(E) The State currently invests in various forms of~~
11 ~~clean energy, including, but not limited to, renewable~~
12 ~~energy, energy efficiency, and low emission vehicles,~~
13 ~~among others.~~

14 ~~(F) The Environmental Protection Agency commissioned~~
15 ~~an independent audit which provided a detailed assessment~~
16 ~~of the financial condition of the Illinois nuclear fleet~~
17 ~~to evaluate its financial viability and whether the~~
18 ~~environmental benefits of such resources were at risk. The~~
19 ~~report identified the risk of losing the environmental~~
20 ~~benefits of several specific nuclear units. The report~~
21 ~~also identified that the LaSalle County Generating Station~~
22 ~~will continue to operate through 2026 and therefore is not~~
23 ~~eligible to participate in the carbon mitigation credit~~
24 ~~program.~~

25 ~~(G) Nuclear plants provide carbon-free energy, which~~
26 ~~helps to avoid many health related negative impacts for~~

1 ~~Illinois residents.~~

2 ~~(H) The procurement of carbon mitigation credits~~
3 ~~representing the environmental benefits of carbon-free~~
4 ~~generation will further the State's efforts at achieving~~
5 ~~100% clean energy and decarbonizing the electricity sector~~
6 ~~in a safe, reliable, and affordable manner. Further, the~~
7 ~~procurement of carbon emission credits will enhance the~~
8 ~~health and welfare of Illinois residents through decreased~~
9 ~~reliance on more highly polluting generation.~~

10 ~~(I) The General Assembly therefore finds it necessary~~
11 ~~to establish carbon mitigation credits to ensure decreased~~
12 ~~reliance on more carbon-intensive energy resources, for~~
13 ~~transitioning to a fully decarbonized electricity sector,~~
14 ~~and to help ensure health and welfare of the State's~~
15 ~~residents.~~

16 ~~(2) As used in this subsection:~~

17 ~~"Baseline costs" means costs used to establish a customer~~
18 ~~protection cap that have been evaluated through an independent~~
19 ~~audit of a carbon free energy resource conducted by the~~
20 ~~Environmental Protection Agency that evaluated projected~~
21 ~~annual costs for operation and maintenance expenses; fully~~
22 ~~allocated overhead costs, which shall be allocated using the~~
23 ~~methodology developed by the Institute for Nuclear Power~~
24 ~~Operations; fuel expenditures; nonfuel capital expenditures;~~
25 ~~spent fuel expenditures; a return on working capital; the cost~~
26 ~~of operational and market risks that could be avoided by~~

1 ~~ceasing operation; and any other costs necessary for continued~~
2 ~~operations, provided that "necessary" means, for purposes of~~
3 ~~this definition, that the costs could reasonably be avoided~~
4 ~~only by ceasing operations of the carbon free energy resource.~~

5 ~~"Carbon mitigation credit" means a tradable credit that~~
6 ~~represents the carbon emission reduction attributes of one~~
7 ~~megawatt hour of energy produced from a carbon free energy~~
8 ~~resource.~~

9 ~~"Carbon free energy resource" means a generation facility~~
10 ~~that: (1) is fueled by nuclear power; and (2) is~~
11 ~~interconnected to PJM Interconnection, LLC.~~

12 ~~(3) Procurement.~~

13 ~~(A) Beginning with the delivery year commencing on~~
14 ~~June 1, 2022, the Agency shall, for electric utilities~~
15 ~~servng at least 3,000,000 retail customers in the State,~~
16 ~~seek to procure contracts for no more than approximately~~
17 ~~54,500,000 cost effective carbon mitigation credits from~~
18 ~~carbon free energy resources because such credits are~~
19 ~~necessary to support current levels of carbon free energy~~
20 ~~generation and ensure the State meets its carbon dioxide~~
21 ~~emissions reduction goals. The Agency shall not make a~~
22 ~~partial award of a contract for carbon mitigation credits~~
23 ~~covering a fractional amount of a carbon free energy~~
24 ~~resource's projected output.~~

25 ~~(B) Each carbon free energy resource that intends to~~
26 ~~participate in a procurement shall be required to submit~~

1 ~~to the Agency the following information for the resource~~
2 ~~on or before the date established by the Agency:~~

3 ~~(i) the in-service date and remaining useful life~~
4 ~~of the carbon free energy resource;~~

5 ~~(ii) the amount of power generated annually for~~
6 ~~each of the past 10 years, which shall be used to~~
7 ~~determine the capability of each facility;~~

8 ~~(iii) a commitment to be reflected in any contract~~
9 ~~entered into pursuant to this subsection (d 10) to~~
10 ~~continue operating the carbon free energy resource at~~
11 ~~a capacity factor of at least 88% annually on average~~
12 ~~for the duration of the contract or contracts executed~~
13 ~~under the procurement held under this subsection~~
14 ~~(d 10), except in an instance described in~~
15 ~~subparagraph (E) of paragraph (1) of subsection (d 5)~~
16 ~~of this Section or made impracticable as a result of~~
17 ~~compliance with law or regulation;~~

18 ~~(iv) financial need and the risk of loss of the~~
19 ~~environmental benefits of such resource, which shall~~
20 ~~include the following information:~~

21 ~~(I) the carbon free energy resource's cost~~
22 ~~projections, expressed on a per megawatt-hour~~
23 ~~basis, over the next 5 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; nonfuel 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 subitem (I), that the costs could~~
9 ~~reasonably be avoided only by ceasing operations~~
10 ~~of the carbon free energy resource; and~~

11 ~~(II) the carbon free energy resource's revenue~~
12 ~~projections, including energy, capacity, ancillary~~
13 ~~services, any other direct State support, known or~~
14 ~~anticipated federal attribute credits, known or~~
15 ~~anticipated tax credits, and any other direct~~
16 ~~federal support.~~

17 ~~The information described in this subparagraph (B) may~~
18 ~~be submitted on a confidential basis and shall be treated~~
19 ~~and maintained by the Agency, the procurement~~
20 ~~administrator, and the Commission as confidential and~~
21 ~~proprietary and exempt from disclosure under subparagraphs~~
22 ~~(a) and (g) of paragraph (1) of Section 7 of the Freedom of~~
23 ~~Information Act. The Office of the Attorney General shall~~
24 ~~have access to, and maintain the confidentiality of, such~~
25 ~~information pursuant to Section 6.5 of the Attorney~~
26 ~~General Act.~~

1 ~~(C) The Agency shall solicit bids for the contracts~~
2 ~~described in this subsection (d-10) from carbon-free~~
3 ~~energy resources that have satisfied the requirements of~~
4 ~~subparagraph (B) of this paragraph (3). The contracts~~
5 ~~procured pursuant to a procurement event shall reflect,~~
6 ~~and be subject to, the following terms, requirements, and~~
7 ~~limitations:~~

8 ~~(i) Contracts are for delivery of carbon~~
9 ~~mitigation credits, and are not energy or capacity~~
10 ~~sales contracts requiring physical delivery. Pursuant~~
11 ~~to item (iii), contract payments shall fully deduct~~
12 ~~the value of any monetized federal production tax~~
13 ~~credits, credits issued pursuant to a federal clean~~
14 ~~energy standard, and other federal credits if~~
15 ~~applicable.~~

16 ~~(ii) Contracts for carbon mitigation credits shall~~
17 ~~commence with the delivery year beginning on June 1,~~
18 ~~2022 and shall be for a term of 5 delivery years~~
19 ~~concluding on May 31, 2027.~~

20 ~~(iii) The price per carbon mitigation credit to be~~
21 ~~paid under a contract for a given delivery year shall~~
22 ~~be equal to an accepted bid price less the sum of:~~

23 ~~(I) one of the following energy price indices,~~
24 ~~selected by the bidder at the time of the bid for~~
25 ~~the term of the contract:~~

26 ~~(aa) the weighted average hourly day ahead~~

1 ~~price for the applicable delivery year at the~~
2 ~~busbar of all resources procured pursuant to~~
3 ~~this subsection (d-10), weighted by actual~~
4 ~~production from the resources; or~~

5 ~~(bb) the projected energy price for the~~
6 ~~PJM Interconnection, LLC Northern Illinois Hub~~
7 ~~for the applicable delivery year determined~~
8 ~~according to subitem (aa) of item (iii) of~~
9 ~~subparagraph (B) of paragraph (1) of~~
10 ~~subsection (d-5).~~

11 ~~(II) the Base Residual Auction Capacity Price~~
12 ~~for the ComEd zone as determined by PJM~~
13 ~~Interconnection, LLC, divided by 24 hours per day,~~
14 ~~for the applicable delivery year for the first 3~~
15 ~~delivery years, and then any subsequent delivery~~
16 ~~years unless the PJM Interconnection, LLC applies~~
17 ~~the Minimum Offer Price Rule to participating~~
18 ~~carbon free energy resources because they supply~~
19 ~~carbon mitigation credits pursuant to this Section~~
20 ~~at which time, upon notice by the carbon free~~
21 ~~energy resource to the Commission and subject to~~
22 ~~the Commission's confirmation, the value under~~
23 ~~this subitem shall be zero, as further described~~
24 ~~in the carbon mitigation credit procurement plan;~~
25 ~~and~~

26 ~~(III) any value of monetized federal tax~~

1 ~~credits, direct payments, or similar subsidy~~
2 ~~provided to the carbon-free energy resource from~~
3 ~~any unit of government that is not already~~
4 ~~reflected in energy prices.~~

5 ~~If the price per megawatt hour calculation~~
6 ~~performed under item (iii) of this subparagraph (C)~~
7 ~~for a given delivery year results in a net positive~~
8 ~~value, then the electric utility counterparty to the~~
9 ~~contract shall multiply such net value by the~~
10 ~~applicable contract quantity and remit the amount to~~
11 ~~the supplier.~~

12 ~~To protect retail customers from retail rate~~
13 ~~impacts that may arise upon the initiation of carbon~~
14 ~~policy changes, if the price per megawatt-hour~~
15 ~~calculation performed under item (iii) of this~~
16 ~~subparagraph (C) for a given delivery year results in~~
17 ~~a net negative value, then the supplier counterparty~~
18 ~~to the contract shall multiply such net value by the~~
19 ~~applicable contract quantity and remit such amount to~~
20 ~~the electric utility counterparty. The electric~~
21 ~~utility shall reflect such amounts remitted by~~
22 ~~suppliers as a credit on its retail customer bills as~~
23 ~~soon as practicable.~~

24 ~~(iv) to ensure that retail customers in Northern~~
25 ~~Illinois do not pay more for carbon mitigation credits~~
26 ~~than the value such credits provide, and~~

1 ~~notwithstanding the provisions of this subsection~~
2 ~~(d-10), the Agency shall not accept bids for contracts~~
3 ~~that exceed a customer protection cap equal to the~~
4 ~~baseline costs of carbon-free energy resources.~~

5 ~~The baseline costs for the applicable year shall~~
6 ~~be the following:~~

7 ~~(I) For the delivery year beginning June 1,~~
8 ~~2022, the baseline costs shall be an amount equal~~
9 ~~to \$30.30 per megawatt hour.~~

10 ~~(II) For the delivery year beginning June 1,~~
11 ~~2023, the baseline costs shall be an amount equal~~
12 ~~to \$32.50 per megawatt hour.~~

13 ~~(III) For the delivery year beginning June 1,~~
14 ~~2024, the baseline costs shall be an amount equal~~
15 ~~to \$33.43 per megawatt hour.~~

16 ~~(IV) For the delivery year beginning June 1,~~
17 ~~2025, the baseline costs shall be an amount equal~~
18 ~~to \$33.50 per megawatt hour.~~

19 ~~(V) For the delivery year beginning June 1,~~
20 ~~2026, the baseline costs shall be an amount equal~~
21 ~~to \$34.50 per megawatt hour.~~

22 ~~An Environmental Protection Agency consultant~~
23 ~~forecast, included in a report issued April 14, 2021,~~
24 ~~projects that a carbon-free energy resource has the~~
25 ~~opportunity to earn on average approximately \$30.28~~
26 ~~per megawatt hour, for the sale of energy and capacity~~

1 ~~during the time period between 2022 and 2027.~~
2 ~~Therefore, the sale of carbon mitigation credits~~
3 ~~provides the opportunity to receive an additional~~
4 ~~amount per megawatt-hour in addition to the projected~~
5 ~~prices for energy and capacity.~~

6 ~~Although actual energy and capacity prices may~~
7 ~~vary from year to year, the General Assembly finds~~
8 ~~that this customer protection cap will help ensure~~
9 ~~that the cost of carbon mitigation credits will be~~
10 ~~less than its value, based upon the social cost of~~
11 ~~carbon identified in the Technical Support Document~~
12 ~~issued in February 2021 by the U.S. Interagency~~
13 ~~Working Group on Social Cost of Greenhouse Gases and~~
14 ~~the PJM Interconnection, LLC carbon dioxide marginal~~
15 ~~emission rate for 2020, and that a carbon-free energy~~
16 ~~resource receiving payment for carbon mitigation~~
17 ~~credits receives no more than necessary to keep those~~
18 ~~units in operation.~~

19 ~~(D) No later than 7 days after the effective date of~~
20 ~~this amendatory Act of the 102nd General Assembly, the~~
21 ~~Agency shall publish its proposed carbon mitigation credit~~
22 ~~procurement plan. The Plan shall provide that winning bids~~
23 ~~shall be selected by taking into consideration which~~
24 ~~resources best match public interest criteria that~~
25 ~~include, but are not limited to, minimizing carbon dioxide~~
26 ~~emissions that result from electricity consumed in~~

1 ~~Illinois and minimizing sulfur dioxide, nitrogen oxide,~~
2 ~~and particulate matter emissions that adversely affect the~~
3 ~~citizens of this State. The selection of winning bids~~
4 ~~shall also take into account the incremental environmental~~
5 ~~benefits resulting from the procurement or procurements,~~
6 ~~such as any existing environmental benefits that are~~
7 ~~preserved by a procurement held under this subsection~~
8 ~~(d 10) and would cease to exist if the procurement were~~
9 ~~not held, including the preservation of carbon free energy~~
10 ~~resources. For those bidders having the same public~~
11 ~~interest criteria score, the relative ranking of such~~
12 ~~bidders shall be determined by price. The Plan shall~~
13 ~~describe in detail how each public interest factor shall~~
14 ~~be considered and weighted in the bid selection process to~~
15 ~~ensure that the public interest criteria are applied to~~
16 ~~the procurement. The Plan shall, to the extent practical~~
17 ~~and permissible by federal law, ensure that successful~~
18 ~~bidders make commercially reasonable efforts to apply for~~
19 ~~federal tax credits, direct payments, or similar subsidy~~
20 ~~programs that support carbon free generation and for which~~
21 ~~the successful bidder is eligible. Upon publishing of the~~
22 ~~carbon mitigation credit procurement plan, copies of the~~
23 ~~plan shall be posted and made publicly available on the~~
24 ~~Agency's website. All interested parties shall have 7 days~~
25 ~~following the date of posting to provide comment to the~~
26 ~~Agency on the plan. All comments shall be posted to the~~

1 ~~Agency's website. Following the end of the comment period,~~
2 ~~but no more than 19 days later than the effective date of~~
3 ~~this amendatory Act of the 102nd General Assembly, the~~
4 ~~Agency shall revise the plan as necessary based on the~~
5 ~~comments received and file its carbon mitigation credit~~
6 ~~procurement plan with the Commission.~~

7 ~~(E) If the Commission determines that the plan is~~
8 ~~likely to result in the procurement of cost effective~~
9 ~~carbon mitigation credits, then the Commission shall,~~
10 ~~after notice and hearing and opportunity for comment, but~~
11 ~~no later than 42 days after the Agency filed the plan,~~
12 ~~approve the plan or approve it with modification. For~~
13 ~~purposes of this subsection (d-10), "cost effective" means~~
14 ~~carbon mitigation credits that are procured from~~
15 ~~carbon free energy resources at prices that are within the~~
16 ~~limits specified in this paragraph (3). As part of the~~
17 ~~Commission's review and acceptance or rejection of the~~
18 ~~procurement results, the Commission shall, in its public~~
19 ~~notice of successful bidders:~~

20 ~~(i) identify how the selected carbon free energy~~
21 ~~resources satisfy the public interest criteria~~
22 ~~described in this paragraph (3) of minimizing carbon~~
23 ~~dioxide emissions that result from electricity~~
24 ~~consumed in Illinois and minimizing sulfur dioxide,~~
25 ~~nitrogen oxide, and particulate matter emissions that~~
26 ~~adversely affect the citizens of this State;~~

1 ~~(ii) specifically address how the selection of~~
2 ~~carbon-free energy resources takes into account the~~
3 ~~incremental environmental benefits resulting from the~~
4 ~~procurement, including any existing environmental~~
5 ~~benefits that are preserved by the procurements held~~
6 ~~under this amendatory Act of the 102nd General~~
7 ~~Assembly and would have ceased to exist if the~~
8 ~~procurements had not been held, such as the~~
9 ~~preservation of carbon free energy resources;~~

10 ~~(iii) quantify the environmental benefit of~~
11 ~~preserving the carbon-free energy resources procured~~
12 ~~pursuant to this subsection (d-10), including the~~
13 ~~following:~~

14 ~~(I) an assessment value of avoided greenhouse~~
15 ~~gas emissions measured as the product of the~~
16 ~~carbon free energy resources' output over the~~
17 ~~contract term, using generally accepted~~
18 ~~methodologies for the valuation of avoided~~
19 ~~emissions; and~~

20 ~~(II) an assessment of costs of replacement~~
21 ~~with other carbon-free energy resources and~~
22 ~~renewable energy resources, including wind and~~
23 ~~photovoltaic generation, based upon an assessment~~
24 ~~of the prices paid for renewable energy credits~~
25 ~~through programs and procurements conducted~~
26 ~~pursuant to subsection (c) of Section 1-75 of this~~

1 ~~Act, and the additional storage necessary to~~
2 ~~produce the same or similar capability of matching~~
3 ~~customer usage patterns.~~

4 ~~(F) The procurements described in this paragraph (3),~~
5 ~~including, but not limited to, the execution of all~~
6 ~~contracts procured, shall be completed no later than~~
7 ~~December 3, 2021. The procurement and plan approval~~
8 ~~processes required by this paragraph (3) shall be~~
9 ~~conducted in conjunction with the procurement and plan~~
10 ~~approval processes required by Section 16 111.5 of the~~
11 ~~Public Utilities Act, to the extent practicable. However,~~
12 ~~the Agency and Commission may, as appropriate, modify the~~
13 ~~various dates and timelines under this subparagraph and~~
14 ~~subparagraphs (D) and (E) of this paragraph (3) to meet~~
15 ~~the December 3, 2021 contract execution deadline.~~
16 ~~Following the completion of such procurements, and~~
17 ~~consistent with this paragraph (3), the Agency shall~~
18 ~~calculate the payments to be made under each contract in a~~
19 ~~timely fashion.~~

20 ~~(F-1) Costs incurred by the electric utility pursuant~~
21 ~~to a contract authorized by this subsection (d-10) shall~~
22 ~~be deemed prudently incurred and reasonable in amount, and~~
23 ~~the electric utility shall be entitled to full cost~~
24 ~~recovery pursuant to a tariff or tariffs filed with the~~
25 ~~Commission.~~

26 ~~(G) The counterparty electric utility shall retire all~~

1 ~~carbon mitigation credits used to comply with the~~
2 ~~requirements of this subsection (d-10).~~

3 ~~(H) If a carbon-free energy resource is sold to~~
4 ~~another owner, the rights, obligations, and commitments~~
5 ~~under this subsection (d-10) shall continue to the~~
6 ~~subsequent owner.~~

7 ~~(I) This subsection (d-10) shall become inoperative on~~
8 ~~January 1, 2028.~~

9 (e) The draft procurement plans are subject to public
10 comment, as required by Section 16-111.5 of the Public
11 Utilities Act.

12 (f) The Agency shall submit the final procurement plan to
13 the Commission. The Agency shall revise a procurement plan if
14 the Commission determines that it does not meet the standards
15 set forth in Section 16-111.5 of the Public Utilities Act.

16 (g) The Agency shall assess fees to each affected utility
17 to recover the costs incurred in preparation of the annual
18 procurement plan for the utility.

19 (h) The Agency shall assess fees to each bidder to recover
20 the costs incurred in connection with a competitive
21 procurement process.

22 (i) A renewable energy credit, carbon emission credit, or
23 zero emission credit, ~~or carbon mitigation credit~~ can only be
24 used once to comply with a single portfolio or other standard
25 as set forth in subsection (c), subsection (d), or subsection
26 (d-5) of this Section, respectively. A renewable energy

1 credit, carbon emission credit, or zero emission credit, ~~or~~
2 ~~carbon mitigation credit~~ cannot be used to satisfy the
3 requirements of more than one standard. If more than one type
4 of credit is issued for the same megawatt hour of energy, only
5 one credit can be used to satisfy the requirements of a single
6 standard. After such use, the credit must be retired together
7 with any other credits issued for the same megawatt hour of
8 energy.

9 (Source: P.A. 100-863, eff. 8-14-18; 101-81, eff. 7-12-19;
10 101-113, eff. 1-1-20; 102-662, eff. 9-15-21.)

11 (20 ILCS 3855/1-92)

12 Sec. 1-92. Aggregation of electrical load by
13 municipalities, townships, and counties.

14 (a) The corporate authorities of a municipality, township
15 board, or county board of a county may adopt an ordinance under
16 which it may aggregate in accordance with this Section
17 residential and small commercial retail electrical loads
18 located, respectively, within the municipality, the township,
19 or the unincorporated areas of the county and, for that
20 purpose, may solicit bids and enter into service agreements to
21 facilitate for those loads the sale and purchase of
22 electricity and related services and equipment.

23 The corporate authorities, township board, or county board
24 may also exercise such authority jointly with any other
25 municipality, township, or county. Two or more municipalities,

1 townships, or counties, or a combination of both, may initiate
2 a process jointly to authorize aggregation by a majority vote
3 of each particular municipality, township, or county as
4 required by this Section.

5 If the corporate authorities, township board, or the
6 county board seek to operate the aggregation program as an
7 opt-out program for residential and small commercial retail
8 customers, then prior to the adoption of an ordinance with
9 respect to aggregation of residential and small commercial
10 retail electric loads, the corporate authorities of a
11 municipality, the township board, or the county board of a
12 county shall submit a referendum to its residents to determine
13 whether or not the aggregation program shall operate as an
14 opt-out program for residential and small commercial retail
15 customers. Any county board that seeks to submit such a
16 referendum to its residents shall do so only in unincorporated
17 areas of the county where no electric aggregation ordinance
18 has been adopted.

19 In addition to the notice and conduct requirements of the
20 general election law, notice of the referendum shall state
21 briefly the purpose of the referendum. The question of whether
22 the corporate authorities, the township board, or the county
23 board shall adopt an opt-out aggregation program for
24 residential and small commercial retail customers shall be
25 submitted to the electors of the municipality, township board,
26 or county board at a regular election and approved by a

1 majority of the electors voting on the question. The corporate
2 authorities, township board, or county board must certify to
3 the proper election authority, which must submit the question
4 at an election in accordance with the Election Code.

5 The election authority must submit the question in
6 substantially the following form:

7 Shall the (municipality, township, or county in which
8 the question is being voted upon) have the authority to
9 arrange for the supply of electricity for its residential
10 and small commercial retail customers who have not opted
11 out of such program?

12 The election authority must record the votes as "Yes" or "No".

13 If a majority of the electors voting on the question vote
14 in the affirmative, then the corporate authorities, township
15 board, or county board may implement an opt-out aggregation
16 program for residential and small commercial retail customers.

17 A referendum must pass in each particular municipality,
18 township, or county that is engaged in the aggregation
19 program. If the referendum fails, then the corporate
20 authorities, township board, or county board shall operate the
21 aggregation program as an opt-in program for residential and
22 small commercial retail customers.

23 An ordinance under this Section shall specify whether the
24 aggregation will occur only with the prior consent of each
25 person owning, occupying, controlling, or using an electric
26 load center proposed to be aggregated. Nothing in this

1 Section, however, authorizes the aggregation of electric loads
2 that are served or authorized to be served by an electric
3 cooperative as defined by and pursuant to the Electric
4 Supplier Act or loads served by a municipality that owns and
5 operates its own electric distribution system. No aggregation
6 shall take effect unless approved by a majority of the members
7 of the corporate authority, township board, or county board
8 voting upon the ordinance.

9 A governmental aggregator under this Section is not a
10 public utility or an alternative retail electric supplier.

11 For purposes of this Section, "township" means the portion
12 of a township that is an unincorporated portion of a county
13 that is not otherwise a part of a municipality. In addition to
14 such other limitations as are included in this Section, a
15 township board shall only have authority to aggregate
16 residential and small commercial customer loads in accordance
17 with this Section if the county board of the county in which
18 the township is located (i) is not also submitting a
19 referendum to its residents at the same general election that
20 the township board proposes to submit a referendum under this
21 subsection (a), (ii) has not received authorization through
22 passage of a referendum to operate an opt-out aggregation
23 program for residential and small commercial retail customers
24 under this subsection (a), and (iii) has not otherwise enacted
25 an ordinance under this subsection (a) authorizing the
26 operation of an opt-in aggregation program for residential and

1 small commercial retail customers as described in this
2 Section.

3 (b) Upon the applicable requisite authority under this
4 Section, the corporate authorities, the township board, or the
5 county board, with assistance from the Illinois Power Agency,
6 shall develop a plan of operation and governance for the
7 aggregation program so authorized. Before adopting a plan
8 under this Section, the corporate authorities, township board,
9 or county board shall hold at least 2 public hearings on the
10 plan. Before the first hearing, the corporate authorities,
11 township board, or county board shall publish notice of the
12 hearings once a week for 2 consecutive weeks in a newspaper of
13 general circulation in the jurisdiction. The notice shall
14 summarize the plan and state the date, time, and location of
15 each hearing. Any load aggregation plan established pursuant
16 to this Section shall:

17 (1) provide for universal access to all applicable
18 residential customers and equitable treatment of
19 applicable residential customers;

20 (2) describe demand management and energy efficiency
21 services to be provided to each class of customers; and

22 (3) meet any requirements established by law
23 concerning aggregated service offered pursuant to this
24 Section.

25 (c) The process for soliciting bids for electricity and
26 other related services and awarding proposed agreements for

1 the purchase of electricity and other related services shall
2 be conducted in the following order:

3 (1) The corporate authorities, township board, or
4 county board may solicit bids for electricity and other
5 related services. The bid specifications may include a
6 provision requiring the bidder to disclose the fuel type
7 of electricity to be procured or generated on behalf of
8 the aggregation program customers. The corporate
9 authorities, township board, or county board may consider
10 the proposed source of electricity to be procured or
11 generated to be put into the grid on behalf of aggregation
12 program customers in the competitive bidding process. The
13 Agency and Commission may collaborate to issue joint
14 guidance on voluntary uniform standards for bidder
15 disclosures of the source of electricity to be procured or
16 generated to be put into the grid on behalf of aggregation
17 program customers.

18 (1.5) A township board shall request from the electric
19 utility those residential and small commercial customers
20 within their aggregate area either by zip code or zip
21 codes or other means as determined by the electric
22 utility. The electric utility shall then provide to the
23 township board the residential and small commercial
24 customers, including the names and addresses of
25 residential and small commercial customers,
26 electronically. The township board shall be responsible

1 for authenticating the residential and small commercial
2 customers contained in this listing and providing edits of
3 the data to affirm, add, or delete the residential and
4 small commercial customers located within its
5 jurisdiction. The township board shall provide the edited
6 list to the electric utility in an electronic format or
7 other means selected by the electric utility and certify
8 that the information is accurate.

9 (2) Notwithstanding Section 16-122 of the Public
10 Utilities Act and Section 2HH of the Consumer Fraud and
11 Deceptive Business Practices Act, an electric utility that
12 provides residential and small commercial retail electric
13 service in the aggregate area must, upon request of the
14 corporate authorities, township board, or the county board
15 in the aggregate area, submit to the requesting party, in
16 an electronic format, those account numbers, names, and
17 addresses of residential and small commercial retail
18 customers in the aggregate area that are reflected in the
19 electric utility's records at the time of the request;
20 provided, however, that any township board has first
21 provided an accurate customer list to the electric utility
22 as provided for herein.

23 Any corporate authority, township board, or county board
24 receiving customer information from an electric utility shall
25 be subject to the limitations on the disclosure of the
26 information described in Section 16-122 of the Public

1 Utilities Act and Section 2HH of the Consumer Fraud and
2 Deceptive Business Practices Act, and an electric utility
3 shall not be held liable for any claims arising out of the
4 provision of information pursuant to this item (2).

5 (d) If the corporate authorities, township board, or
6 county board operate under an opt-in program for residential
7 and small commercial retail customers, then the corporate
8 authorities, township board, or county board shall comply with
9 all of the following:

10 (1) Within 60 days after receiving the bids, the
11 corporate authorities, township board, or county board
12 shall allow residential and small commercial retail
13 customers to commit to the terms and conditions of a bid
14 that has been selected by the corporate authorities,
15 township board, or county board.

16 (2) If (A) the corporate authorities, township board,
17 or county board award proposed agreements for the purchase
18 of electricity and other related services and (B) an
19 agreement is reached between the corporate authorities,
20 township board, or county board for those services, then
21 customers committed to the terms and conditions according
22 to item (1) of this subsection (d) shall be committed to
23 the agreement.

24 (e) If the corporate authorities, township board, or
25 county board operate as an opt-out program for residential and
26 small commercial retail customers, then it shall be the duty

1 of the aggregated entity to fully inform residential and small
2 commercial retail customers in advance that they have the
3 right to opt out of the aggregation program. The disclosure
4 shall prominently state all charges to be made and shall
5 include full disclosure of the cost to obtain service pursuant
6 to Section 16-103 of the Public Utilities Act, how to access
7 it, and the fact that it is available to them without penalty,
8 if they are currently receiving service under that Section.
9 The Illinois Power Agency shall furnish, without charge, to
10 any citizen a list of all supply options available to them in a
11 format that allows comparison of prices and products.

12 (f) Any person or entity retained by a municipality or
13 county, or jointly by more than one such unit of local
14 government, to provide input, guidance, or advice in the
15 selection of an electricity supplier for an aggregation
16 program shall disclose in writing to the involved units of
17 local government the nature of any relationship through which
18 the person or entity may receive, either directly or
19 indirectly, commissions or other remuneration as a result of
20 the selection of any particular electricity supplier. The
21 written disclosure must be made prior to formal approval by
22 the involved units of local government of any professional
23 services agreement with the person or entity, or no later than
24 October 1, 2012 with respect to any such professional services
25 agreement entered into prior to the effective date of this
26 amendatory Act of the 97th General Assembly. The disclosure

1 shall cover all direct and indirect relationships through
2 which commissions or remuneration may result, including the
3 pooling of commissions or remuneration among multiple persons
4 or entities, and shall identify all involved electricity
5 suppliers. The disclosure requirements in this subsection (f)
6 are to be liberally construed to ensure that the nature of
7 financial interests are fully revealed, and these disclosure
8 requirements shall apply regardless of whether the involved
9 person or entity is licensed under Section 16-115C of the
10 Public Utilities Act. Any person or entity that fails to make
11 the disclosure required under this subsection (f) is liable to
12 the involved units of local government in an amount equal to
13 all compensation paid to such person or entity by the units of
14 local government for the input, guidance, or advice in the
15 selection of an electricity supplier, plus reasonable
16 attorneys fees and court costs incurred by the units of local
17 government in connection with obtaining such amount.

18 (g) The Illinois Power Agency shall provide assistance to
19 municipalities, townships, counties, or associations working
20 with municipalities to help complete the plan and bidding
21 process.

22 (h) This Section does not prohibit municipalities or
23 counties from entering into an intergovernmental agreement to
24 aggregate residential and small commercial retail electric
25 loads.

26 (i) Blank). ~~No later than June 1, 2023, the Illinois Power~~

1 ~~Agency shall produce a report assessing how aggregation of~~
2 ~~electrical load by municipalities, townships, and counties can~~
3 ~~be used to help meet the renewable energy goals outlined in~~
4 ~~this Act. This report shall contain, at a minimum, an~~
5 ~~assessment of other states' utilization of load aggregation in~~
6 ~~meeting renewable energy goals, any known or expected barriers~~
7 ~~in utilizing load aggregation for meeting renewable energy~~
8 ~~goals, and recommendations for possible changes in State law~~
9 ~~necessary for electrical load aggregation to be a driver of~~
10 ~~new renewable energy project development. This report shall be~~
11 ~~published on the Agency's website and delivered to the~~
12 ~~Governor and General Assembly. To assist with developing this~~
13 ~~report, the Agency may retain the services of its expert~~
14 ~~consulting firm used to develop its procurement plans as~~
15 ~~provided in paragraph (1) of subsection (a) of Section 1-75.~~

16 (Source: P.A. 97-338, eff. 8-12-11; 97-823, eff. 7-18-12;
17 97-1067, eff. 8-24-12; 98-404, eff. 1-1-14; 98-434, eff.
18 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14; 102-662,
19 eff. 9-15-21.)

20 (20 ILCS 3855/1-125)

21 Sec. 1-125. Agency annual reports.

22 ~~(a)~~ By February 15 of each year, the Agency shall report
23 annually to the Governor and the General Assembly on the
24 operations and transactions of the Agency. The annual report
25 shall include, but not be limited to, each of the following:

1 (1) The average quantity, price, and term of all
2 contracts for electricity procured under the procurement
3 plans for electric utilities.

4 (2) (Blank).

5 (3) The quantity, price, and rate impact of all energy
6 efficiency and demand response measures purchased for
7 electric utilities, and any measures included in the
8 procurement plan pursuant to Section 16-111.5B of the
9 Public Utilities Act.

10 (4) The amount of power and energy produced by each
11 Agency facility.

12 (5) The quantity of electricity supplied by each
13 Agency facility to municipal electric systems,
14 governmental aggregators, or rural electric cooperatives
15 in Illinois.

16 (6) The revenues as allocated by the Agency to each
17 facility.

18 (7) The costs as allocated by the Agency to each
19 facility.

20 (8) The accumulated depreciation for each facility.

21 (9) The status of any projects under development.

22 (10) Basic financial and operating information
23 specifically detailed for the reporting year and
24 including, but not limited to, income and expense
25 statements, balance sheets, and changes in financial
26 position, all in accordance with generally accepted

1 accounting principles, debt structure, and a summary of
2 funds on a cash basis.

3 (11) The average quantity, price, contract type and
4 term, and rate impact of all renewable resources purchased
5 ~~procured~~ under the electricity long term renewable
6 ~~resources~~ procurement plans for electric utilities.

7 (12) A comparison of the costs associated with the
8 Agency's procurement of renewable energy resources to (A)
9 the Agency's costs associated with electricity generated
10 by other types of generation facilities and (B) the
11 benefits associated with the Agency's procurement of
12 renewable energy resources.

13 (13) An analysis of the rate impacts associated with
14 the Illinois Power Agency's procurement of renewable
15 resources, including, but not limited to, any long-term
16 contracts, on the eligible retail customers of electric
17 utilities. The analysis shall include the Agency's
18 estimate of the total dollar impact that the Agency's
19 procurement of renewable resources has had on the annual
20 electricity bills of the customer classes that comprise
21 each eligible retail customer class taking service from an
22 electric utility.

23 (14) ~~(Blank)~~. An analysis of how the operation of the
24 alternative compliance payment mechanism, any long-term
25 contracts, or other aspects of the applicable renewable
26 portfolio standards impacts the rates of customers of

1 alternative retail electric suppliers.

2 ~~(b) In addition to reporting on the transactions and~~
3 ~~operations of the Agency, the Agency shall also endeavor to~~
4 ~~report on the following items through its annual report,~~
5 ~~recognizing that full and accurate information may not be~~
6 ~~available for certain items:~~

7 ~~(1) The overall nameplate capacity amount of installed~~
8 ~~and scheduled renewable energy generation capacity~~
9 ~~physically located in Illinois.~~

10 ~~(2) The percentage of installed and scheduled~~
11 ~~renewable energy generation capacity as a share of overall~~
12 ~~electricity generation capacity physically located in~~
13 ~~Illinois.~~

14 ~~(3) The amount of megawatt hours produced by renewable~~
15 ~~energy generation capacity physically located in Illinois~~
16 ~~for the preceding delivery year.~~

17 ~~(4) The percentage of megawatt hours produced by~~
18 ~~renewable energy generation capacity physically located in~~
19 ~~Illinois as a share of overall electricity generation from~~
20 ~~facilities physically located in Illinois for the~~
21 ~~preceding delivery year.~~

22 ~~(5) The renewable portfolio standard expenditures made~~
23 ~~pursuant to paragraph (1) of subsection (c) of Section~~
24 ~~1-75 and the total scheduled and installed renewable~~
25 ~~generation capacity expected to result from these~~
26 ~~investments. This information shall include the total cost~~

1 ~~of REC delivery contracts of the renewable portfolio~~
2 ~~standard by project category, including, but not limited~~
3 ~~to, renewable energy credits delivery contracts entered~~
4 ~~into pursuant to subparagraphs (C), (G), (K), and (R) of~~
5 ~~paragraph (1) of subsection (c) Section 1-75. The Agency~~
6 ~~shall also report on the total amount of customer load~~
7 ~~featuring renewable portfolio standard compliance~~
8 ~~obligations scheduled to be met by self direct customers~~
9 ~~pursuant to subparagraph (R) of paragraph (1) of~~
10 ~~subsection (c) of Section 1-75, as well as the minimum~~
11 ~~annual quantities of renewable energy credits scheduled to~~
12 ~~be retired by those customers and amount of installed~~
13 ~~renewable energy generating capacity used to meet the~~
14 ~~requirements of subparagraph (R) of paragraph (1) of~~
15 ~~subsection (c) of Section 1-75.~~

16 ~~The Agency may seek assistance from the Illinois Commerce~~
17 ~~Commission in developing its annual report and may also retain~~
18 ~~the services of its expert consulting firm used to develop its~~
19 ~~procurement plans as outlined in paragraph (1) of subsection~~
20 ~~(a) of Section 1-75. Confidential or commercially sensitive~~
21 ~~business information provided by retail customers, alternative~~
22 ~~retail electric suppliers, or other parties shall be kept~~
23 ~~confidential by the Agency consistent with Section 1-120, but~~
24 ~~may be publicly reported in aggregate form.~~

25 (Source: P.A. 99-536, eff. 7-8-16; 102-662, eff. 9-15-21.)

1 Section 90-35. The State Finance Act is amended by
2 changing Section 5.427 as follows:

3 (30 ILCS 105/5.427)

4 Sec. 5.427. The Alternate Fuels ~~Electric Vehicle Rebate~~
5 Fund.

6 (Source: P.A. 89-410; 89-626, eff. 8-9-96; 102-662, eff.
7 9-15-21.)

8 Section 90-36. The Illinois Procurement Code is amended by
9 changing Section 1-10 as follows:

10 (30 ILCS 500/1-10)

11 Sec. 1-10. Application.

12 (a) This Code applies only to procurements for which
13 bidders, offerors, potential contractors, or contractors were
14 first solicited on or after July 1, 1998. This Code shall not
15 be construed to affect or impair any contract, or any
16 provision of a contract, entered into based on a solicitation
17 prior to the implementation date of this Code as described in
18 Article 99, including~~τ~~ but not limited to~~τ~~ any covenant
19 entered into with respect to any revenue bonds or similar
20 instruments. All procurements for which contracts are
21 solicited between the effective date of Articles 50 and 99 and
22 July 1, 1998 shall be substantially in accordance with this
23 Code and its intent.

1 (b) This Code shall apply regardless of the source of the
2 funds with which the contracts are paid, including federal
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political
5 subdivisions or other governments, or between State
6 governmental bodies, except as specifically provided in
7 this Code.

8 (2) Grants, except for the filing requirements of
9 Section 20-80.

10 (3) Purchase of care, except as provided in Section
11 5-30.6 of the Illinois Public Aid Code and this Section.

12 (4) Hiring of an individual as employee and not as an
13 independent contractor, whether pursuant to an employment
14 code or policy or by contract directly with that
15 individual.

16 (5) Collective bargaining contracts.

17 (6) Purchase of real estate, except that notice of
18 this type of contract with a value of more than \$25,000
19 must be published in the Procurement Bulletin within 10
20 calendar days after the deed is recorded in the county of
21 jurisdiction. The notice shall identify the real estate
22 purchased, the names of all parties to the contract, the
23 value of the contract, and the effective date of the
24 contract.

25 (7) Contracts necessary to prepare for anticipated
26 litigation, enforcement actions, or investigations,

1 provided that the chief legal counsel to the Governor
2 shall give his or her prior approval when the procuring
3 agency is one subject to the jurisdiction of the Governor,
4 and provided that the chief legal counsel of any other
5 procuring entity subject to this Code shall give his or
6 her prior approval when the procuring entity is not one
7 subject to the jurisdiction of the Governor.

8 (8) (Blank).

9 (9) Procurement expenditures by the Illinois
10 Conservation Foundation when only private funds are used.

11 (10) (Blank).

12 (11) Public-private agreements entered into according
13 to the procurement requirements of Section 20 of the
14 Public-Private Partnerships for Transportation Act and
15 design-build agreements entered into according to the
16 procurement requirements of Section 25 of the
17 Public-Private Partnerships for Transportation Act.

18 (12) Contracts for legal, financial, and other
19 professional and artistic services entered into on or
20 before December 31, 2018 by the Illinois Finance Authority
21 in which the State of Illinois is not obligated. Such
22 contracts shall be awarded through a competitive process
23 authorized by the Board of the Illinois Finance Authority
24 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
25 50-35, and 50-37 of this Code, as well as the final
26 approval by the Board of the Illinois Finance Authority of

1 the terms of the contract.

2 (13) Contracts for services, commodities, and
3 equipment to support the delivery of timely forensic
4 science services in consultation with and subject to the
5 approval of the Chief Procurement Officer as provided in
6 subsection (d) of Section 5-4-3a of the Unified Code of
7 Corrections, except for the requirements of Sections
8 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
9 Code; however, the Chief Procurement Officer may, in
10 writing with justification, waive any certification
11 required under Article 50 of this Code. For any contracts
12 for services which are currently provided by members of a
13 collective bargaining agreement, the applicable terms of
14 the collective bargaining agreement concerning
15 subcontracting shall be followed.

16 On and after January 1, 2019, this paragraph (13),
17 except for this sentence, is inoperative.

18 (14) Contracts for participation expenditures required
19 by a domestic or international trade show or exhibition of
20 an exhibitor, member, or sponsor.

21 (15) Contracts with a railroad or utility that
22 requires the State to reimburse the railroad or utilities
23 for the relocation of utilities for construction or other
24 public purpose. Contracts included within this paragraph
25 (15) shall include, but not be limited to, those
26 associated with: relocations, crossings, installations,

1 and maintenance. For the purposes of this paragraph (15),
2 "railroad" means any form of non-highway ground
3 transportation that runs on rails or electromagnetic
4 guideways and "utility" means: (1) public utilities as
5 defined in Section 3-105 of the Public Utilities Act, (2)
6 telecommunications carriers as defined in Section 13-202
7 of the Public Utilities Act, (3) electric cooperatives as
8 defined in Section 3.4 of the Electric Supplier Act, (4)
9 telephone or telecommunications cooperatives as defined in
10 Section 13-212 of the Public Utilities Act, (5) rural
11 water or waste water systems with 10,000 connections or
12 less, (6) a holder as defined in Section 21-201 of the
13 Public Utilities Act, and (7) municipalities owning or
14 operating utility systems consisting of public utilities
15 as that term is defined in Section 11-117-2 of the
16 Illinois Municipal Code.

17 (16) Procurement expenditures necessary for the
18 Department of Public Health to provide the delivery of
19 timely newborn screening services in accordance with the
20 Newborn Metabolic Screening Act.

21 (17) Procurement expenditures necessary for the
22 Department of Agriculture, the Department of Financial and
23 Professional Regulation, the Department of Human Services,
24 and the Department of Public Health to implement the
25 Compassionate Use of Medical Cannabis Program and Opioid
26 Alternative Pilot Program requirements and ensure access

1 to medical cannabis for patients with debilitating medical
2 conditions in accordance with the Compassionate Use of
3 Medical Cannabis Program Act.

4 (18) This Code does not apply to any procurements
5 necessary for the Department of Agriculture, the
6 Department of Financial and Professional Regulation, the
7 Department of Human Services, the Department of Commerce
8 and Economic Opportunity, and the Department of Public
9 Health to implement the Cannabis Regulation and Tax Act if
10 the applicable agency has made a good faith determination
11 that it is necessary and appropriate for the expenditure
12 to fall within this exemption and if the process is
13 conducted in a manner substantially in accordance with the
14 requirements of Sections 20-160, 25-60, 30-22, 50-5,
15 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
16 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
17 Section 50-35, compliance applies only to contracts or
18 subcontracts over \$100,000. Notice of each contract
19 entered into under this paragraph (18) that is related to
20 the procurement of goods and services identified in
21 paragraph (1) through (9) of this subsection shall be
22 published in the Procurement Bulletin within 14 calendar
23 days after contract execution. The Chief Procurement
24 Officer shall prescribe the form and content of the
25 notice. Each agency shall provide the Chief Procurement
26 Officer, on a monthly basis, in the form and content

1 prescribed by the Chief Procurement Officer, a report of
2 contracts that are related to the procurement of goods and
3 services identified in this subsection. At a minimum, this
4 report shall include the name of the contractor, a
5 description of the supply or service provided, the total
6 amount of the contract, the term of the contract, and the
7 exception to this Code utilized. A copy of any or all of
8 these contracts shall be made available to the Chief
9 Procurement Officer immediately upon request. The Chief
10 Procurement Officer shall submit a report to the Governor
11 and General Assembly no later than November 1 of each year
12 that includes, at a minimum, an annual summary of the
13 monthly information reported to the Chief Procurement
14 Officer. This exemption becomes inoperative 5 years after
15 June 25, 2019 (the effective date of Public Act 101-27).

16 (19) (Blank). ~~Procurement expenditures necessary for~~
17 ~~the Illinois Commerce Commission to hire third party~~
18 ~~facilitators pursuant to Sections 16-105.17 and Section~~
19 ~~16-108.18 of the Public Utilities Act or an ombudsman~~
20 ~~pursuant to Section 16-107.5 of the Public Utilities Act,~~
21 ~~a facilitator pursuant to Section 16-105.17 of the Public~~
22 ~~Utilities Act, or a grid auditor pursuant to Section~~
23 ~~16-105.10 of the Public Utilities Act.~~

24 Notwithstanding any other provision of law, for contracts
25 entered into on or after October 1, 2017 under an exemption
26 provided in any paragraph of this subsection (b), except

1 paragraph (1), (2), or (5), each State agency shall post to the
2 appropriate procurement bulletin the name of the contractor, a
3 description of the supply or service provided, the total
4 amount of the contract, the term of the contract, and the
5 exception to the Code utilized. The chief procurement officer
6 shall submit a report to the Governor and General Assembly no
7 later than November 1 of each year that shall include, at a
8 minimum, an annual summary of the monthly information reported
9 to the chief procurement officer.

10 (c) This Code does not apply to the electric power
11 procurement process provided for under Section 1-75 of the
12 Illinois Power Agency Act and Section 16-111.5 of the Public
13 Utilities Act.

14 (d) Except for Section 20-160 and Article 50 of this Code,
15 and as expressly required by Section 9.1 of the Illinois
16 Lottery Law, the provisions of this Code do not apply to the
17 procurement process provided for under Section 9.1 of the
18 Illinois Lottery Law.

19 (e) This Code does not apply to the process used by the
20 Capital Development Board to retain a person or entity to
21 assist the Capital Development Board with its duties related
22 to the determination of costs of a clean coal SNG brownfield
23 facility, as defined by Section 1-10 of the Illinois Power
24 Agency Act, as required in subsection (h-3) of Section 9-220
25 of the Public Utilities Act, including calculating the range
26 of capital costs, the range of operating and maintenance

1 costs, or the sequestration costs or monitoring the
2 construction of clean coal SNG brownfield facility for the
3 full duration of construction.

4 (f) (Blank).

5 (g) (Blank).

6 (h) This Code does not apply to the process to procure or
7 contracts entered into in accordance with Sections 11-5.2 and
8 11-5.3 of the Illinois Public Aid Code.

9 (i) Each chief procurement officer may access records
10 necessary to review whether a contract, purchase, or other
11 expenditure is or is not subject to the provisions of this
12 Code, unless such records would be subject to attorney-client
13 privilege.

14 (j) This Code does not apply to the process used by the
15 Capital Development Board to retain an artist or work or works
16 of art as required in Section 14 of the Capital Development
17 Board Act.

18 (k) This Code does not apply to the process to procure
19 contracts, or contracts entered into, by the State Board of
20 Elections or the State Electoral Board for hearing officers
21 appointed pursuant to the Election Code.

22 (l) This Code does not apply to the processes used by the
23 Illinois Student Assistance Commission to procure supplies and
24 services paid for from the private funds of the Illinois
25 Prepaid Tuition Fund. As used in this subsection (l), "private
26 funds" means funds derived from deposits paid into the

1 Illinois Prepaid Tuition Trust Fund and the earnings thereon.
2 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
3 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
4 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
5 9-17-19; 102-662, eff. 9-15-21.)

6 Section 90-37. The Business Enterprise for Minorities,
7 Women, and Persons with Disabilities Act is amended by
8 changing Sections 4f and 7 as follows:

9 (30 ILCS 575/4f)

10 (Text of Section before amendment by P.A. 101-657, Article
11 40, Section 40-130)

12 (Section scheduled to be repealed on June 30, 2024)

13 Sec. 4f. Award of State contracts.

14 (1) It is hereby declared to be the public policy of the
15 State of Illinois to promote and encourage each State agency
16 and public institution of higher education to use businesses
17 owned by minorities, women, and persons with disabilities in
18 the area of goods and services, including, but not limited to,
19 insurance services, investment management services,
20 information technology services, accounting services,
21 architectural and engineering services, and legal services.
22 Furthermore, each State agency and public institution of
23 higher education shall utilize such firms to the greatest
24 extent feasible within the bounds of financial and fiduciary

1 prudence, and take affirmative steps to remove any barriers to
2 the full participation of such firms in the procurement and
3 contracting opportunities afforded.

4 (a) When a State agency or public institution of
5 higher education, other than a community college, awards a
6 contract for insurance services, for each State agency or
7 public institution of higher education, it shall be the
8 aspirational goal to use insurance brokers owned by
9 minorities, women, and persons with disabilities as
10 defined by this Act, for not less than 20% of the total
11 annual premiums or fees; provided that, contracts
12 representing at least 11% of the total annual premiums or
13 fees shall be awarded to businesses owned by minorities;
14 contracts representing at least 7% of the total annual
15 premiums or fees shall be awarded to women-owned
16 businesses; and contracts representing at least 2% of the
17 total annual premiums or fees shall be awarded to
18 businesses owned by persons with disabilities.

19 (b) When a State agency or public institution of
20 higher education, other than a community college, awards a
21 contract for investment services, for each State agency or
22 public institution of higher education, it shall be the
23 aspirational goal to use emerging investment managers
24 owned by minorities, women, and persons with disabilities
25 as defined by this Act, for not less than 20% of the total
26 funds under management; provided that, contracts

1 representing at least 11% of the total funds under
2 management shall be awarded to businesses owned by
3 minorities; contracts representing at least 7% of the
4 total funds under management shall be awarded to
5 women-owned businesses; and contracts representing at
6 least 2% of the total funds under management shall be
7 awarded to businesses owned by persons with disabilities.
8 Furthermore, it is the aspirational goal that not less
9 than 20% of the direct asset managers of the State funds be
10 minorities, women, and persons with disabilities.

11 (c) When a State agency or public institution of
12 higher education, other than a community college, awards
13 contracts for information technology services, accounting
14 services, architectural and engineering services, and
15 legal services, for each State agency and public
16 institution of higher education, it shall be the
17 aspirational goal to use such firms owned by minorities,
18 women, and persons with disabilities as defined by this
19 Act and lawyers who are minorities, women, and persons
20 with disabilities as defined by this Act, for not less
21 than 20% of the total dollar amount of State contracts;
22 provided that, contracts representing at least 11% of the
23 total dollar amount of State contracts shall be awarded to
24 businesses owned by minorities or minority lawyers;
25 contracts representing at least 7% of the total dollar
26 amount of State contracts shall be awarded to women-owned

1 businesses or women who are lawyers; and contracts
2 representing at least 2% of the total dollar amount of
3 State contracts shall be awarded to businesses owned by
4 persons with disabilities or persons with disabilities who
5 are lawyers.

6 (d) When a community college awards a contract for
7 insurance services, investment services, information
8 technology services, accounting services, architectural
9 and engineering services, and legal services, it shall be
10 the aspirational goal of each community college to use
11 businesses owned by minorities, women, and persons with
12 disabilities as defined in this Act for not less than 20%
13 of the total amount spent on contracts for these services
14 collectively; provided that, contracts representing at
15 least 11% of the total amount spent on contracts for these
16 services shall be awarded to businesses owned by
17 minorities; contracts representing at least 7% of the
18 total amount spent on contracts for these services shall
19 be awarded to women-owned businesses; and contracts
20 representing at least 2% of the total amount spent on
21 contracts for these services shall be awarded to
22 businesses owned by persons with disabilities. When a
23 community college awards contracts for investment
24 services, contracts awarded to investment managers who are
25 not emerging investment managers as defined in this Act
26 shall not be considered businesses owned by minorities,

1 women, or persons with disabilities for the purposes of
2 this Section.

3 (e) When a State agency or public institution of
4 higher education issues competitive solicitations and the
5 award history for a service or supply category shows
6 awards to a class of business owners that are
7 underrepresented, the Council shall determine the reason
8 for the disparity and shall identify potential and
9 appropriate methods to minimize or eliminate the cause for
10 the disparity.

11 If any State agency or public institution of higher
12 education contract is eligible to be paid for or
13 reimbursed, in whole or in part, with federal-aid funds,
14 grants, or loans, and the provisions of this paragraph (e)
15 would result in the loss of those federal-aid funds,
16 grants, or loans, then the contract is exempt from the
17 provisions of this paragraph (e) in order to remain
18 eligible for those federal-aid funds, grants, or loans.

19 (2) As used in this Section:

20 "Accounting services" means the measurement,
21 processing and communication of financial information
22 about economic entities including, but is not limited to,
23 financial accounting, management accounting, auditing,
24 cost containment and auditing services, taxation and
25 accounting information systems.

26 "Architectural and engineering services" means

1 professional services of an architectural or engineering
2 nature, or incidental services, that members of the
3 architectural and engineering professions, and individuals
4 in their employ, may logically or justifiably perform,
5 including studies, investigations, surveying and mapping,
6 tests, evaluations, consultations, comprehensive
7 planning, program management, conceptual designs, plans
8 and specifications, value engineering, construction phase
9 services, soils engineering, drawing reviews, preparation
10 of operating and maintenance manuals, and other related
11 services.

12 "Emerging investment manager" means an investment
13 manager or claims consultant having assets under
14 management below \$10 billion or otherwise adjudicating
15 claims.

16 "Information technology services" means, but is not
17 limited to, specialized technology-oriented solutions by
18 combining the processes and functions of software,
19 hardware, networks, telecommunications, web designers,
20 cloud developing resellers, and electronics.

21 "Insurance broker" means an insurance brokerage firm,
22 claims administrator, or both, that procures, places all
23 lines of insurance, or administers claims with annual
24 premiums or fees of at least \$5,000,000 but not more than
25 \$10,000,000.

26 "Legal services" means work performed by a lawyer

1 including, but not limited to, contracts in anticipation
2 of litigation, enforcement actions, or investigations.

3 (3) Each State agency and public institution of higher
4 education shall adopt policies that identify its plan and
5 implementation procedures for increasing the use of service
6 firms owned by minorities, women, and persons with
7 disabilities.

8 (4) Except as provided in subsection (5), the Council
9 shall file no later than March 1 of each year an annual report
10 to the Governor, the Bureau on Apprenticeship Programs ~~and~~
11 ~~Clean Energy Jobs~~, and the General Assembly. The report filed
12 with the General Assembly shall be filed as required in
13 Section 3.1 of the General Assembly Organization Act. This
14 report shall: (i) identify the service firms used by each
15 State agency and public institution of higher education, (ii)
16 identify the actions it has undertaken to increase the use of
17 service firms owned by minorities, women, and persons with
18 disabilities, including encouraging non-minority-owned firms
19 to use other service firms owned by minorities, women, and
20 persons with disabilities as subcontractors when the
21 opportunities arise, (iii) state any recommendations made by
22 the Council to each State agency and public institution of
23 higher education to increase participation by the use of
24 service firms owned by minorities, women, and persons with
25 disabilities, and (iv) include the following:

26 (A) For insurance services: the names of the insurance

1 brokers or claims consultants used, the total of risk
2 managed by each State agency and public institution of
3 higher education by insurance brokers, the total
4 commissions, fees paid, or both, the lines or insurance
5 policies placed, and the amount of premiums placed; and
6 the percentage of the risk managed by insurance brokers,
7 the percentage of total commission, fees paid, or both,
8 the lines or insurance policies placed, and the amount of
9 premiums placed with each by the insurance brokers owned
10 by minorities, women, and persons with disabilities by
11 each State agency and public institution of higher
12 education.

13 (B) For investment management services: the names of
14 the investment managers used, the total funds under
15 management of investment managers; the total commissions,
16 fees paid, or both; the total and percentage of funds
17 under management of emerging investment managers owned by
18 minorities, women, and persons with disabilities,
19 including the total and percentage of total commissions,
20 fees paid, or both by each State agency and public
21 institution of higher education.

22 (C) The names of service firms, the percentage and
23 total dollar amount paid for professional services by
24 category by each State agency and public institution of
25 higher education.

26 (D) The names of service firms, the percentage and

1 total dollar amount paid for services by category to firms
2 owned by minorities, women, and persons with disabilities
3 by each State agency and public institution of higher
4 education.

5 (E) The total number of contracts awarded for services
6 by category and the total number of contracts awarded to
7 firms owned by minorities, women, and persons with
8 disabilities by each State agency and public institution
9 of higher education.

10 (5) For community college districts, the Business
11 Enterprise Council shall only report the following information
12 for each community college district: (i) the name of the
13 community colleges in the district, (ii) the name and contact
14 information of a person at each community college appointed to
15 be the single point of contact for vendors owned by
16 minorities, women, or persons with disabilities, (iii) the
17 policy of the community college district concerning certified
18 vendors, (iv) the certifications recognized by the community
19 college district for determining whether a business is owned
20 or controlled by a minority, woman, or person with a
21 disability, (v) outreach efforts conducted by the community
22 college district to increase the use of certified vendors,
23 (vi) the total expenditures by the community college district
24 in the prior fiscal year in the divisions of work specified in
25 paragraphs (a), (b), and (c) of subsection (1) of this Section
26 and the amount paid to certified vendors in those divisions of

1 work, and (vii) the total number of contracts entered into for
2 the divisions of work specified in paragraphs (a), (b), and
3 (c) of subsection (1) of this Section and the total number of
4 contracts awarded to certified vendors providing these
5 services to the community college district. The Business
6 Enterprise Council shall not make any utilization reports
7 under this Act for community college districts for Fiscal Year
8 2015 and Fiscal Year 2016, but shall make the report required
9 by this subsection for Fiscal Year 2017 and for each fiscal
10 year thereafter. The Business Enterprise Council shall report
11 the information in items (i), (ii), (iii), and (iv) of this
12 subsection beginning in September of 2016. The Business
13 Enterprise Council may collect the data needed to make its
14 report from the Illinois Community College Board.

15 (6) The status of the utilization of services shall be
16 discussed at each of the regularly scheduled Business
17 Enterprise Council meetings. Time shall be allotted for the
18 Council to receive, review, and discuss the progress of the
19 use of service firms owned by minorities, women, and persons
20 with disabilities by each State agency and public institution
21 of higher education; and any evidence regarding past or
22 present racial, ethnic, or gender-based discrimination which
23 directly impacts a State agency or public institution of
24 higher education contracting with such firms. If after
25 reviewing such evidence the Council finds that there is or has
26 been such discrimination against a specific group, race or

1 sex, the Council shall establish sheltered markets or adjust
2 existing sheltered markets tailored to address the Council's
3 specific findings for the divisions of work specified in
4 paragraphs (a), (b), and (c) of subsection (1) of this
5 Section.

6 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
7 101-657, Article 5, Section 5-10, eff. 7-1-21 (See Section 25
8 of P.A. 102-29 for effective date of P.A. 101-657, Article 5,
9 Section 5-10); 102-29, eff. 6-25-21; 102-662, eff. 9-15-21.)

10 (Text of Section after amendment by P.A. 101-657, Article
11 40, Section 40-130)

12 (Section scheduled to be repealed on June 30, 2024)

13 Sec. 4f. Award of State contracts.

14 (1) It is hereby declared to be the public policy of the
15 State of Illinois to promote and encourage each State agency
16 and public institution of higher education to use businesses
17 owned by minorities, women, and persons with disabilities in
18 the area of goods and services, including, but not limited to,
19 insurance services, investment management services,
20 information technology services, accounting services,
21 architectural and engineering services, and legal services.
22 Furthermore, each State agency and public institution of
23 higher education shall utilize such firms to the greatest
24 extent feasible within the bounds of financial and fiduciary
25 prudence, and take affirmative steps to remove any barriers to

1 the full participation of such firms in the procurement and
2 contracting opportunities afforded.

3 (a) When a State agency or public institution of
4 higher education, other than a community college, awards a
5 contract for insurance services, for each State agency or
6 public institution of higher education, it shall be the
7 aspirational goal to use insurance brokers owned by
8 minorities, women, and persons with disabilities as
9 defined by this Act, for not less than 20% of the total
10 annual premiums or fees; provided that, contracts
11 representing at least 11% of the total annual premiums or
12 fees shall be awarded to businesses owned by minorities;
13 contracts representing at least 7% of the total annual
14 premiums or fees shall be awarded to women-owned
15 businesses; and contracts representing at least 2% of the
16 total annual premiums or fees shall be awarded to
17 businesses owned by persons with disabilities.

18 (b) When a State agency or public institution of
19 higher education, other than a community college, awards a
20 contract for investment services, for each State agency or
21 public institution of higher education, it shall be the
22 aspirational goal to use emerging investment managers
23 owned by minorities, women, and persons with disabilities
24 as defined by this Act, for not less than 20% of the total
25 funds under management; provided that, contracts
26 representing at least 11% of the total funds under

1 management shall be awarded to businesses owned by
2 minorities; contracts representing at least 7% of the
3 total funds under management shall be awarded to
4 women-owned businesses; and contracts representing at
5 least 2% of the total funds under management shall be
6 awarded to businesses owned by persons with disabilities.
7 Furthermore, it is the aspirational goal that not less
8 than 20% of the direct asset managers of the State funds be
9 minorities, women, and persons with disabilities.

10 (c) When a State agency or public institution of
11 higher education, other than a community college, awards
12 contracts for information technology services, accounting
13 services, architectural and engineering services, and
14 legal services, for each State agency and public
15 institution of higher education, it shall be the
16 aspirational goal to use such firms owned by minorities,
17 women, and persons with disabilities as defined by this
18 Act and lawyers who are minorities, women, and persons
19 with disabilities as defined by this Act, for not less
20 than 20% of the total dollar amount of State contracts;
21 provided that, contracts representing at least 11% of the
22 total dollar amount of State contracts shall be awarded to
23 businesses owned by minorities or minority lawyers;
24 contracts representing at least 7% of the total dollar
25 amount of State contracts shall be awarded to women-owned
26 businesses or women who are lawyers; and contracts

1 representing at least 2% of the total dollar amount of
2 State contracts shall be awarded to businesses owned by
3 persons with disabilities or persons with disabilities who
4 are lawyers.

5 (d) When a community college awards a contract for
6 insurance services, investment services, information
7 technology services, accounting services, architectural
8 and engineering services, and legal services, it shall be
9 the aspirational goal of each community college to use
10 businesses owned by minorities, women, and persons with
11 disabilities as defined in this Act for not less than 20%
12 of the total amount spent on contracts for these services
13 collectively; provided that, contracts representing at
14 least 11% of the total amount spent on contracts for these
15 services shall be awarded to businesses owned by
16 minorities; contracts representing at least 7% of the
17 total amount spent on contracts for these services shall
18 be awarded to women-owned businesses; and contracts
19 representing at least 2% of the total amount spent on
20 contracts for these services shall be awarded to
21 businesses owned by persons with disabilities. When a
22 community college awards contracts for investment
23 services, contracts awarded to investment managers who are
24 not emerging investment managers as defined in this Act
25 shall not be considered businesses owned by minorities,
26 women, or persons with disabilities for the purposes of

1 this Section.

2 (2) As used in this Section:

3 "Accounting services" means the measurement,
4 processing and communication of financial information
5 about economic entities including, but is not limited to,
6 financial accounting, management accounting, auditing,
7 cost containment and auditing services, taxation and
8 accounting information systems.

9 "Architectural and engineering services" means
10 professional services of an architectural or engineering
11 nature, or incidental services, that members of the
12 architectural and engineering professions, and individuals
13 in their employ, may logically or justifiably perform,
14 including studies, investigations, surveying and mapping,
15 tests, evaluations, consultations, comprehensive
16 planning, program management, conceptual designs, plans
17 and specifications, value engineering, construction phase
18 services, soils engineering, drawing reviews, preparation
19 of operating and maintenance manuals, and other related
20 services.

21 "Emerging investment manager" means an investment
22 manager or claims consultant having assets under
23 management below \$10 billion or otherwise adjudicating
24 claims.

25 "Information technology services" means, but is not
26 limited to, specialized technology-oriented solutions by

1 combining the processes and functions of software,
2 hardware, networks, telecommunications, web designers,
3 cloud developing resellers, and electronics.

4 "Insurance broker" means an insurance brokerage firm,
5 claims administrator, or both, that procures, places all
6 lines of insurance, or administers claims with annual
7 premiums or fees of at least \$5,000,000 but not more than
8 \$10,000,000.

9 "Legal services" means work performed by a lawyer
10 including, but not limited to, contracts in anticipation
11 of litigation, enforcement actions, or investigations.

12 (3) Each State agency and public institution of higher
13 education shall adopt policies that identify its plan and
14 implementation procedures for increasing the use of service
15 firms owned by minorities, women, and persons with
16 disabilities. All plan and implementation procedures for
17 increasing the use of service firms owned by minorities,
18 women, and persons with disabilities must be submitted to and
19 approved by the Commission on Equity and Inclusion on an
20 annual basis.

21 (4) Except as provided in subsection (5), the Council
22 shall file no later than March 1 of each year an annual report
23 to the Governor, the Bureau on Apprenticeship Programs ~~and~~
24 ~~Clean Energy Jobs~~, and the General Assembly. The report filed
25 with the General Assembly shall be filed as required in
26 Section 3.1 of the General Assembly Organization Act. This

1 report shall: (i) identify the service firms used by each
2 State agency and public institution of higher education, (ii)
3 identify the actions it has undertaken to increase the use of
4 service firms owned by minorities, women, and persons with
5 disabilities, including encouraging non-minority-owned firms
6 to use other service firms owned by minorities, women, and
7 persons with disabilities as subcontractors when the
8 opportunities arise, (iii) state any recommendations made by
9 the Council to each State agency and public institution of
10 higher education to increase participation by the use of
11 service firms owned by minorities, women, and persons with
12 disabilities, and (iv) include the following:

13 (A) For insurance services: the names of the insurance
14 brokers or claims consultants used, the total of risk
15 managed by each State agency and public institution of
16 higher education by insurance brokers, the total
17 commissions, fees paid, or both, the lines or insurance
18 policies placed, and the amount of premiums placed; and
19 the percentage of the risk managed by insurance brokers,
20 the percentage of total commission, fees paid, or both,
21 the lines or insurance policies placed, and the amount of
22 premiums placed with each by the insurance brokers owned
23 by minorities, women, and persons with disabilities by
24 each State agency and public institution of higher
25 education.

26 (B) For investment management services: the names of

1 the investment managers used, the total funds under
2 management of investment managers; the total commissions,
3 fees paid, or both; the total and percentage of funds
4 under management of emerging investment managers owned by
5 minorities, women, and persons with disabilities,
6 including the total and percentage of total commissions,
7 fees paid, or both by each State agency and public
8 institution of higher education.

9 (C) The names of service firms, the percentage and
10 total dollar amount paid for professional services by
11 category by each State agency and public institution of
12 higher education.

13 (D) The names of service firms, the percentage and
14 total dollar amount paid for services by category to firms
15 owned by minorities, women, and persons with disabilities
16 by each State agency and public institution of higher
17 education.

18 (E) The total number of contracts awarded for services
19 by category and the total number of contracts awarded to
20 firms owned by minorities, women, and persons with
21 disabilities by each State agency and public institution
22 of higher education.

23 (5) For community college districts, the Business
24 Enterprise Council shall only report the following information
25 for each community college district: (i) the name of the
26 community colleges in the district, (ii) the name and contact

1 information of a person at each community college appointed to
2 be the single point of contact for vendors owned by
3 minorities, women, or persons with disabilities, (iii) the
4 policy of the community college district concerning certified
5 vendors, (iv) the certifications recognized by the community
6 college district for determining whether a business is owned
7 or controlled by a minority, woman, or person with a
8 disability, (v) outreach efforts conducted by the community
9 college district to increase the use of certified vendors,
10 (vi) the total expenditures by the community college district
11 in the prior fiscal year in the divisions of work specified in
12 paragraphs (a), (b), and (c) of subsection (1) of this Section
13 and the amount paid to certified vendors in those divisions of
14 work, and (vii) the total number of contracts entered into for
15 the divisions of work specified in paragraphs (a), (b), and
16 (c) of subsection (1) of this Section and the total number of
17 contracts awarded to certified vendors providing these
18 services to the community college district. The Business
19 Enterprise Council shall not make any utilization reports
20 under this Act for community college districts for Fiscal Year
21 2015 and Fiscal Year 2016, but shall make the report required
22 by this subsection for Fiscal Year 2017 and for each fiscal
23 year thereafter. The Business Enterprise Council shall report
24 the information in items (i), (ii), (iii), and (iv) of this
25 subsection beginning in September of 2016. The Business
26 Enterprise Council may collect the data needed to make its

1 report from the Illinois Community College Board.

2 (6) The status of the utilization of services shall be
3 discussed at each of the regularly scheduled Business
4 Enterprise Council meetings. Time shall be allotted for the
5 Council to receive, review, and discuss the progress of the
6 use of service firms owned by minorities, women, and persons
7 with disabilities by each State agency and public institution
8 of higher education; and any evidence regarding past or
9 present racial, ethnic, or gender-based discrimination which
10 directly impacts a State agency or public institution of
11 higher education contracting with such firms. If after
12 reviewing such evidence the Council finds that there is or has
13 been such discrimination against a specific group, race or
14 sex, the Council shall establish sheltered markets or adjust
15 existing sheltered markets tailored to address the Council's
16 specific findings for the divisions of work specified in
17 paragraphs (a), (b), and (c) of subsection (1) of this
18 Section.

19 (Source: P.A. 101-170, eff. 1-1-20; 101-657, Article 5,
20 Section 5-10, eff. 7-1-21 (See Section 25 of P.A. 102-29 for
21 effective date of P.A. 101-657, Article 5, Section 5-10);
22 101-657, Article 40, Section 40-130, eff. 1-1-22; 102-29, eff.
23 6-25-21; 102-662, eff. 9-15-21.)

24 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

25 (Text of Section before amendment by P.A. 101-657)

1 (Section scheduled to be repealed on June 30, 2024)

2 Sec. 7. Exemptions; waivers; publication of data.

3 (1) Individual contract exemptions. The Council, at the
4 written request of the affected agency, public institution of
5 higher education, or recipient of a grant or loan of State
6 funds of \$250,000 or more complying with Section 45 of the
7 State Finance Act, may permit an individual contract or
8 contract package, (related contracts being bid or awarded
9 simultaneously for the same project or improvements) be made
10 wholly or partially exempt from State contracting goals for
11 businesses owned by minorities, women, and persons with
12 disabilities prior to the advertisement for bids or
13 solicitation of proposals whenever there has been a
14 determination, reduced to writing and based on the best
15 information available at the time of the determination, that
16 there is an insufficient number of businesses owned by
17 minorities, women, and persons with disabilities to ensure
18 adequate competition and an expectation of reasonable prices
19 on bids or proposals solicited for the individual contract or
20 contract package in question. Any such exemptions shall be
21 given by the Council to the Bureau on Apprenticeship Programs
22 ~~and Clean Energy Jobs.~~

23 (a) Written request for contract exemption. A written
24 request for an individual contract exemption must include,
25 but is not limited to, the following:

26 (i) a list of eligible businesses owned by

1 minorities, women, and persons with disabilities;

2 (ii) a clear demonstration that the number of
3 eligible businesses identified in subparagraph (i)
4 above is insufficient to ensure adequate competition;

5 (iii) the difference in cost between the contract
6 proposals being offered by businesses owned by
7 minorities, women, and persons with disabilities and
8 the agency or public institution of higher education's
9 expectations of reasonable prices on bids or proposals
10 within that class; and

11 (iv) a list of eligible businesses owned by
12 minorities, women, and persons with disabilities that
13 the contractor has used in the current and prior
14 fiscal years.

15 (b) Determination. The Council's determination
16 concerning an individual contract exemption must consider,
17 at a minimum, the following:

18 (i) the justification for the requested exemption,
19 including whether diligent efforts were undertaken to
20 identify and solicit eligible businesses owned by
21 minorities, women, and persons with disabilities;

22 (ii) the total number of exemptions granted to the
23 affected agency, public institution of higher
24 education, or recipient of a grant or loan of State
25 funds of \$250,000 or more complying with Section 45 of
26 the State Finance Act that have been granted by the

1 Council in the current and prior fiscal years; and

2 (iii) the percentage of contracts awarded by the
3 agency or public institution of higher education to
4 eligible businesses owned by minorities, women, and
5 persons with disabilities in the current and prior
6 fiscal years.

7 (2) Class exemptions.

8 (a) Creation. The Council, at the written request of
9 the affected agency or public institution of higher
10 education, may permit an entire class of contracts be made
11 exempt from State contracting goals for businesses owned
12 by minorities, women, and persons with disabilities
13 whenever there has been a determination, reduced to
14 writing and based on the best information available at the
15 time of the determination, that there is an insufficient
16 number of qualified businesses owned by minorities, women,
17 and persons with disabilities to ensure adequate
18 competition and an expectation of reasonable prices on
19 bids or proposals within that class. Any such exemption
20 shall be given by the Council to the Bureau on
21 Apprenticeship Programs ~~and Clean Energy Jobs~~.

22 (a-1) Written request for class exemption. A written
23 request for a class exemption must include, but is not
24 limited to, the following:

25 (i) a list of eligible businesses owned by
26 minorities, women, and persons with disabilities;

1 (ii) a clear demonstration that the number of
2 eligible businesses identified in subparagraph (i)
3 above is insufficient to ensure adequate competition;

4 (iii) the difference in cost between the contract
5 proposals being offered by eligible businesses owned
6 by minorities, women, and persons with disabilities
7 and the agency or public institution of higher
8 education's expectations of reasonable prices on bids
9 or proposals within that class; and

10 (iv) the number of class exemptions the affected
11 agency or public institution of higher education
12 requested in the current and prior fiscal years.

13 (a-2) Determination. The Council's determination
14 concerning class exemptions must consider, at a minimum,
15 the following:

16 (i) the justification for the requested exemption,
17 including whether diligent efforts were undertaken to
18 identify and solicit eligible businesses owned by
19 minorities, women, and persons with disabilities;

20 (ii) the total number of class exemptions granted
21 to the requesting agency or public institution of
22 higher education that have been granted by the Council
23 in the current and prior fiscal years; and

24 (iii) the percentage of contracts awarded by the
25 agency or public institution of higher education to
26 eligible businesses owned by minorities, women, and

1 persons with disabilities the current and prior fiscal
2 years.

3 (b) Limitation. Any such class exemption shall not be
4 permitted for a period of more than one year at a time.

5 (3) Waivers. Where a particular contract requires a
6 contractor to meet a goal established pursuant to this Act,
7 the contractor shall have the right to request a waiver from
8 such requirements. The Council shall grant the waiver where
9 the contractor demonstrates that there has been made a good
10 faith effort to comply with the goals for participation by
11 businesses owned by minorities, women, and persons with
12 disabilities. Any such waiver shall also be transmitted in
13 writing to the Bureau on Apprenticeship Programs ~~and Clean~~
14 ~~Energy Jobs.~~

15 (a) Request for waiver. A contractor's request for a
16 waiver under this subsection (3) must include, but is not
17 limited to, the following, if available:

18 (i) a list of eligible businesses owned by
19 minorities, women, and persons with disabilities that
20 pertain to the class of contracts in the requested
21 waiver;

22 (ii) a clear demonstration that the number of
23 eligible businesses identified in subparagraph (i)
24 above is insufficient to ensure competition;

25 (iii) the difference in cost between the contract
26 proposals being offered by businesses owned by

1 minorities, women, and persons with disabilities and
2 the agency or the public institution of higher
3 education's expectations of reasonable prices on bids
4 or proposals within that class; and

5 (iv) a list of businesses owned by minorities,
6 women, and persons with disabilities that the
7 contractor has used in the current and prior fiscal
8 years.

9 (b) Determination. The Council's determination
10 concerning waivers must include following:

11 (i) the justification for the requested waiver,
12 including whether the requesting contractor made a
13 good faith effort to identify and solicit eligible
14 businesses owned by minorities, women, and persons
15 with disabilities;

16 (ii) the total number of waivers the contractor
17 has been granted by the Council in the current and
18 prior fiscal years;

19 (iii) the percentage of contracts awarded by the
20 agency or public institution of higher education to
21 eligible businesses owned by minorities, women, and
22 persons with disabilities in the current and prior
23 fiscal years; and

24 (iv) the contractor's use of businesses owned by
25 minorities, women, and persons with disabilities in
26 the current and prior fiscal years.

1 (3.5) (Blank).

2 (4) Conflict with other laws. In the event that any State
3 contract, which otherwise would be subject to the provisions
4 of this Act, is or becomes subject to federal laws or
5 regulations which conflict with the provisions of this Act or
6 actions of the State taken pursuant hereto, the provisions of
7 the federal laws or regulations shall apply and the contract
8 shall be interpreted and enforced accordingly.

9 (5) Each chief procurement officer, as defined in the
10 Illinois Procurement Code, shall maintain on his or her
11 official Internet website a database of the following: (i)
12 waivers granted under this Section with respect to contracts
13 under his or her jurisdiction; (ii) a State agency or public
14 institution of higher education's written request for an
15 exemption of an individual contract or an entire class of
16 contracts; and (iii) the Council's written determination
17 granting or denying a request for an exemption of an
18 individual contract or an entire class of contracts. The
19 database, which shall be updated periodically as necessary,
20 shall be searchable by contractor name and by contracting
21 State agency.

22 (6) Each chief procurement officer, as defined by the
23 Illinois Procurement Code, shall maintain on its website a
24 list of all firms that have been prohibited from bidding,
25 offering, or entering into a contract with the State of
26 Illinois as a result of violations of this Act.

1 Each public notice required by law of the award of a State
2 contract shall include for each bid or offer submitted for
3 that contract the following: (i) the bidder's or offeror's
4 name, (ii) the bid amount, (iii) the name or names of the
5 certified firms identified in the bidder's or offeror's
6 submitted utilization plan, and (iv) the bid's amount and
7 percentage of the contract awarded to businesses owned by
8 minorities, women, and persons with disabilities identified in
9 the utilization plan.

10 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
11 101-601, eff. 1-1-20; 102-29, eff. 6-25-21; 102-662, eff.
12 9-15-21.)

13 (Text of Section after amendment by P.A. 101-657)

14 (Section scheduled to be repealed on June 30, 2024)

15 Sec. 7. Exemptions; waivers; publication of data.

16 (1) Individual contract exemptions. The Council, at the
17 written request of the affected agency, public institution of
18 higher education, or recipient of a grant or loan of State
19 funds of \$250,000 or more complying with Section 45 of the
20 State Finance Act, may permit an individual contract or
21 contract package, (related contracts being bid or awarded
22 simultaneously for the same project or improvements) be made
23 wholly or partially exempt from State contracting goals for
24 businesses owned by minorities, women, and persons with
25 disabilities prior to the advertisement for bids or

1 solicitation of proposals whenever there has been a
2 determination, reduced to writing and based on the best
3 information available at the time of the determination, that
4 there is an insufficient number of businesses owned by
5 minorities, women, and persons with disabilities to ensure
6 adequate competition and an expectation of reasonable prices
7 on bids or proposals solicited for the individual contract or
8 contract package in question. Any such exemptions shall be
9 given by the Council to the Bureau on Apprenticeship Programs
10 ~~and Clean Energy Jobs.~~

11 (a) Written request for contract exemption. A written
12 request for an individual contract exemption must include,
13 but is not limited to, the following:

14 (i) a list of eligible businesses owned by
15 minorities, women, and persons with disabilities;

16 (ii) a clear demonstration that the number of
17 eligible businesses identified in subparagraph (i)
18 above is insufficient to ensure adequate competition;

19 (iii) the difference in cost between the contract
20 proposals being offered by businesses owned by
21 minorities, women, and persons with disabilities and
22 the agency or public institution of higher education's
23 expectations of reasonable prices on bids or proposals
24 within that class; and

25 (iv) a list of eligible businesses owned by
26 minorities, women, and persons with disabilities that

1 the contractor has used in the current and prior
2 fiscal years.

3 (b) Determination. The Council's determination
4 concerning an individual contract exemption must consider,
5 at a minimum, the following:

6 (i) the justification for the requested exemption,
7 including whether diligent efforts were undertaken to
8 identify and solicit eligible businesses owned by
9 minorities, women, and persons with disabilities;

10 (ii) the total number of exemptions granted to the
11 affected agency, public institution of higher
12 education, or recipient of a grant or loan of State
13 funds of \$250,000 or more complying with Section 45 of
14 the State Finance Act that have been granted by the
15 Council in the current and prior fiscal years; and

16 (iii) the percentage of contracts awarded by the
17 agency or public institution of higher education to
18 eligible businesses owned by minorities, women, and
19 persons with disabilities in the current and prior
20 fiscal years.

21 (2) Class exemptions.

22 (a) Creation. The Council, at the written request of
23 the affected agency or public institution of higher
24 education, may permit an entire class of contracts be made
25 exempt from State contracting goals for businesses owned
26 by minorities, women, and persons with disabilities

1 whenever there has been a determination, reduced to
2 writing and based on the best information available at the
3 time of the determination, that there is an insufficient
4 number of qualified businesses owned by minorities, women,
5 and persons with disabilities to ensure adequate
6 competition and an expectation of reasonable prices on
7 bids or proposals within that class. Any such exemption
8 shall be given by the Council to the Bureau on
9 Apprenticeship Programs ~~and Clean Energy Jobs~~.

10 (a-1) Written request for class exemption. A written
11 request for a class exemption must include, but is not
12 limited to, the following:

13 (i) a list of eligible businesses owned by
14 minorities, women, and persons with disabilities;

15 (ii) a clear demonstration that the number of
16 eligible businesses identified in subparagraph (i)
17 above is insufficient to ensure adequate competition;

18 (iii) the difference in cost between the contract
19 proposals being offered by eligible businesses owned
20 by minorities, women, and persons with disabilities
21 and the agency or public institution of higher
22 education's expectations of reasonable prices on bids
23 or proposals within that class; and

24 (iv) the number of class exemptions the affected
25 agency or public institution of higher education
26 requested in the current and prior fiscal years.

1 (a-2) Determination. The Council's determination
2 concerning class exemptions must consider, at a minimum,
3 the following:

4 (i) the justification for the requested exemption,
5 including whether diligent efforts were undertaken to
6 identify and solicit eligible businesses owned by
7 minorities, women, and persons with disabilities;

8 (ii) the total number of class exemptions granted
9 to the requesting agency or public institution of
10 higher education that have been granted by the Council
11 in the current and prior fiscal years; and

12 (iii) the percentage of contracts awarded by the
13 agency or public institution of higher education to
14 eligible businesses owned by minorities, women, and
15 persons with disabilities the current and prior fiscal
16 years.

17 (b) Limitation. Any such class exemption shall not be
18 permitted for a period of more than one year at a time.

19 (3) Waivers. Where a particular contract requires a
20 contractor to meet a goal established pursuant to this Act,
21 the contractor shall have the right to request a waiver from
22 such requirements prior to the contract award. The Council
23 shall grant the waiver when the contractor demonstrates that
24 there has been made a good faith effort to comply with the
25 goals for participation by businesses owned by minorities,
26 women, and persons with disabilities. Any such waiver shall

1 also be transmitted in writing to the Bureau on Apprenticeship
2 Programs ~~and Clean Energy Jobs~~.

3 (a) Request for waiver. A contractor's request for a
4 waiver under this subsection (3) must include, but is not
5 limited to, the following, if available:

6 (i) a list of eligible businesses owned by
7 minorities, women, and persons with disabilities that
8 pertain to the scope of work of the contract. Eligible
9 businesses are only eligible if the business is
10 certified for the products or work advertised in the
11 solicitation;

12 (ii) (blank);

13 (iia) a clear demonstration that the contractor
14 selected portions of the work to be performed by
15 eligible businesses owned by minorities, women, and
16 persons with disabilities, solicited through all
17 reasonable and available means eligible businesses,
18 and negotiated in good faith with interested eligible
19 businesses;

20 (iib) documentation demonstrating that businesses
21 owned by minorities, women, and persons with
22 disabilities are not rejected as being unqualified
23 without sound reasons based on a thorough
24 investigation of their capabilities;

25 (iii) documentation demonstrating that the
26 contract proposals being offered by businesses owned

1 by minorities, women, and persons with disabilities
2 are excessive or unreasonable; and

3 (iv) a list of businesses owned by minorities,
4 women, and persons with disabilities that the
5 contractor has used in the current and prior fiscal
6 years.

7 (b) Determination. The Council's determination
8 concerning waivers must include following:

9 (i) the justification for the requested waiver,
10 including whether the requesting contractor made a
11 good faith effort to identify and solicit eligible
12 businesses owned by minorities, women, and persons
13 with disabilities;

14 (ii) the total number of waivers the contractor
15 has been granted by the Council in the current and
16 prior fiscal years;

17 (iii) (blank); and

18 (iv) the contractor's use of businesses owned by
19 minorities, women, and persons with disabilities in
20 the current and prior fiscal years.

21 (3.5) (Blank).

22 (4) Conflict with other laws. In the event that any State
23 contract, which otherwise would be subject to the provisions
24 of this Act, is or becomes subject to federal laws or
25 regulations which conflict with the provisions of this Act or
26 actions of the State taken pursuant hereto, the provisions of

1 the federal laws or regulations shall apply and the contract
2 shall be interpreted and enforced accordingly.

3 (5) Each chief procurement officer, as defined in the
4 Illinois Procurement Code, shall maintain on his or her
5 official Internet website a database of the following: (i)
6 waivers granted under this Section with respect to contracts
7 under his or her jurisdiction; (ii) a State agency or public
8 institution of higher education's written request for an
9 exemption of an individual contract or an entire class of
10 contracts; and (iii) the Council's written determination
11 granting or denying a request for an exemption of an
12 individual contract or an entire class of contracts. The
13 database, which shall be updated periodically as necessary,
14 shall be searchable by contractor name and by contracting
15 State agency.

16 (6) Each chief procurement officer, as defined by the
17 Illinois Procurement Code, shall maintain on its website a
18 list of all firms that have been prohibited from bidding,
19 offering, or entering into a contract with the State of
20 Illinois as a result of violations of this Act.

21 Each public notice required by law of the award of a State
22 contract shall include for each bid or offer submitted for
23 that contract the following: (i) the bidder's or offeror's
24 name, (ii) the bid amount, (iii) the name or names of the
25 certified firms identified in the bidder's or offeror's
26 submitted utilization plan, and (iv) the bid's amount and

1 percentage of the contract awarded to businesses owned by
2 minorities, women, and persons with disabilities identified in
3 the utilization plan.

4 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
5 101-657, eff. 1-1-22; 102-29, eff. 6-25-21; 102-662, eff.
6 9-15-21.)

7 Section 90-39. The Property Tax Code is amended by
8 changing Sections 1-130, 10-5, and 10-610 as follows:

9 (35 ILCS 200/1-130)

10 Sec. 1-130. Property; real property; real estate; land;
11 tract; lot.

12 (a) The land itself, with all things contained therein,
13 and also all buildings, structures and improvements, and other
14 permanent fixtures thereon, including all oil, gas, coal, and
15 other minerals in the land and the right to remove oil, gas and
16 other minerals, excluding coal, from the land, and all rights
17 and privileges belonging or pertaining thereto, except where
18 otherwise specified by this Code. Not included therein are
19 low-income housing tax credits authorized by Section 42 of the
20 Internal Revenue Code, 26 U.S.C. 42.

21 (b) Notwithstanding any other provision of law, mobile
22 homes and manufactured homes that (i) are located outside of
23 mobile home parks and (ii) are taxed under the Mobile Home
24 Local Services Tax Act on the effective date of this

1 amendatory Act of the 96th General Assembly shall continue to
2 be taxed under the Mobile Home Local Services Tax Act and shall
3 not be assessed and taxed as real property until the home is
4 sold or transferred or until the home is relocated to a
5 different parcel of land outside of a mobile home park. If a
6 mobile home or manufactured home described in this subsection
7 (b) is sold, transferred, or relocated to a different parcel
8 of land outside of a mobile home park, then the home shall be
9 assessed and taxed as real property whether or not that mobile
10 home or manufactured home is affixed to a permanent
11 foundation, as defined in Section 5-5 of the Conveyance and
12 Encumbrance of Manufactured Homes as Real Property and
13 Severance Act, or installed on a permanent foundation, and
14 whether or not such mobile home or manufactured home is real
15 property as defined in Section 5-35 of the Conveyance and
16 Encumbrance of Manufactured Homes as Real Property and
17 Severance Act. Mobile homes and manufactured homes that are
18 located outside of mobile home parks and assessed and taxed as
19 real property on the effective date of this amendatory Act of
20 the 96th General Assembly shall continue to be assessed and
21 taxed as real property whether or not those mobile homes or
22 manufactured homes are affixed to a permanent foundation as
23 defined in the Conveyance and Encumbrance of Manufactured
24 Homes as Real Property and Severance Act or installed on
25 permanent foundations and whether or not those mobile homes or
26 manufactured homes are real property as defined in the

1 Conveyance and Encumbrance of Manufactured Homes as Real
2 Property and Severance Act. If a mobile or manufactured home
3 that is located outside of a mobile home park is relocated to a
4 mobile home park, it must be considered chattel and must be
5 taxed according to the Mobile Home Local Services Tax Act. The
6 owner of a mobile home or manufactured home that is located
7 outside of a mobile home park may file a request with the chief
8 county assessment officer that the home be taxed as real
9 property.

10 (c) Mobile homes and manufactured homes that are located
11 in mobile home parks must be taxed according to the Mobile Home
12 Local Services Tax Act.

13 (d) If the provisions of this Section conflict with the
14 Illinois Manufactured Housing and Mobile Home Safety Act, the
15 Mobile Home Local Services Tax Act, the Mobile Home Park Act,
16 or any other provision of law with respect to the taxation of
17 mobile homes or manufactured homes located outside of mobile
18 home parks, the provisions of this Section shall control.

19 (e) (Blank). ~~Spent fuel pools and dry cask storage systems~~
20 ~~in which nuclear fuel is stored and is pending further or final~~
21 ~~disposal from a nuclear power plant that was decommissioned~~
22 ~~before January 1, 2021 shall be considered real property and~~
23 ~~be assessable. The chief county assessment officer shall~~
24 ~~assess such property based on a national evaluation of the~~
25 ~~effective value per pound of spent nuclear fuel, calculated by~~
26 ~~examining assessments or PILOT agreements and documented~~

1 ~~pounds of spent nuclear fuel, at nuclear power plants where~~
2 ~~such property is similarly considered real property.~~

3 (Source: P.A. 98-749, eff. 7-16-14; 102-662, eff. 9-15-21.)

4 (35 ILCS 200/10-5)

5 Sec. 10-5. Solar energy systems; definitions. It is the
6 policy of this State that the use of solar energy systems
7 should be encouraged because they conserve nonrenewable
8 resources, reduce pollution and promote the health and
9 well-being of the people of this State, and should be valued in
10 relation to these benefits.

11 (a) "Solar energy" means radiant energy received from the
12 sun at wave lengths suitable for heat transfer, photosynthetic
13 use, or photovoltaic use.

14 (b) "Solar collector" means

15 (1) An assembly, structure, or design, including
16 passive elements, used for gathering, concentrating, or
17 absorbing direct and indirect solar energy, specially
18 designed for holding a substantial amount of useful
19 thermal energy and to transfer that energy to a gas,
20 solid, or liquid or to use that energy directly; or

21 (2) A mechanism that absorbs solar energy and converts
22 it into electricity; or

23 (3) A mechanism or process used for gathering solar
24 energy through wind or thermal gradients; or

25 (4) A component used to transfer thermal energy to a

1 gas, solid, or liquid, or to convert it into electricity.

2 (c) "Solar storage mechanism" means equipment or elements
3 (such as piping and transfer mechanisms, containers, heat
4 exchangers, or controls thereof, and gases, solids, liquids,
5 or combinations thereof) that are utilized for storing solar
6 energy, gathered by a solar collector, for subsequent use.

7 (d) "Solar energy system" means

8 (1) (A) A complete assembly, structure, or design of
9 solar collector, or a solar storage mechanism, which uses
10 solar energy for generating electricity that is primarily
11 consumed on the property on which the solar energy system
12 resides, or for heating or cooling gases, solids, liquids,
13 or other materials for the primary benefit of the property
14 on which the solar energy system resides;

15 (B) The design, materials, or elements of a system and
16 its maintenance, operation, and labor components, and the
17 necessary components, if any, of supplemental conventional
18 energy systems designed or constructed to interface with a
19 solar energy system; and

20 (C) Any legal, financial, or institutional orders,
21 certificates, or mechanisms, including easements, leases,
22 and agreements, required to ensure continued access to
23 solar energy, its source, or its use in a solar energy
24 system, and including monitoring and educational elements
25 of a demonstration project. ~~or~~

26 (D) (Blank). ~~Photovoltaic electricity generation~~

1 ~~systems subject to power purchase agreements or leases for~~
2 ~~solar energy between a third party owner, an operator, or~~
3 ~~both, and an end user of electricity, where such systems~~
4 ~~are located on the end user of electricity's side of the~~
5 ~~electric meter and which primarily are used to offset the~~
6 ~~electricity load of the end user behind whose electric~~
7 ~~meter the system is connected. A system primarily is used~~
8 ~~to offset the electricity load of the end user of~~
9 ~~electricity if the system is estimated to produce 110% or~~
10 ~~fewer kilowatt hours of electricity than consumed by the~~
11 ~~end user of electricity at such meter in the last 12 full~~
12 ~~months prior to the system being placed in service.~~

13 (2) "Solar energy system" does not include:

14 (A) Distribution equipment that is equally usable
15 in a conventional energy system except for those
16 components of the equipment that are necessary for
17 meeting the requirements of efficient solar energy
18 utilization;

19 (B) Components of a solar energy system that serve
20 structural, insulating, protective, shading,
21 aesthetic, or other non-solar energy utilization
22 purposes, as defined in the regulations of the
23 Department of Commerce and Economic Opportunity; and
24 ~~or~~

25 (C) A commercial solar energy system, as defined
26 by this Code, in counties with fewer than 3,000,000

1 inhabitants.

2 (3) The solar energy system shall conform to the
3 standards for those systems established by regulation of
4 the Department of Commerce and Economic Opportunity.

5 (Source: P.A. 100-781, eff. 8-10-18; 102-662, eff. 9-15-21.)

6 (35 ILCS 200/10-610)

7 Sec. 10-610. Applicability.

8 (a) The provisions of this Division apply for assessment
9 years 2007 through 2021 ~~2025~~.

10 (b) The provisions of this Division do not apply to wind
11 energy devices that are owned by any person or entity that is
12 otherwise exempt from taxation under the Property Tax Code.

13 (Source: P.A. 99-825, eff. 8-16-16; 102-662, eff. 9-15-21.)

14 Section 90-43. The School Code is amended by changing
15 Section 10-22.11 as follows:

16 (105 ILCS 5/10-22.11) (from Ch. 122, par. 10-22.11)

17 Sec. 10-22.11. Lease of school property.

18 (a) To lease school property to another school district,
19 municipality or body politic and corporate for a term of not to
20 exceed 25 years, except as otherwise provided in this Section,
21 and upon such terms and conditions as may be agreed if in the
22 opinion of the school board use of such property will not be
23 needed by the district during the term of such lease;

1 provided, the school board shall not make or renew any lease
 2 for a term longer than 10 years, nor alter the terms of any
 3 lease whose unexpired term may exceed 10 years without the
 4 vote of 2/3 of the full membership of the board.

5 (b) Whenever the school board considers such action
 6 advisable and in the best interests of the school district, to
 7 lease vacant school property for a period not exceeding 51
 8 years to a private not for profit school organization for use
 9 in the care of persons with a mental disability who are
 10 trainable and educable in the district or in the education of
 11 the gifted children in the district. Before leasing such
 12 property to a private not for profit school organization, the
 13 school board must adopt a resolution for the leasing of such
 14 property, fixing the period and price therefor, and order
 15 submitted to referendum at an election to be held in the
 16 district as provided in the general election law, the question
 17 of whether the lease should be entered into. Thereupon, the
 18 secretary shall certify to the proper election authorities the
 19 proposition for submission in accordance with the general
 20 election law. If the majority of the voters voting upon the
 21 proposition vote in favor of the leasing, the school board may
 22 proceed with the leasing. The proposition shall be in
 23 substantially the following form:

24 -----

25 Shall School District No. of
 26 County, Illinois lease to YES

1 (here name and identify the
 2 lessee) the following described vacant -----
 3 school property (here describe the
 4 property) for a term of years NO
 5 for the sum of Dollars?

6 -----

7 This paragraph (b) shall not be construed in such a manner
 8 as to relieve the responsibility of the Board of Education as
 9 set out in Article 14 of the School Code.

10 (c) To lease school buildings and land to suitable lessees
 11 for educational purposes or for any other purpose which serves
 12 the interests of the community, for a term not to exceed 25
 13 years and upon such terms and conditions as may be agreed upon
 14 by the parties, when such buildings and land are declared by
 15 the board to be unnecessary or unsuitable or inconvenient for
 16 a school or the uses of the district during the term of the
 17 lease and when, in the opinion of the board, the best interests
 18 of the residents of the school district will be enhanced by
 19 entering into such a lease. Such leases shall include
 20 provisions for adequate insurance for both liability and
 21 property damage or loss, and reasonable charges for
 22 maintenance and depreciation of such buildings and land.

23 (d) (Blank). ~~Notwithstanding any other provision to the~~
 24 ~~contrary, a lease for vacant school property may exceed 25~~
 25 ~~years for renewable energy resources, as defined in Section~~
 26 ~~1-10 of the Illinois Power Agency Act.~~

1 (Source: P.A. 99-143, eff. 7-27-15; 102-662, eff. 9-15-21.)

2 Section 90-50. The Public Utilities Act is amended by
3 changing Sections 5-117, 8-103B, 8-406, 9-229, 9-241,
4 16-107.5, 16-107.6, 16-108, 16-111.5, and 16-127 as follows:

5 (220 ILCS 5/5-117)

6 Sec. 5-117. Supplier diversity goals.

7 (a) The public policy of this State is to collaboratively
8 work with companies that serve Illinois residents to improve
9 their supplier diversity in a non-antagonistic manner.

10 (b) The Commission shall require all gas, electric, and
11 water companies with at least 100,000 customers under its
12 authority, as well as suppliers of wind energy, solar energy,
13 hydroelectricity, nuclear energy, and any other supplier of
14 energy within this State ~~other than wind energy and solar~~
15 ~~energy required to comply with the reporting requirements~~
16 ~~under Section 1505-215 of the Department of Labor Law of the~~
17 ~~Civil Administrative Code of Illinois,~~ to submit an annual
18 report by April 15, 2015 and every April 15 thereafter, in a
19 searchable Adobe PDF format, on all procurement goals and
20 actual spending for female-owned, minority-owned,
21 veteran-owned, and small business enterprises in the previous
22 calendar year. These goals shall be expressed as a percentage
23 of the total work performed by the entity submitting the
24 report, and the actual spending for all female-owned,

1 minority-owned, veteran-owned, and small business enterprises
2 shall also be expressed as a percentage of the total work
3 performed by the entity submitting the report.

4 (c) Each participating company in its annual report shall
5 include the following information:

6 (1) an explanation of the plan for the next year to
7 increase participation;

8 (2) an explanation of the plan to increase the goals;

9 (3) the areas of procurement each company shall be
10 actively seeking more participation in the next year;

11 (4) an outline of the plan to alert and encourage
12 potential vendors in that area to seek business from the
13 company;

14 (5) an explanation of the challenges faced in finding
15 quality vendors and offer any suggestions for what the
16 Commission could do to be helpful to identify those
17 vendors;

18 (6) a list of the certifications the company
19 recognizes;

20 (7) the point of contact for any potential vendor who
21 wishes to do business with the company and explain the
22 process for a vendor to enroll with the company as a
23 minority-owned, women-owned, or veteran-owned company; and

24 (8) any particular success stories to encourage other
25 companies to emulate best practices.

26 (d) Each annual report shall include as much

1 State-specific data as possible. If the submitting entity does
2 not submit State-specific data, then the company shall include
3 any national data it does have and explain why it could not
4 submit State-specific data and how it intends to do so in
5 future reports, if possible.

6 (e) Each annual report shall include the rules,
7 regulations, and definitions used for the procurement goals in
8 the company's annual report.

9 (f) The Commission and all participating entities shall
10 hold an annual workshop open to the public in 2015 and every
11 year thereafter on the state of supplier diversity to
12 collaboratively seek solutions to structural impediments to
13 achieving stated goals, including testimony from each
14 participating entity as well as subject matter experts and
15 advocates. The Commission shall publish a database on its
16 website of the point of contact for each participating entity
17 for supplier diversity, along with a list of certifications
18 each company recognizes from the information submitted in each
19 annual report. The Commission shall publish each annual report
20 on its website and shall maintain each annual report for at
21 least 5 years.

22 (Source: P.A. 98-1056, eff. 8-26-14; 99-906, eff. 6-1-17;
23 revised 7-22-19; 102-662, eff. 9-15-21.)

24 (220 ILCS 5/8-103B)

25 Sec. 8-103B. Energy efficiency and demand-response

1 measures.

2 (a) It is the policy of the State that electric utilities
3 are required to use cost-effective energy efficiency and
4 demand-response measures to reduce delivery load. Requiring
5 investment in cost-effective energy efficiency and
6 demand-response measures will reduce direct and indirect costs
7 to consumers by decreasing environmental impacts and by
8 avoiding or delaying the need for new generation,
9 transmission, and distribution infrastructure. It serves the
10 public interest to allow electric utilities to recover costs
11 for reasonably and prudently incurred expenditures for energy
12 efficiency and demand-response measures. As used in this
13 Section, "cost-effective" means that the measures satisfy the
14 total resource cost test. The low-income measures described in
15 subsection (c) of this Section shall not be required to meet
16 the total resource cost test. For purposes of this Section,
17 the terms "energy-efficiency", "demand-response", "electric
18 utility", and "total resource cost test" have the meanings set
19 forth in the Illinois Power Agency Act. ~~"Black, indigenous,
20 and people of color" and "BIPOC" means people who are members
21 of the groups described in subparagraphs (a) through (e) of
22 paragraph (A) of subsection (1) of Section 2 of the Business
23 Enterprise for Minorities, Women, and Persons with
24 Disabilities Act.~~

25 (a-5) This Section applies to electric utilities serving
26 more than 500,000 retail customers in the State for those

1 multi-year plans commencing after December 31, 2017.

2 (b) For purposes of this Section, electric utilities
3 subject to this Section that serve more than 3,000,000 retail
4 customers in the State shall be deemed to have achieved a
5 cumulative persisting annual savings of 6.6% from energy
6 efficiency measures and programs implemented during the period
7 beginning January 1, 2012 and ending December 31, 2017, which
8 percent is based on the deemed average weather normalized
9 sales of electric power and energy during calendar years 2014,
10 2015, and 2016 of 88,000,000 MWhs. For the purposes of this
11 subsection (b) and subsection (b-5), the 88,000,000 MWhs of
12 deemed electric power and energy sales shall be reduced by the
13 number of MWhs equal to the sum of the annual consumption of
14 customers that are exempt from ~~have opted out of~~ subsections
15 (a) through (j) of this Section under ~~paragraph (1) of~~
16 subsection (1) of this Section, as averaged across the
17 calendar years 2014, 2015, and 2016. After 2017, the deemed
18 value of cumulative persisting annual savings from energy
19 efficiency measures and programs implemented during the period
20 beginning January 1, 2012 and ending December 31, 2017, shall
21 be reduced each year, as follows, and the applicable value
22 shall be applied to and count toward the utility's achievement
23 of the cumulative persisting annual savings goals set forth in
24 subsection (b-5):

25 (1) 5.8% deemed cumulative persisting annual savings
26 for the year ending December 31, 2018;

1 (2) 5.2% deemed cumulative persisting annual savings
2 for the year ending December 31, 2019;

3 (3) 4.5% deemed cumulative persisting annual savings
4 for the year ending December 31, 2020;

5 (4) 4.0% deemed cumulative persisting annual savings
6 for the year ending December 31, 2021;

7 (5) 3.5% deemed cumulative persisting annual savings
8 for the year ending December 31, 2022;

9 (6) 3.1% deemed cumulative persisting annual savings
10 for the year ending December 31, 2023;

11 (7) 2.8% deemed cumulative persisting annual savings
12 for the year ending December 31, 2024;

13 (8) 2.5% deemed cumulative persisting annual savings
14 for the year ending December 31, 2025;

15 (9) 2.3% deemed cumulative persisting annual savings
16 for the year ending December 31, 2026;

17 (10) 2.1% deemed cumulative persisting annual savings
18 for the year ending December 31, 2027;

19 (11) 1.8% deemed cumulative persisting annual savings
20 for the year ending December 31, 2028;

21 (12) 1.7% deemed cumulative persisting annual savings
22 for the year ending December 31, 2029; and

23 (13) 1.5% deemed cumulative persisting annual savings
24 for the year ending December 31, 2030~~+~~.

25 ~~(14) 1.3% deemed cumulative persisting annual savings~~
26 ~~for the year ending December 31, 2031;~~

1 ~~(15) 1.1% deemed cumulative persisting annual savings~~
2 ~~for the year ending December 31, 2032;~~

3 ~~(16) 0.9% deemed cumulative persisting annual savings~~
4 ~~for the year ending December 31, 2033;~~

5 ~~(17) 0.7% deemed cumulative persisting annual savings~~
6 ~~for the year ending December 31, 2034;~~

7 ~~(18) 0.5% deemed cumulative persisting annual savings~~
8 ~~for the year ending December 31, 2035;~~

9 ~~(19) 0.4% deemed cumulative persisting annual savings~~
10 ~~for the year ending December 31, 2036;~~

11 ~~(20) 0.3% deemed cumulative persisting annual savings~~
12 ~~for the year ending December 31, 2037;~~

13 ~~(21) 0.2% deemed cumulative persisting annual savings~~
14 ~~for the year ending December 31, 2038;~~

15 ~~(22) 0.1% deemed cumulative persisting annual savings~~
16 ~~for the year ending December 31, 2039; and~~

17 ~~(23) 0.0% deemed cumulative persisting annual savings~~
18 ~~for the year ending December 31, 2040 and all subsequent~~
19 ~~years.~~

20 For purposes of this Section, "cumulative persisting
21 annual savings" means the total electric energy savings in a
22 given year from measures installed in that year or in previous
23 years, but no earlier than January 1, 2012, that are still
24 operational and providing savings in that year because the
25 measures have not yet reached the end of their useful lives.

26 (b-5) Beginning in 2018, electric utilities subject to

1 this Section that serve more than 3,000,000 retail customers
2 in the State shall achieve the following cumulative persisting
3 annual savings goals, as modified by subsection (f) of this
4 Section and as compared to the deemed baseline of 88,000,000
5 MWhs of electric power and energy sales set forth in
6 subsection (b), as reduced by the number of MWhs equal to the
7 sum of the annual consumption of customers that are exempt
8 from ~~have opted out of~~ subsections (a) through (j) of this
9 Section under ~~paragraph (1) of~~ subsection (l) of this Section
10 as averaged across the calendar years 2014, 2015, and 2016,
11 through the implementation of energy efficiency measures
12 during the applicable year and in prior years, but no earlier
13 than January 1, 2012:

14 (1) 7.8% cumulative persisting annual savings for the
15 year ending December 31, 2018;

16 (2) 9.1% cumulative persisting annual savings for the
17 year ending December 31, 2019;

18 (3) 10.4% cumulative persisting annual savings for the
19 year ending December 31, 2020;

20 (4) 11.8% cumulative persisting annual savings for the
21 year ending December 31, 2021;

22 (5) 13.1% cumulative persisting annual savings for the
23 year ending December 31, 2022;

24 (6) 14.4% cumulative persisting annual savings for the
25 year ending December 31, 2023;

26 (7) 15.7% cumulative persisting annual savings for the

1 year ending December 31, 2024;

2 (8) 17% cumulative persisting annual savings for the
3 year ending December 31, 2025;

4 (9) 17.9% cumulative persisting annual savings for the
5 year ending December 31, 2026;

6 (10) 18.8% cumulative persisting annual savings for
7 the year ending December 31, 2027;

8 (11) 19.7% cumulative persisting annual savings for
9 the year ending December 31, 2028;

10 (12) 20.6% cumulative persisting annual savings for
11 the year ending December 31, 2029; and

12 (13) 21.5% cumulative persisting annual savings for
13 the year ending December 31, 2030.

14 ~~No later than December 31, 2021, the Illinois Commerce~~
15 ~~Commission shall establish additional cumulative persisting~~
16 ~~annual savings goals for the years 2031 through 2035. No later~~
17 ~~than December 31, 2024, the Illinois Commerce Commission shall~~
18 ~~establish additional cumulative persisting annual savings~~
19 ~~goals for the years 2036 through 2040. The Commission shall~~
20 ~~also establish additional cumulative persisting annual savings~~
21 ~~goals every 5 years thereafter to ensure that utilities always~~
22 ~~have goals that extend at least 11 years into the future. The~~
23 ~~cumulative persisting annual savings goals beyond the year~~
24 ~~2030 shall increase by 0.9 percentage points per year, absent~~
25 ~~a Commission decision to initiate a proceeding to consider~~
26 ~~establishing goals that increase by more or less than that~~

1 ~~amount. Such a proceeding must be conducted in accordance with~~
2 ~~the procedures described in subsection (f) of this Section. If~~
3 ~~such a proceeding is initiated, the cumulative persisting~~
4 ~~annual savings goals established by the Commission through~~
5 ~~that proceeding shall reflect the Commission's best estimate~~
6 ~~of the maximum amount of additional savings that are forecast~~
7 ~~to be cost effectively achievable unless such best estimates~~
8 ~~would result in goals that represent less than 0.5 percentage~~
9 ~~point annual increases in total cumulative persisting annual~~
10 ~~savings. The Commission may only establish goals that~~
11 ~~represent less than 0.5 percentage point annual increases in~~
12 ~~cumulative persisting annual savings if it can demonstrate,~~
13 ~~based on clear and convincing evidence and through independent~~
14 ~~analysis, that 0.5 percentage point increases are not~~
15 ~~cost effectively achievable. The Commission shall inform its~~
16 ~~decision based on an energy efficiency potential study that~~
17 ~~conforms to the requirements of this Section.~~

18 (b-10) For purposes of this Section, electric utilities
19 subject to this Section that serve less than 3,000,000 retail
20 customers but more than 500,000 retail customers in the State
21 shall be deemed to have achieved a cumulative persisting
22 annual savings of 6.6% from energy efficiency measures and
23 programs implemented during the period beginning January 1,
24 2012 and ending December 31, 2017, which is based on the deemed
25 average weather normalized sales of electric power and energy
26 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.

1 For the purposes of this subsection (b-10) and subsection
2 (b-15), the 36,900,000 MWhs of deemed electric power and
3 energy sales shall be reduced by the number of MWhs equal to
4 the sum of the annual consumption of customers that ~~have opted~~
5 ~~out of~~ subsections (a) through (j) of this Section under are
6 exempt from paragraph (1) of subsection (l) of this Section,
7 as averaged across the calendar years 2014, 2015, and 2016.
8 After 2017, the deemed value of cumulative persisting annual
9 savings from energy efficiency measures and programs
10 implemented during the period beginning January 1, 2012 and
11 ending December 31, 2017, shall be reduced each year, as
12 follows, and the applicable value shall be applied to and
13 count toward the utility's achievement of the cumulative
14 persisting annual savings goals set forth in subsection
15 (b-15):

16 (1) 5.8% deemed cumulative persisting annual savings
17 for the year ending December 31, 2018;

18 (2) 5.2% deemed cumulative persisting annual savings
19 for the year ending December 31, 2019;

20 (3) 4.5% deemed cumulative persisting annual savings
21 for the year ending December 31, 2020;

22 (4) 4.0% deemed cumulative persisting annual savings
23 for the year ending December 31, 2021;

24 (5) 3.5% deemed cumulative persisting annual savings
25 for the year ending December 31, 2022;

26 (6) 3.1% deemed cumulative persisting annual savings

1 for the year ending December 31, 2023;

2 (7) 2.8% deemed cumulative persisting annual savings

3 for the year ending December 31, 2024;

4 (8) 2.5% deemed cumulative persisting annual savings

5 for the year ending December 31, 2025;

6 (9) 2.3% deemed cumulative persisting annual savings

7 for the year ending December 31, 2026;

8 (10) 2.1% deemed cumulative persisting annual savings

9 for the year ending December 31, 2027;

10 (11) 1.8% deemed cumulative persisting annual savings

11 for the year ending December 31, 2028;

12 (12) 1.7% deemed cumulative persisting annual savings

13 for the year ending December 31, 2029; and

14 (13) 1.5% deemed cumulative persisting annual savings

15 for the year ending December 31, 2030~~+~~.

16 ~~(14) 1.3% deemed cumulative persisting annual savings~~

17 ~~for the year ending December 31, 2031;~~

18 ~~(15) 1.1% deemed cumulative persisting annual savings~~

19 ~~for the year ending December 31, 2032;~~

20 ~~(16) 0.9% deemed cumulative persisting annual savings~~

21 ~~for the year ending December 31, 2033;~~

22 ~~(17) 0.7% deemed cumulative persisting annual savings~~

23 ~~for the year ending December 31, 2034;~~

24 ~~(18) 0.5% deemed cumulative persisting annual savings~~

25 ~~for the year ending December 31, 2035;~~

26 ~~(19) 0.4% deemed cumulative persisting annual savings~~

1 ~~for the year ending December 31, 2036;~~

2 ~~(20) 0.3% deemed cumulative persisting annual savings~~
3 ~~for the year ending December 31, 2037;~~

4 ~~(21) 0.2% deemed cumulative persisting annual savings~~
5 ~~for the year ending December 31, 2038;~~

6 ~~(22) 0.1% deemed cumulative persisting annual savings~~
7 ~~for the year ending December 31, 2039; and~~

8 ~~(23) 0.0% deemed cumulative persisting annual savings~~
9 ~~for the year ending December 31, 2040 and all subsequent~~
10 ~~years.~~

11 (b-15) Beginning in 2018, electric utilities subject to
12 this Section that serve less than 3,000,000 retail customers
13 but more than 500,000 retail customers in the State shall
14 achieve the following cumulative persisting annual savings
15 goals, as modified by subsection (b-20) and subsection (f) of
16 this Section and as compared to the deemed baseline as reduced
17 by the number of MWhs equal to the sum of the annual
18 consumption of customers that ~~have opted out of~~ are exempt
19 from subsections (a) through (j) of this Section under
20 ~~paragraph (1) of~~ subsection (l) of this Section as averaged
21 across the calendar years 2014, 2015, and 2016, through the
22 implementation of energy efficiency measures during the
23 applicable year and in prior years, but no earlier than
24 January 1, 2012:

25 (1) 7.4% cumulative persisting annual savings for the
26 year ending December 31, 2018;

1 (2) 8.2% cumulative persisting annual savings for the
2 year ending December 31, 2019;

3 (3) 9.0% cumulative persisting annual savings for the
4 year ending December 31, 2020;

5 (4) 9.8% cumulative persisting annual savings for the
6 year ending December 31, 2021;

7 (5) 10.6% cumulative persisting annual savings for the
8 year ending December 31, 2022;

9 (6) 11.4% cumulative persisting annual savings for the
10 year ending December 31, 2023;

11 (7) 12.2% cumulative persisting annual savings for the
12 year ending December 31, 2024;

13 (8) 13% cumulative persisting annual savings for the
14 year ending December 31, 2025;

15 (9) 13.6% cumulative persisting annual savings for the
16 year ending December 31, 2026;

17 (10) 14.2% cumulative persisting annual savings for
18 the year ending December 31, 2027;

19 (11) 14.8% cumulative persisting annual savings for
20 the year ending December 31, 2028;

21 (12) 15.4% cumulative persisting annual savings for
22 the year ending December 31, 2029; and

23 (13) 16% cumulative persisting annual savings for the
24 year ending December 31, 2030.

25 The difference between the cumulative persisting annual
26 savings goal for the applicable calendar year and the

1 cumulative persisting annual savings goal for the immediately
2 preceding calendar year is 0.8% for the period of January 1,
3 2018 through December 31, 2025 and 0.6% for the period of
4 January 1, 2026 through December 31, 2030.

5 ~~No later than December 31, 2021, the Illinois Commerce~~
6 ~~Commission shall establish additional cumulative persisting~~
7 ~~annual savings goals for the years 2031 through 2035. No later~~
8 ~~than December 31, 2024, the Illinois Commerce Commission shall~~
9 ~~establish additional cumulative persisting annual savings~~
10 ~~goals for the years 2036 through 2040. The Commission shall~~
11 ~~also establish additional cumulative persisting annual savings~~
12 ~~goals every 5 years thereafter to ensure that utilities always~~
13 ~~have goals that extend at least 11 years into the future. The~~
14 ~~cumulative persisting annual savings goals beyond the year~~
15 ~~2030 shall increase by 0.6 percentage points per year, absent~~
16 ~~a Commission decision to initiate a proceeding to consider~~
17 ~~establishing goals that increase by more or less than that~~
18 ~~amount. Such a proceeding must be conducted in accordance with~~
19 ~~the procedures described in subsection (f) of this Section. If~~
20 ~~such a proceeding is initiated, the cumulative persisting~~
21 ~~annual savings goals established by the Commission through~~
22 ~~that proceeding shall reflect the Commission's best estimate~~
23 ~~of the maximum amount of additional savings that are forecast~~
24 ~~to be cost-effectively achievable unless such best estimates~~
25 ~~would result in goals that represent less than 0.4 percentage~~
26 ~~point annual increases in total cumulative persisting annual~~

1 ~~savings. The Commission may only establish goals that~~
2 ~~represent less than 0.4 percentage point annual increases in~~
3 ~~cumulative persisting annual savings if it can demonstrate,~~
4 ~~based on clear and convincing evidence and through independent~~
5 ~~analysis, that 0.4 percentage point increases are not~~
6 ~~cost effectively achievable. The Commission shall inform its~~
7 ~~decision based on an energy efficiency potential study that~~
8 ~~conforms to the requirements of this Section.~~

9 (b-20) Each electric utility subject to this Section may
10 include cost-effective voltage optimization measures in its
11 plans submitted under subsections (f) and (g) of this Section,
12 and the costs incurred by a utility to implement the measures
13 under a Commission-approved plan shall be recovered under the
14 provisions of Article IX or Section 16-108.5 of this Act. For
15 purposes of this Section, the measure life of voltage
16 optimization measures shall be 15 years. The measure life
17 period is independent of the depreciation rate of the voltage
18 optimization assets deployed. ~~Utilities may claim savings from~~
19 ~~voltage optimization on circuits for more than 15 years if~~
20 ~~they can demonstrate that they have made additional~~
21 ~~investments necessary to enable voltage optimization savings~~
22 ~~to continue beyond 15 years. Such demonstrations must be~~
23 ~~subject to the review of independent evaluation.~~

24 Within 270 days after June 1, 2017 (the effective date of
25 Public Act 99-906), an electric utility that serves less than
26 3,000,000 retail customers but more than 500,000 retail

1 customers in the State shall file a plan with the Commission
2 that identifies the cost-effective voltage optimization
3 investment the electric utility plans to undertake through
4 December 31, 2024. The Commission, after notice and hearing,
5 shall approve or approve with modification the plan within 120
6 days after the plan's filing and, in the order approving or
7 approving with modification the plan, the Commission shall
8 adjust the applicable cumulative persisting annual savings
9 goals set forth in subsection (b-15) to reflect any amount of
10 cost-effective energy savings approved by the Commission that
11 is greater than or less than the following cumulative
12 persisting annual savings values attributable to voltage
13 optimization for the applicable year:

14 (1) 0.0% of cumulative persisting annual savings for
15 the year ending December 31, 2018;

16 (2) 0.17% of cumulative persisting annual savings for
17 the year ending December 31, 2019;

18 (3) 0.17% of cumulative persisting annual savings for
19 the year ending December 31, 2020;

20 (4) 0.33% of cumulative persisting annual savings for
21 the year ending December 31, 2021;

22 (5) 0.5% of cumulative persisting annual savings for
23 the year ending December 31, 2022;

24 (6) 0.67% of cumulative persisting annual savings for
25 the year ending December 31, 2023;

26 (7) 0.83% of cumulative persisting annual savings for

1 the year ending December 31, 2024; and

2 (8) 1.0% of cumulative persisting annual savings for
3 the year ending December 31, 2025 ~~and all subsequent~~
4 ~~years.~~

5 (b-25) In the event an electric utility jointly offers an
6 energy efficiency measure or program with a gas utility under
7 plans approved under this Section and Section 8-104 of this
8 Act, the electric utility may continue offering the program,
9 including the gas energy efficiency measures, in the event the
10 gas utility discontinues funding the program. In that event,
11 the energy savings value associated with such other fuels
12 shall be converted to electric energy savings on an equivalent
13 Btu basis for the premises. However, the electric utility
14 shall prioritize programs for low-income residential customers
15 to the extent practicable. An electric utility may recover the
16 costs of offering the gas energy efficiency measures under
17 this subsection (b-25).

18 For those energy efficiency measures or programs that save
19 both electricity and other fuels but are not jointly offered
20 with a gas utility under plans approved under this Section and
21 Section 8-104 or not offered with an affiliated gas utility
22 under paragraph (6) of subsection (f) of Section 8-104 of this
23 Act, the electric utility may count savings of fuels other
24 than electricity toward the achievement of its annual savings
25 goal, and the energy savings value associated with such other
26 fuels shall be converted to electric energy savings on an

1 equivalent Btu basis at the premises.

2 In no event shall more than 10% of each year's applicable
3 annual incremental goal ~~total savings requirement~~ as defined
4 in paragraph (7) ~~(7.5)~~ of subsection (g) of this Section be met
5 through savings of fuels other than electricity.

6 ~~(b 27) Beginning in 2022, an electric utility may offer~~
7 ~~and promote measures that electrify space heating, water~~
8 ~~heating, cooling, drying, cooking, industrial processes, and~~
9 ~~other building and industrial end uses that would otherwise be~~
10 ~~served by combustion of fossil fuel at the premises, provided~~
11 ~~that the electrification measures reduce total energy~~
12 ~~consumption at the premises. The electric utility may count~~
13 ~~the reduction in energy consumption at the premises toward~~
14 ~~achievement of its annual savings goals. The reduction in~~
15 ~~energy consumption at the premises shall be calculated as the~~
16 ~~difference between: (A) the reduction in Btu consumption of~~
17 ~~fossil fuels as a result of electrification, converted to~~
18 ~~kilowatt hour equivalents by dividing by 3,412 Btu's per~~
19 ~~kilowatt hour; and (B) the increase in kilowatt hours of~~
20 ~~electricity consumption resulting from the displacement of~~
21 ~~fossil fuel consumption as a result of electrification. An~~
22 ~~electric utility may recover the costs of offering and~~
23 ~~promoting electrification measures under this subsection~~
24 ~~(b 27).~~

25 ~~In no event shall electrification savings counted toward~~
26 ~~each year's applicable annual total savings requirement, as~~

1 ~~defined in paragraph (7.5) of subsection (g) of this Section,~~
2 ~~be greater than:~~

3 ~~(1) 5% per year for each year from 2022 through 2025;~~

4 ~~(2) 10% per year for each year from 2026 through 2029;~~

5 ~~and~~

6 ~~(3) 15% per year for 2030 and all subsequent years.~~

7 ~~In addition, a minimum of 25% of all electrification savings~~
8 ~~counted toward a utility's applicable annual total savings~~
9 ~~requirement must be from electrification of end uses in~~
10 ~~low income housing. The limitations on electrification savings~~
11 ~~that may be counted toward a utility's annual savings goals~~
12 ~~are separate from and in addition to the subsection (b 25)~~
13 ~~limitations governing the counting of the other fuel savings~~
14 ~~resulting from efficiency measures and programs.~~

15 ~~As part of the annual informational filing to the~~
16 ~~Commission that is required under paragraph (9) of subsection~~
17 ~~(g) of this Section, each utility shall identify the specific~~
18 ~~electrification measures offered under this subsection (b 27);~~
19 ~~the quantity of each electrification measure that was~~
20 ~~installed by its customers; the average total cost, average~~
21 ~~utility cost, average reduction in fossil fuel consumption,~~
22 ~~and average increase in electricity consumption associated~~
23 ~~with each electrification measure; the portion of~~
24 ~~installations of each electrification measure that were in~~
25 ~~low income single family housing, low income multifamily~~
26 ~~housing, non low income single family housing, non low income~~

1 ~~multifamily housing, commercial buildings, and industrial~~
2 ~~facilities; and the quantity of savings associated with each~~
3 ~~measure category in each customer category that are being~~
4 ~~counted toward the utility's applicable annual total savings~~
5 ~~requirement. Prior to installing an electrification measure,~~
6 ~~the utility shall provide a customer with an estimate of the~~
7 ~~impact of the new measure on the customer's average monthly~~
8 ~~electric bill and total annual energy expenses.~~

9 (c) Electric utilities shall be responsible for overseeing
10 the design, development, and filing of energy efficiency plans
11 with the Commission and may, as part of that implementation,
12 outsource various aspects of program development and
13 implementation. A minimum of 10%, for electric utilities that
14 serve more than 3,000,000 retail customers in the State, and a
15 minimum of 7%, for electric utilities that serve less than
16 3,000,000 retail customers but more than 500,000 retail
17 customers in the State, of the utility's entire portfolio
18 funding level for a given year shall be used to procure
19 cost-effective energy efficiency measures from units of local
20 government, municipal corporations, school districts, public
21 housing, and community college districts, provided that a
22 minimum percentage of available funds shall be used to procure
23 energy efficiency from public housing, which percentage shall
24 be equal to public housing's share of public building energy
25 consumption.

26 The utilities shall also implement energy efficiency

1 measures targeted at low-income households, which, for
2 purposes of this Section, shall be defined as households at or
3 below 80% of area median income, and expenditures to implement
4 the measures shall be no less than \$25,000,000 ~~\$40,000,000~~ per
5 year for electric utilities that serve more than 3,000,000
6 retail customers in the State and no less than \$8,350,000
7 ~~\$13,000,000~~ per year for electric utilities that serve less
8 than 3,000,000 retail customers but more than 500,000 retail
9 customers in the State. ~~The ratio of spending on efficiency~~
10 ~~programs targeted at low income multifamily buildings to~~
11 ~~spending on efficiency programs targeted at low income~~
12 ~~single family buildings shall be designed to achieve levels of~~
13 ~~savings from each building type that are approximately~~
14 ~~proportional to the magnitude of cost effective lifetime~~
15 ~~savings potential in each building type. Investment in~~
16 ~~low income whole building weatherization programs shall~~
17 ~~constitute a minimum of 80% of a utility's total budget~~
18 ~~specifically dedicated to serving low income customers.~~

19 ~~The utilities shall work to bundle low income energy~~
20 ~~efficiency offerings with other programs that serve low income~~
21 ~~households to maximize the benefits going to these households.~~
22 ~~The utilities shall market and implement low income energy~~
23 ~~efficiency programs in coordination with low income assistance~~
24 ~~programs, the Illinois Solar for All Program, and~~
25 ~~weatherization whenever practicable. The program implementer~~
26 ~~shall walk the customer through the enrollment process for any~~

1 ~~programs for which the customer is eligible. The utilities~~
2 ~~shall also pilot targeting customers with high arrearages,~~
3 ~~high energy intensity (ratio of energy usage divided by home~~
4 ~~or unit square footage), or energy assistance programs with~~
5 ~~energy efficiency offerings, and then track reduction in~~
6 ~~arrears as a result of the targeting. This targeting and~~
7 ~~bundling of low income energy programs shall be offered to~~
8 ~~both low income single family and multifamily customers~~
9 ~~(owners and residents).~~

10 ~~The utilities shall invest in health and safety measures~~
11 ~~appropriate and necessary for comprehensively weatherizing a~~
12 ~~home or multifamily building, and shall implement a health and~~
13 ~~safety fund of at least 15% of the total income-qualified~~
14 ~~weatherization budget that shall be used for the purpose of~~
15 ~~making grants for technical assistance, construction,~~
16 ~~reconstruction, improvement, or repair of buildings to~~
17 ~~facilitate their participation in the energy efficiency~~
18 ~~programs targeted at low income single family and multifamily~~
19 ~~households. These funds may also be used for the purpose of~~
20 ~~making grants for technical assistance, construction,~~
21 ~~reconstruction, improvement, or repair of the following~~
22 ~~buildings to facilitate their participation in the energy~~
23 ~~efficiency programs created by this Section: (1) buildings~~
24 ~~that are owned or operated by registered 501(c)(3) public~~
25 ~~charities; and (2) day care centers, day care homes, or group~~
26 ~~day care homes, as defined under 89 Ill. Adm. Code Part 406,~~

1 ~~407, or 408, respectively.~~

2 Each electric utility shall assess opportunities to
3 implement cost-effective energy efficiency measures and
4 programs through a public housing authority or authorities
5 located in its service territory. If such opportunities are
6 identified, the utility shall propose such measures and
7 programs to address the opportunities. Expenditures to address
8 such opportunities shall be credited toward the minimum
9 procurement and expenditure requirements set forth in this
10 subsection (c).

11 Implementation of energy efficiency measures and programs
12 targeted at low-income households should be contracted, when
13 it is practicable, to independent third parties that have
14 demonstrated capabilities to serve such households, with a
15 preference for not-for-profit entities and government agencies
16 that have existing relationships with or experience serving
17 low-income communities in the State.

18 Each electric utility shall develop and implement
19 reporting procedures that address and assist in determining
20 the amount of energy savings that can be applied to the
21 low-income procurement and expenditure requirements set forth
22 in this subsection (c). ~~Each electric utility shall also track~~
23 ~~the types and quantities or volumes of insulation and air~~
24 ~~sealing materials, and their associated energy saving~~
25 ~~benefits, installed in energy efficiency programs targeted at~~
26 ~~low income single family and multifamily households.~~

1 The electric utilities shall also convene ~~participate in~~ a
2 low-income energy efficiency advisory accountability committee
3 ~~("the committee")~~, which will directly inform to assist in the
4 design, ~~implementation,~~ and evaluation of the low-income ~~and~~
5 ~~public housing~~ energy efficiency programs. The committee shall
6 be comprised of the electric utilities subject to the
7 requirements of this Section, the gas utilities subject to the
8 requirements of Section 8-104 of this Act, the utilities'
9 low-income energy efficiency implementation contractors,
10 ~~nonprofit organizations, community action agencies, advocacy~~
11 ~~groups, State and local governmental agencies, public housing~~
12 ~~organizations,~~ and representatives of community-based
13 organizations, ~~especially those living in or working with~~
14 ~~environmental justice communities and BIPOC communities. The~~
15 ~~committee shall be composed of 2 geographically differentiated~~
16 ~~subcommittees: one for stakeholders in northern Illinois and~~
17 ~~one for stakeholders in central and southern Illinois. The~~
18 ~~subcommittees shall meet together at least twice per year.~~

19 ~~There shall be one statewide leadership committee led by~~
20 ~~and composed of community-based organizations that are~~
21 ~~representative of BIPOC and environmental justice communities~~
22 ~~and that includes equitable representation from BIPOC~~
23 ~~communities. The leadership committee shall be composed of an~~
24 ~~equal number of representatives from the 2 subcommittees. The~~
25 ~~subcommittees shall address specific programs and issues, with~~
26 ~~the leadership committee convening targeted workgroups as~~

1 ~~needed. The leadership committee may elect to work with an~~
2 ~~independent facilitator to solicit and organize feedback,~~
3 ~~recommendations and meeting participation from a wide variety~~
4 ~~of community based stakeholders. If a facilitator is used,~~
5 ~~they shall be fair and responsive to the needs of all~~
6 ~~stakeholders involved in the committee.~~

7 ~~All committee meetings must be accessible, with rotating~~
8 ~~locations if meetings are held in person, virtual~~
9 ~~participation options, and materials and agendas circulated in~~
10 ~~advance.~~

11 ~~There shall also be opportunities for direct input by~~
12 ~~committee members outside of committee meetings, such as via~~
13 ~~individual meetings, surveys, emails and calls, to ensure~~
14 ~~robust participation by stakeholders with limited capacity and~~
15 ~~ability to attend committee meetings. Committee meetings shall~~
16 ~~emphasize opportunities to bundle and coordinate delivery of~~
17 ~~low income energy efficiency with other programs that serve~~
18 ~~low income communities, such as the Illinois Solar for All~~
19 ~~Program and bill payment assistance programs. Meetings shall~~
20 ~~include educational opportunities for stakeholders to learn~~
21 ~~more about these additional offerings, and the committee shall~~
22 ~~assist in figuring out the best methods for coordinated~~
23 ~~delivery and implementation of offerings when serving~~
24 ~~low income communities. The committee shall directly and~~
25 ~~equitably influence and inform utility low income and~~
26 ~~public housing energy efficiency programs and priorities.~~

1 ~~Participating utilities shall implement recommendations from~~
2 ~~the committee whenever possible.~~

3 ~~Participating utilities shall track and report how input~~
4 ~~from the committee has led to new approaches and changes in~~
5 ~~their energy efficiency portfolios. This reporting shall occur~~
6 ~~at committee meetings and in quarterly energy efficiency~~
7 ~~reports to the Stakeholder Advisory Group and Illinois~~
8 ~~Commerce Commission, and other relevant reporting mechanisms.~~
9 ~~Participating utilities shall also report on relevant equity~~
10 ~~data and metrics requested by the committee, such as energy~~
11 ~~burden data, geographic, racial, and other relevant~~
12 ~~demographic data on where programs are being delivered and~~
13 ~~what populations programs are serving.~~

14 ~~The Illinois Commerce Commission shall oversee and have~~
15 ~~relevant staff participate in the committee. The committee~~
16 ~~shall have a budget of 0.25% of each utility's entire~~
17 ~~efficiency portfolio funding for a given year. The budget~~
18 ~~shall be overseen by the Commission. The budget shall be used~~
19 ~~to provide grants for community based organizations serving on~~
20 ~~the leadership committee, stipends for community based~~
21 ~~organizations participating in the committee, grants for~~
22 ~~community based organizations to do energy efficiency outreach~~
23 ~~and education, and relevant meeting needs as determined by the~~
24 ~~leadership committee. The education and outreach shall~~
25 ~~include, but is not limited to, basic energy efficiency~~
26 ~~education, information about low income energy efficiency~~

1 ~~programs, and information on the committee's purpose,~~
2 ~~structure, and activities.~~

3 (d) Notwithstanding any other provision of law to the
4 contrary, a utility providing approved energy efficiency
5 measures and, if applicable, demand-response measures in the
6 State shall be permitted to recover all reasonable and
7 prudently incurred costs of those measures from all retail
8 customers, except as provided in subsection (1) of this
9 Section, as follows, provided that nothing in this subsection
10 (d) permits the double recovery of such costs from customers:

11 (1) The utility may recover its costs through an
12 automatic adjustment clause tariff filed with and approved
13 by the Commission. The tariff shall be established outside
14 the context of a general rate case. Each year the
15 Commission shall initiate a review to reconcile any
16 amounts collected with the actual costs and to determine
17 the required adjustment to the annual tariff factor to
18 match annual expenditures. To enable the financing of the
19 incremental capital expenditures, including regulatory
20 assets, for electric utilities that serve less than
21 3,000,000 retail customers but more than 500,000 retail
22 customers in the State, the utility's actual year-end
23 capital structure that includes a common equity ratio,
24 excluding goodwill, of up to and including 50% of the
25 total capital structure shall be deemed reasonable and
26 used to set rates.

1 (2) A utility may recover its costs through an energy
2 efficiency formula rate approved by the Commission under a
3 filing under subsections (f) and (g) of this Section,
4 which shall specify the cost components that form the
5 basis of the rate charged to customers with sufficient
6 specificity to operate in a standardized manner and be
7 updated annually with transparent information that
8 reflects the utility's actual costs to be recovered during
9 the applicable rate year, which is the period beginning
10 with the first billing day of January and extending
11 through the last billing day of the following December.
12 The energy efficiency formula rate shall be implemented
13 through a tariff filed with the Commission under
14 subsections (f) and (g) of this Section that is consistent
15 with the provisions of this paragraph (2) and that shall
16 be applicable to all delivery services customers. The
17 Commission shall conduct an investigation of the tariff in
18 a manner consistent with the provisions of this paragraph
19 (2), subsections (f) and (g) of this Section, and the
20 provisions of Article IX of this Act to the extent they do
21 not conflict with this paragraph (2). The energy
22 efficiency formula rate approved by the Commission shall
23 remain in effect at the discretion of the utility and
24 shall do the following:

25 (A) Provide for the recovery of the utility's
26 actual costs incurred under this Section that are

1 prudently incurred and reasonable in amount consistent
2 with Commission practice and law. The sole fact that a
3 cost differs from that incurred in a prior calendar
4 year or that an investment is different from that made
5 in a prior calendar year shall not imply the
6 imprudence or unreasonableness of that cost or
7 investment.

8 (B) Reflect the utility's actual year-end capital
9 structure for the applicable calendar year, excluding
10 goodwill, subject to a determination of prudence and
11 reasonableness consistent with Commission practice and
12 law. To enable the financing of the incremental
13 capital expenditures, including regulatory assets, for
14 electric utilities that serve less than 3,000,000
15 retail customers but more than 500,000 retail
16 customers in the State, a participating electric
17 utility's actual year-end capital structure that
18 includes a common equity ratio, excluding goodwill, of
19 up to and including 50% of the total capital structure
20 shall be deemed reasonable and used to set rates.

21 (C) Include a cost of equity, which shall be
22 calculated as the sum of the following:

23 (i) the average for the applicable calendar
24 year of the monthly average yields of 30-year U.S.
25 Treasury bonds published by the Board of Governors
26 of the Federal Reserve System in its weekly H.15

1 Statistical Release or successor publication; and

2 (ii) 580 basis points.

3 At such time as the Board of Governors of the
4 Federal Reserve System ceases to include the monthly
5 average yields of 30-year U.S. Treasury bonds in its
6 weekly H.15 Statistical Release or successor
7 publication, the monthly average yields of the U.S.
8 Treasury bonds then having the longest duration
9 published by the Board of Governors in its weekly H.15
10 Statistical Release or successor publication shall
11 instead be used for purposes of this paragraph (2).

12 (D) Permit and set forth protocols, subject to a
13 determination of prudence and reasonableness
14 consistent with Commission practice and law, for the
15 following:

16 (i) recovery of incentive compensation expense
17 that is based on the achievement of operational
18 metrics, including metrics related to budget
19 controls, outage duration and frequency, safety,
20 customer service, efficiency and productivity, and
21 environmental compliance; however, this protocol
22 shall not apply if such expense related to costs
23 incurred under this Section is recovered under
24 Article IX or Section 16-108.5 of this Act;
25 incentive compensation expense that is based on
26 net income or an affiliate's earnings per share

1 shall not be recoverable under the energy
2 efficiency formula rate;

3 (ii) recovery of pension and other
4 post-employment benefits expense, provided that
5 such costs are supported by an actuarial study;
6 however, this protocol shall not apply if such
7 expense related to costs incurred under this
8 Section is recovered under Article IX or Section
9 16-108.5 of this Act;

10 (iii) recovery of existing regulatory assets
11 over the periods previously authorized by the
12 Commission;

13 (iv) as described in subsection (e),
14 amortization of costs incurred under this Section;
15 and

16 (v) projected, weather normalized billing
17 determinants for the applicable rate year.

18 (E) Provide for an annual reconciliation, as
19 described in paragraph (3) of this subsection (d),
20 less any deferred taxes related to the reconciliation,
21 with interest at an annual rate of return equal to the
22 utility's weighted average cost of capital, including
23 a revenue conversion factor calculated to recover or
24 refund all additional income taxes that may be payable
25 or receivable as a result of that return, of the energy
26 efficiency revenue requirement reflected in rates for

1 each calendar year, beginning with the calendar year
2 in which the utility files its energy efficiency
3 formula rate tariff under this paragraph (2), with
4 what the revenue requirement would have been had the
5 actual cost information for the applicable calendar
6 year been available at the filing date.

7 The utility shall file, together with its tariff, the
8 projected costs to be incurred by the utility during the
9 rate year under the utility's multi-year plan approved
10 under subsections (f) and (g) of this Section, including,
11 but not limited to, the projected capital investment costs
12 and projected regulatory asset balances with
13 correspondingly updated depreciation and amortization
14 reserves and expense, that shall populate the energy
15 efficiency formula rate and set the initial rates under
16 the formula.

17 The Commission shall review the proposed tariff in
18 conjunction with its review of a proposed multi-year plan,
19 as specified in paragraph (5) of subsection (g) of this
20 Section. The review shall be based on the same evidentiary
21 standards, including, but not limited to, those concerning
22 the prudence and reasonableness of the costs incurred by
23 the utility, the Commission applies in a hearing to review
24 a filing for a general increase in rates under Article IX
25 of this Act. The initial rates shall take effect beginning
26 with the January monthly billing period following the

1 Commission's approval.

2 The tariff's rate design and cost allocation across
3 customer classes shall be consistent with the utility's
4 automatic adjustment clause tariff in effect on June 1,
5 2017 (the effective date of Public Act 99-906); however,
6 the Commission may revise the tariff's rate design and
7 cost allocation in subsequent proceedings under paragraph
8 (3) of this subsection (d).

9 If the energy efficiency formula rate is terminated,
10 the then current rates shall remain in effect until such
11 time as the energy efficiency costs are incorporated into
12 new rates that are set under this subsection (d) or
13 Article IX of this Act, subject to retroactive rate
14 adjustment, with interest, to reconcile rates charged with
15 actual costs.

16 (3) The provisions of this paragraph (3) shall only
17 apply to an electric utility that has elected to file an
18 energy efficiency formula rate under paragraph (2) of this
19 subsection (d). Subsequent to the Commission's issuance of
20 an order approving the utility's energy efficiency formula
21 rate structure and protocols, and initial rates under
22 paragraph (2) of this subsection (d), the utility shall
23 file, on or before June 1 of each year, with the Chief
24 Clerk of the Commission its updated cost inputs to the
25 energy efficiency formula rate for the applicable rate
26 year and the corresponding new charges, as well as the

1 information described in paragraph (9) of subsection (g)
2 of this Section. Each such filing shall conform to the
3 following requirements and include the following
4 information:

5 (A) The inputs to the energy efficiency formula
6 rate for the applicable rate year shall be based on the
7 projected costs to be incurred by the utility during
8 the rate year under the utility's multi-year plan
9 approved under subsections (f) and (g) of this
10 Section, including, but not limited to, projected
11 capital investment costs and projected regulatory
12 asset balances with correspondingly updated
13 depreciation and amortization reserves and expense.
14 The filing shall also include a reconciliation of the
15 energy efficiency revenue requirement that was in
16 effect for the prior rate year (as set by the cost
17 inputs for the prior rate year) with the actual
18 revenue requirement for the prior rate year
19 (determined using a year-end rate base) that uses
20 amounts reflected in the applicable FERC Form 1 that
21 reports the actual costs for the prior rate year. Any
22 over-collection or under-collection indicated by such
23 reconciliation shall be reflected as a credit against,
24 or recovered as an additional charge to, respectively,
25 with interest calculated at a rate equal to the
26 utility's weighted average cost of capital approved by

1 the Commission for the prior rate year, the charges
2 for the applicable rate year. Such over-collection or
3 under-collection shall be adjusted to remove any
4 deferred taxes related to the reconciliation, for
5 purposes of calculating interest at an annual rate of
6 return equal to the utility's weighted average cost of
7 capital approved by the Commission for the prior rate
8 year, including a revenue conversion factor calculated
9 to recover or refund all additional income taxes that
10 may be payable or receivable as a result of that
11 return. Each reconciliation shall be certified by the
12 participating utility in the same manner that FERC
13 Form 1 is certified. The filing shall also include the
14 charge or credit, if any, resulting from the
15 calculation required by subparagraph (E) of paragraph
16 (2) of this subsection (d).

17 Notwithstanding any other provision of law to the
18 contrary, the intent of the reconciliation is to
19 ultimately reconcile both the revenue requirement
20 reflected in rates for each calendar year, beginning
21 with the calendar year in which the utility files its
22 energy efficiency formula rate tariff under paragraph
23 (2) of this subsection (d), with what the revenue
24 requirement determined using a year-end rate base for
25 the applicable calendar year would have been had the
26 actual cost information for the applicable calendar

1 year been available at the filing date.

2 For purposes of this Section, "FERC Form 1" means
3 the Annual Report of Major Electric Utilities,
4 Licensees and Others that electric utilities are
5 required to file with the Federal Energy Regulatory
6 Commission under the Federal Power Act, Sections 3,
7 4(a), 304 and 209, modified as necessary to be
8 consistent with 83 Ill. Admin. Code Part 415 as of May
9 1, 2011. Nothing in this Section is intended to allow
10 costs that are not otherwise recoverable to be
11 recoverable by virtue of inclusion in FERC Form 1.

12 (B) The new charges shall take effect beginning on
13 the first billing day of the following January billing
14 period and remain in effect through the last billing
15 day of the next December billing period regardless of
16 whether the Commission enters upon a hearing under
17 this paragraph (3).

18 (C) The filing shall include relevant and
19 necessary data and documentation for the applicable
20 rate year. Normalization adjustments shall not be
21 required.

22 Within 45 days after the utility files its annual
23 update of cost inputs to the energy efficiency formula
24 rate, the Commission shall with reasonable notice,
25 initiate a proceeding concerning whether the projected
26 costs to be incurred by the utility and recovered during

1 the applicable rate year, and that are reflected in the
2 inputs to the energy efficiency formula rate, are
3 consistent with the utility's approved multi-year plan
4 under subsections (f) and (g) of this Section and whether
5 the costs incurred by the utility during the prior rate
6 year were prudent and reasonable. The Commission shall
7 also have the authority to investigate the information and
8 data described in paragraph (9) of subsection (g) of this
9 Section, including the proposed adjustment to the
10 utility's return on equity component of its weighted
11 average cost of capital. During the course of the
12 proceeding, each objection shall be stated with
13 particularity and evidence provided in support thereof,
14 after which the utility shall have the opportunity to
15 rebut the evidence. Discovery shall be allowed consistent
16 with the Commission's Rules of Practice, which Rules of
17 Practice shall be enforced by the Commission or the
18 assigned administrative law judge. The Commission shall
19 apply the same evidentiary standards, including, but not
20 limited to, those concerning the prudence and
21 reasonableness of the costs incurred by the utility,
22 during the proceeding as it would apply in a proceeding to
23 review a filing for a general increase in rates under
24 Article IX of this Act. The Commission shall not, however,
25 have the authority in a proceeding under this paragraph
26 (3) to consider or order any changes to the structure or

1 protocols of the energy efficiency formula rate approved
2 under paragraph (2) of this subsection (d). In a
3 proceeding under this paragraph (3), the Commission shall
4 enter its order no later than the earlier of 195 days after
5 the utility's filing of its annual update of cost inputs
6 to the energy efficiency formula rate or December 15. The
7 utility's proposed return on equity calculation, as
8 described in paragraphs (7) through (9) of subsection (g)
9 of this Section, shall be deemed the final, approved
10 calculation on December 15 of the year in which it is filed
11 unless the Commission enters an order on or before
12 December 15, after notice and hearing, that modifies such
13 calculation consistent with this Section. The Commission's
14 determinations of the prudence and reasonableness of the
15 costs incurred, and determination of such return on equity
16 calculation, for the applicable calendar year shall be
17 final upon entry of the Commission's order and shall not
18 be subject to reopening, reexamination, or collateral
19 attack in any other Commission proceeding, case, docket,
20 order, rule, or regulation; however, nothing in this
21 paragraph (3) shall prohibit a party from petitioning the
22 Commission to rehear or appeal to the courts the order
23 under the provisions of this Act.

24 (e) Beginning on June 1, 2017 (the effective date of
25 Public Act 99-906), a utility subject to the requirements of
26 this Section may elect to defer, as a regulatory asset, up to

1 the full amount of its expenditures incurred under this
2 Section for each annual period, including, but not limited to,
3 any expenditures incurred above the funding level set by
4 subsection (f) of this Section for a given year. The total
5 expenditures deferred as a regulatory asset in a given year
6 shall be amortized and recovered over a period that is equal to
7 the weighted average of the energy efficiency measure lives
8 implemented for that year that are reflected in the regulatory
9 asset. The unamortized balance shall be recognized as of
10 December 31 for a given year. The utility shall also earn a
11 return on the total of the unamortized balances of all of the
12 energy efficiency regulatory assets, less any deferred taxes
13 related to those unamortized balances, at an annual rate equal
14 to the utility's weighted average cost of capital that
15 includes, based on a year-end capital structure, the utility's
16 actual cost of debt for the applicable calendar year and a cost
17 of equity, which shall be calculated as the sum of the (i) the
18 average for the applicable calendar year of the monthly
19 average yields of 30-year U.S. Treasury bonds published by the
20 Board of Governors of the Federal Reserve System in its weekly
21 H.15 Statistical Release or successor publication; and (ii)
22 580 basis points, including a revenue conversion factor
23 calculated to recover or refund all additional income taxes
24 that may be payable or receivable as a result of that return.
25 Capital investment costs shall be depreciated and recovered
26 over their useful lives consistent with generally accepted

1 accounting principles. The weighted average cost of capital
2 shall be applied to the capital investment cost balance, less
3 any accumulated depreciation and accumulated deferred income
4 taxes, as of December 31 for a given year.

5 When an electric utility creates a regulatory asset under
6 the provisions of this Section, the costs are recovered over a
7 period during which customers also receive a benefit which is
8 in the public interest. Accordingly, it is the intent of the
9 General Assembly that an electric utility that elects to
10 create a regulatory asset under the provisions of this Section
11 shall recover all of the associated costs as set forth in this
12 Section. After the Commission has approved the prudence and
13 reasonableness of the costs that comprise the regulatory
14 asset, the electric utility shall be permitted to recover all
15 such costs, and the value and recoverability through rates of
16 the associated regulatory asset shall not be limited, altered,
17 impaired, or reduced.

18 (f) Beginning in 2017, each electric utility shall file an
19 energy efficiency plan with the Commission to meet the energy
20 efficiency standards for the next applicable multi-year period
21 beginning January 1 of the year following the filing,
22 according to the schedule set forth in paragraphs (1) through
23 (3) of this subsection (f). If a utility does not file such a
24 plan on or before the applicable filing deadline for the plan,
25 it shall face a penalty of \$100,000 per day until the plan is
26 filed.

1 (1) No later than 30 days after June 1, 2017 (the
2 effective date of Public Act 99-906), each electric
3 utility shall file a 4-year energy efficiency plan
4 commencing on January 1, 2018 that is designed to achieve
5 the cumulative persisting annual savings goals specified
6 in paragraphs (1) through (4) of subsection (b-5) of this
7 Section or in paragraphs (1) through (4) of subsection
8 (b-15) of this Section, as applicable, through
9 implementation of energy efficiency measures; however, the
10 goals may be reduced if the utility's expenditures are
11 limited pursuant to subsection (m) of this Section or, for
12 a utility that serves less than 3,000,000 retail
13 customers, if each of the following conditions are met:
14 (A) the plan's analysis and forecasts of the utility's
15 ability to acquire energy savings demonstrate that
16 achievement of such goals is not cost effective; and (B)
17 the amount of energy savings achieved by the utility as
18 determined by the independent evaluator for the most
19 recent year for which savings have been evaluated
20 preceding the plan filing was less than the average annual
21 amount of savings required to achieve the goals for the
22 applicable 4-year plan period. Except as provided in
23 subsection (m) of this Section, annual increases in
24 cumulative persisting annual savings goals during the
25 applicable 4-year plan period shall not be reduced to
26 amounts that are less than the maximum amount of

1 cumulative persisting annual savings that is forecast to
2 be cost-effectively achievable during the 4-year plan
3 period. The Commission shall review any proposed goal
4 reduction as part of its review and approval of the
5 utility's proposed plan.

6 (2) No later than March 1, 2021, each electric utility
7 shall file a 4-year energy efficiency plan commencing on
8 January 1, 2022 that is designed to achieve the cumulative
9 persisting annual savings goals specified in paragraphs
10 (5) through (8) of subsection (b-5) of this Section or in
11 paragraphs (5) through (8) of subsection (b-15) of this
12 Section, as applicable, through implementation of energy
13 efficiency measures; however, the goals may be reduced if
14 the utility's expenditures are limited pursuant to
15 subsection (m) of this Section or, either (1) clear and
16 convincing evidence demonstrates, through independent
17 analysis, that the expenditure limits in subsection (m) of
18 this Section preclude full achievement of the goals or (2)
19 each of the following conditions are met: (A) the plan's
20 analysis and forecasts of the utility's ability to acquire
21 energy savings demonstrate ~~by clear and convincing~~
22 ~~evidence and through independent analysis~~ that achievement
23 of such goals is not cost effective; and (B) the amount of
24 energy savings achieved by the utility as determined by
25 the independent evaluator for the most recent year for
26 which savings have been evaluated preceding the plan

1 filing was less than the average annual amount of savings
2 required to achieve the goals for the applicable 4-year
3 plan period. ~~If there is not clear and convincing evidence~~
4 ~~that achieving the savings goals specified in paragraph~~
5 ~~(b-5) or (b-15) of this Section is possible both~~
6 ~~cost effectively and within the expenditure limits in~~
7 ~~subsection (m), such savings goals shall not be reduced.~~

8 Except as provided in subsection (m) of this Section,
9 annual increases in cumulative persisting annual savings
10 goals during the applicable 4-year plan period shall not
11 be reduced to amounts that are less than the maximum
12 amount of cumulative persisting annual savings that is
13 forecast to be cost-effectively achievable during the
14 4-year plan period. The Commission shall review any
15 proposed goal reduction as part of its review and approval
16 of the utility's proposed plan.

17 (3) No later than March 1, 2025, each electric utility
18 shall file a 5-year ~~4-year~~ energy efficiency plan
19 commencing on January 1, 2026 that is designed to achieve
20 the cumulative persisting annual savings goals specified
21 in paragraphs (9) through (13) ~~(12)~~ of subsection (b-5) of
22 this Section or in paragraphs (9) through (13) ~~(12)~~ of
23 subsection (b-15) of this Section, as applicable, through
24 implementation of energy efficiency measures; however, the
25 goals may be reduced if the utility's expenditures are
26 limited pursuant to subsection (m) of this Section or,

1 ~~either (1) clear and convincing evidence demonstrates,~~
2 ~~through independent analysis, that the expenditure limits~~
3 ~~in subsection (m) of this Section preclude full~~
4 ~~achievement of the goals or (2) each of the following~~
5 conditions are met: (A) the plan's analysis and forecasts
6 of the utility's ability to acquire energy savings
7 demonstrate ~~by clear and convincing evidence and through~~
8 ~~independent analysis~~ that achievement of such goals is not
9 cost effective; and (B) the amount of energy savings
10 achieved by the utility as determined by the independent
11 evaluator for the most recent year for which savings have
12 been evaluated preceding the plan filing was less than the
13 average annual amount of savings required to achieve the
14 goals for the applicable 5-year ~~4-year~~ plan period. ~~If~~
15 ~~there is not clear and convincing evidence that achieving~~
16 ~~the savings goals specified in paragraphs (b 5) or (b 15)~~
17 ~~of this Section is possible both cost effectively and~~
18 ~~within the expenditure limits in subsection (m), such~~
19 ~~savings goals shall not be reduced.~~ Except as provided in
20 subsection (m) of this Section, annual increases in
21 cumulative persisting annual savings goals during the
22 applicable 5-year ~~4-year~~ plan period shall not be reduced
23 to amounts that are less than the maximum amount of
24 cumulative persisting annual savings that is forecast to
25 be cost-effectively achievable during the 5-year ~~4-year~~
26 plan period. The Commission shall review any proposed goal

1 reduction as part of its review and approval of the
2 utility's proposed plan.

3 ~~(4) No later than March 1, 2029, and every 4 years~~
4 ~~thereafter, each electric utility shall file a 4-year~~
5 ~~energy efficiency plan commencing on January 1, 2030, and~~
6 ~~every 4 years thereafter, respectively, that is designed~~
7 ~~to achieve the cumulative persisting annual savings goals~~
8 ~~established by the Illinois Commerce Commission pursuant~~
9 ~~to direction of subsections (b 5) and (b 15) of this~~
10 ~~Section, as applicable, through implementation of energy~~
11 ~~efficiency measures; however, the goals may be reduced if~~
12 ~~either (1) clear and convincing evidence and independent~~
13 ~~analysis demonstrates that the expenditure limits in~~
14 ~~subsection (m) of this Section preclude full achievement~~
15 ~~of the goals or (2) each of the following conditions are~~
16 ~~met: (A) the plan's analysis and forecasts of the~~
17 ~~utility's ability to acquire energy savings demonstrate by~~
18 ~~clear and convincing evidence and through independent~~
19 ~~analysis that achievement of such goals is not~~
20 ~~cost effective; and (B) the amount of energy savings~~
21 ~~achieved by the utility as determined by the independent~~
22 ~~evaluator for the most recent year for which savings have~~
23 ~~been evaluated preceding the plan filing was less than the~~
24 ~~average annual amount of savings required to achieve the~~
25 ~~goals for the applicable 4-year plan period. If there is~~
26 ~~not clear and convincing evidence that achieving the~~

~~savings goals specified in paragraphs (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.~~

Each utility's plan shall set forth the utility's proposals to meet the energy efficiency standards identified in subsection (b-5) or (b-15), as applicable and as such standards may have been modified under this subsection (f), taking into account the unique circumstances of the utility's service territory. For those plans commencing on January 1, 2018, the Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan no later than 105 days after June 1, 2017 (the effective date of Public Act 99-906). For those plans commencing after December 31, 2021, the Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan within 6 months

1 after its submission. If the Commission disapproves a plan,
2 the Commission shall, within 30 days, describe in detail the
3 reasons for the disapproval and describe a path by which the
4 utility may file a revised draft of the plan to address the
5 Commission's concerns satisfactorily. If the utility does not
6 refile with the Commission within 60 days, the utility shall
7 be subject to penalties at a rate of \$100,000 per day until the
8 plan is filed. This process shall continue, and penalties
9 shall accrue, until the utility has successfully filed a
10 portfolio of energy efficiency and demand-response measures.
11 Penalties shall be deposited into the Energy Efficiency Trust
12 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

1 requirements:

2 (A) beginning with the year commencing January 1,
3 2019, electric utilities that serve more than
4 3,000,000 retail customers in the State shall fund
5 third-party energy efficiency programs in an amount
6 that is no less than \$25,000,000 per year, and
7 electric utilities that serve less than 3,000,000
8 retail customers but more than 500,000 retail
9 customers in the State shall fund third-party energy
10 efficiency programs in an amount that is no less than
11 \$8,350,000 per year;

12 (B) during 2018, the utility shall conduct a
13 solicitation process for purposes of requesting
14 proposals from third-party vendors for those
15 third-party energy efficiency programs to be offered
16 during one or more of the years commencing January 1,
17 2019, January 1, 2020, and January 1, 2021; for those
18 multi-year plans commencing on January 1, 2022 and
19 January 1, 2026, the utility shall conduct a
20 solicitation process during 2021 and 2025,
21 respectively, for purposes of requesting proposals
22 from third-party vendors for those third-party energy
23 efficiency programs to be offered during one or more
24 years of the respective multi-year plan period; for
25 each solicitation process, the utility shall identify
26 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

1 measures to reduce peak demand by 0.1% over the prior year
2 for eligible retail customers, as defined in Section
3 16-111.5 of this Act, and for customers that elect hourly
4 service from the utility pursuant to Section 16-107 of
5 this Act, provided those customers have not been declared
6 competitive. This requirement continues until December 31,
7 2026.

8 (5) Include a proposed or revised cost-recovery tariff
9 mechanism, as provided for under subsection (d) of this
10 Section, to fund the proposed energy efficiency and
11 demand-response measures and to ensure the recovery of the
12 prudently and reasonably incurred costs of
13 Commission-approved programs.

14 (6) Provide for an annual independent evaluation of
15 the performance of the cost-effectiveness of the utility's
16 portfolio of measures, as well as a full review of the
17 multi-year plan results of the broader net program impacts
18 and, to the extent practical, for adjustment of the
19 measures on a going-forward basis as a result of the
20 evaluations. The resources dedicated to evaluation shall
21 not exceed 3% of portfolio resources in any given year.

22 (7) For electric utilities that serve more than
23 3,000,000 retail customers in the State:

24 (A) Through December 31, 2025, provide for an
25 adjustment to the return on equity component of the
26 utility's weighted average cost of capital calculated

1 under subsection (d) of this Section:

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 75% of such goal. If the
9 utility achieved more than 75% 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 8 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 125% of such goal. If the
21 utility achieved more than 100% of the applicable
22 annual incremental goal but less than 125% of such
23 goal, then the return on equity component shall be
24 increased by 8 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 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.

1 (ii) The return on equity component shall be
2 increased by 8 basis points for each percent by
3 which the utility exceeded 100% of the applicable
4 annual incremental goal.

5 (iii) The return on equity component shall not
6 be increased or decreased if the annual
7 incremental savings as determined by the
8 independent evaluator is greater than 84.4% of the
9 applicable annual incremental goal and less than
10 100% of the applicable annual incremental goal.

11 (iv) The return on equity component shall not
12 be increased or decreased by an amount greater
13 than 200 basis points pursuant to this
14 subparagraph (A).

15 (B) For the period of January 1, 2026 through
16 ~~December 31, 2029 and in all subsequent 4 year periods~~
17 2030, the applicable annual incremental goal shall be
18 compared to the annual incremental savings as
19 determined by the independent evaluator.

20 (i) The return on equity component shall be
21 reduced by 6 basis points for each percent by
22 which the utility did not achieve 100% of the
23 applicable annual incremental goal.

24 (ii) The return on equity component shall be
25 increased by 6 basis points for each percent by
26 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~~

1 ~~subparagraph (C).~~

2 ~~(D)~~ (C) If the applicable annual incremental goal
3 was reduced under ~~paragraph~~ paragraphs (1), (2), or
4 (3), ~~or (4)~~ of subsection (f) of this Section, then the
5 following adjustments shall be made to the
6 calculations described in subparagraphs (A), and (B),
7 ~~and (C)~~ of this paragraph (8):

8 (i) The calculation for determining
9 achievement that is at least 125% or 134%, as
10 applicable, of the applicable annual incremental
11 goal ~~or the applicable annual total savings~~
12 ~~requirement, as applicable,~~ shall use the
13 unreduced applicable annual incremental goal to
14 set the value.

15 (ii) For the period through December 31, 2025,
16 the calculation for determining achievement that
17 is less than 125% but more than 100% of the
18 applicable annual incremental goal ~~or the~~
19 ~~applicable annual total savings requirement, as~~
20 ~~applicable,~~ shall use the reduced applicable
21 annual incremental goal to set the value for 100%
22 achievement of the goal and shall use the
23 unreduced goal to set the value for 125%
24 achievement. The 8 basis point value shall also be
25 modified, as necessary, so that the 200 basis
26 points are evenly apportioned among each

1 percentage point value between 100% and 125%
2 achievement.

3 (iii) For the period of January 1, 2026
4 through December 31, ~~2029 and all subsequent~~
5 ~~4 year periods, the calculation for determining~~
6 ~~achievement that is less than 125% or 134%, as~~
7 ~~applicable, but more than 100% of the applicable~~
8 ~~annual incremental goal or the applicable annual~~
9 ~~total savings requirement, as applicable, shall~~
10 ~~use the reduced applicable annual incremental goal~~
11 ~~to set the value for 100% achievement of the goal~~
12 ~~and shall use the unreduced goal to set the value~~
13 ~~for 125% achievement. The 6 basis point value or 8~~
14 ~~basis point value, as applicable, shall also be~~
15 ~~modified, as necessary, so that the 200 basis~~
16 ~~points are evenly apportioned among each~~
17 ~~percentage point value between 100% and 125% or~~
18 ~~between 100% and 134% achievement, as applicable~~
19 2030, the calculation for determining achievement
20 that is less than 134% but more than 100% of the
21 applicable annual incremental goal shall use the
22 reduced applicable annual incremental goal to set
23 the value for 100% achievement of the goal and
24 shall use the unreduced goal to set the value for
25 125% achievement. The 6 basis point value shall
26 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 6% ~~4%~~ 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) For the calendar years covered by a multi-year plan~~
14 ~~commencing after December 31, 2017, subsections (a) through~~
15 ~~(j) of this Section do not apply to eligible large private~~
16 ~~energy customers that have chosen to opt out of multi-year~~
17 ~~plans consistent with this subsection (l).~~

18 ~~(1) For purposes of this subsection (l), "eligible~~
19 ~~large private energy customer" means any retail customers,~~
20 ~~except for federal, State, municipal, and other public~~
21 ~~customers, of an electric utility that serves more than~~
22 ~~3,000,000 retail customers, except for federal, State,~~
23 ~~municipal and other public customers, in the State and~~
24 ~~whose total highest 30 minute demand was more than 10,000~~
25 ~~kilowatts, or any retail customers of an electric utility~~
26 ~~that serves less than 3,000,000 retail customers but more~~

1 ~~than 500,000 retail customers in the State and whose total~~
2 ~~highest 15 minute demand was more than 10,000 kilowatts.~~
3 ~~For purposes of this subsection (1), "retail customer" has~~
4 ~~the meaning set forth in Section 16-102 of this Act.~~
5 ~~However, for a business entity with multiple sites located~~
6 ~~in the State, where at least one of those sites qualifies~~
7 ~~as an eligible large private energy customer, then any of~~
8 ~~that business entity's sites, properly identified on a~~
9 ~~form for notice, shall be considered eligible large~~
10 ~~private energy customers for the purposes of this~~
11 ~~subsection (1). A determination of whether this subsection~~
12 ~~is applicable to a customer shall be made for each~~
13 ~~multi year plan beginning after December 31, 2017. The~~
14 ~~criteria for determining whether this subsection (1) is~~
15 ~~applicable to a retail customer shall be based on the 12~~
16 ~~consecutive billing periods prior to the start of the~~
17 ~~first year of each such multi year plan.~~

18 ~~(2) Within 45 days after the effective date of this~~
19 ~~amendatory Act of the 102nd General Assembly, the~~
20 ~~Commission shall prescribe the form for notice required~~
21 ~~for opting out of energy efficiency programs. The notice~~
22 ~~must be submitted to the retail electric utility 12 months~~
23 ~~before the next energy efficiency planning cycle. However,~~
24 ~~within 120 days after the Commission's initial issuance of~~
25 ~~the form for notice, eligible large private energy~~
26 ~~customers may submit a form for notice to an electric~~

1 ~~utility. The form for notice for opting out of energy~~
2 ~~efficiency programs shall include all of the following:~~

3 ~~(A) a statement indicating that the customer has~~
4 ~~elected to opt out;~~

5 ~~(B) the account numbers for the customer accounts~~
6 ~~to which the opt out shall apply;~~

7 ~~(C) the mailing address associated with the~~
8 ~~customer accounts identified under subparagraph (B);~~

9 ~~(D) an American Society of Heating, Refrigerating,~~
10 ~~and Air Conditioning Engineers (ASHRAE) level 2 or~~
11 ~~higher audit report conducted by an independent~~
12 ~~third party expert identifying cost effective energy~~
13 ~~efficiency project opportunities that could be~~
14 ~~invested in over the next 10 years. A retail customer~~
15 ~~with specialized processes may utilize a self-audit~~
16 ~~process in lieu of the ASHRAE audit;~~

17 ~~(E) a description of the customer's plans to~~
18 ~~reallocate the funds toward internal energy efficiency~~
19 ~~efforts identified in the subparagraph (D) report,~~
20 ~~including, but not limited to: (i) strategic energy~~
21 ~~management or other programs, including descriptions~~
22 ~~of targeted buildings, equipment and operations; (ii)~~
23 ~~eligible energy efficiency measures; and (iii)~~
24 ~~expected energy savings, itemized by technology. If~~
25 ~~the subparagraph (D) audit report identifies that the~~
26 ~~customer currently utilizes the best available energy~~

1 ~~efficient technology, equipment, programs, and~~
2 ~~operations, the customer may provide a statement that~~
3 ~~more efficient technology, equipment, programs, and~~
4 ~~operations are not reasonably available as a means of~~
5 ~~satisfying this subparagraph (E); and~~

6 ~~(F) the effective date of the opt out, which will~~
7 ~~be the next January 1 following notice of the opt out.~~

8 ~~(3) Upon receipt of a properly and timely noticed~~
9 ~~request for opt out submitted by an eligible large private~~
10 ~~energy customer, the retail electric utility shall grant~~
11 ~~the request, file the request with the Commission and,~~
12 ~~beginning January 1 of the following year, the opted out~~
13 ~~customer shall no longer be assessed the costs of the plan~~
14 ~~and shall be prohibited from participating in that 4-year~~
15 ~~plan cycle to give the retail utility the certainty to~~
16 ~~design program plan proposals.~~

17 ~~(4) Upon a customer's election to opt out under~~
18 ~~paragraphs (1) and (2) of this subsection (1) and~~
19 ~~commencing on the effective date of said opt out, the~~
20 ~~account properly identified in the customer's notice under~~
21 ~~paragraph (2) shall not be subject to any cost recovery~~
22 ~~and shall not be eligible to participate in, or directly~~
23 ~~benefit from, compliance with energy efficiency cumulative~~
24 ~~persisting savings requirements under subsections (a)~~
25 ~~through (j).~~

26 ~~(5) A utility's cumulative persisting annual savings~~

1 ~~targets will exclude any opted out load.~~

2 ~~(6) The request to opt out is only valid for the~~
3 ~~requested plan cycle. An eligible large private energy~~
4 ~~customer must also request to opt out for future energy~~
5 ~~plan cycles, otherwise the customer will be included in~~
6 ~~the future energy plan cycle. For the calendar years~~
7 ~~covered by a multi-year plan commencing after December 31,~~
8 ~~2017, subsections (a) through (j) of this Section do not~~
9 ~~apply to any retail customers of an electric utility that~~
10 ~~serves more than 3,000,000 retail customers in the State~~
11 ~~and whose total highest 30 minute demand was more than~~
12 ~~10,000 kilowatts, or any retail customers of an electric~~
13 ~~utility that serves less than 3,000,000 retail customers~~
14 ~~but more than 500,000 retail customers in the State and~~
15 ~~whose total highest 15 minute demand was more than 10,000~~
16 ~~kilowatts. For purposes of this subsection (l), "retail~~
17 ~~customer" has the meaning set forth in Section 16-102 of~~
18 ~~this Act. A determination of whether this subsection is~~
19 ~~applicable to a customer shall be made for each multi-year~~
20 ~~plan beginning after December 31, 2017. The criteria for~~
21 ~~determining whether this subsection (l) is applicable to a~~
22 ~~retail customer shall be based on the 12 consecutive~~
23 ~~billing periods prior to the start of the first year of~~
24 ~~each such multi-year plan.~~

25 (m) Notwithstanding the requirements of this Section, as
26 part of a proceeding to approve a multi-year plan under

1 subsections (f) and (g) of this Section ~~if the multi-year plan~~
2 ~~has been designed to maximize savings, but does not meet the~~
3 ~~cost cap limitations of this Section,~~ the Commission shall
4 reduce the amount of energy efficiency measures implemented
5 for any single year, and whose costs are recovered under
6 subsection (d) of this Section, by an amount necessary to
7 limit the estimated average net increase due to the cost of the
8 measures to no more than

9 (1) 3.5% for each of the 4 years beginning January 1,
10 2018,

11 (2) ~~(blank),~~ 3.75% for each of the 4 years beginning
12 January 1, 2022, and

13 (3) 4% for each of the ~~4~~ 5 years beginning January 1,
14 ~~2022~~ 2026,

15 ~~(4) 4.25% for the 4 years beginning January 1, 2026,~~
16 ~~and~~

17 ~~(5) 4.25% plus an increase sufficient to account for~~
18 ~~the rate of inflation between January 1, 2026 and January~~
19 ~~1 of the first year of each subsequent 4 year plan cycle,~~
20 of the average amount paid per kilowatthour by residential
21 eligible retail customers during calendar year 2015. ~~An~~
22 ~~electric utility may plan to spend up to 10% more in any year~~
23 ~~during an applicable multi-year plan period to~~
24 ~~cost-effectively achieve additional savings so long as the~~
25 ~~average over the applicable multi-year plan period does not~~
26 ~~exceed the percentages defined in items (1) through (5). To~~

1 determine the total amount that may be spent by an electric
2 utility in any single year, the applicable percentage of the
3 average amount paid per kilowatthour shall be multiplied by
4 the total amount of energy delivered by such electric utility
5 in the calendar year 2015, adjusted to reflect the proportion
6 of the utility's load attributable to customers ~~that have~~
7 ~~opted out of~~ who are exempt from subsections (a) through (j) of
8 this Section under subsection (l) of this Section. For
9 purposes of this subsection (m), the amount paid per
10 kilowatthour includes, without limitation, estimated amounts
11 paid for supply, transmission, distribution, surcharges, and
12 add-on taxes. For purposes of this Section, "eligible retail
13 customers" shall have the meaning set forth in Section
14 16-111.5 of this Act. Once the Commission has approved a plan
15 under subsections (f) and (g) of this Section, no subsequent
16 rate impact determinations shall be made.

17 ~~(n) A utility shall take advantage of the efficiencies~~
18 ~~available through existing Illinois Home Weatherization~~
19 ~~Assistance Program infrastructure and services, such as~~
20 ~~enrollment, marketing, quality assurance and implementation,~~
21 ~~which can reduce the need for similar services at a lower cost~~
22 ~~than utility-only programs, subject to capacity constraints at~~
23 ~~community action agencies, for both single-family and~~
24 ~~multifamily weatherization services, to the extent Illinois~~
25 ~~Home Weatherization Assistance Program community action~~
26 ~~agencies provide multifamily services. A utility's plan shall~~

1 ~~demonstrate that in formulating annual weatherization budgets,~~
2 ~~it has sought input and coordination with community action~~
3 ~~agencies regarding agencies' capacity to expand and maximize~~
4 ~~Illinois Home Weatherization Assistance Program delivery using~~
5 ~~the ratepayer dollars collected under this Section.~~

6 (Source: P.A. 100-840, eff. 8-13-18; 101-81, eff. 7-12-19;
7 102-662, eff. 9-15-21.)

8 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

9 Sec. 8-406. Certificate of public convenience and
10 necessity.

11 (a) No public utility not owning any city or village
12 franchise nor engaged in performing any public service or in
13 furnishing any product or commodity within this State as of
14 July 1, 1921 and not possessing a certificate of public
15 convenience and necessity from the Illinois Commerce
16 Commission, the State Public Utilities Commission or the
17 Public Utilities Commission, at the time this amendatory Act
18 of 1985 goes into effect, shall transact any business in this
19 State until it shall have obtained a certificate from the
20 Commission that public convenience and necessity require the
21 transaction of such business.

22 (b) No public utility shall begin the construction of any
23 new plant, equipment, property or facility which is not in
24 substitution of any existing plant, equipment, property or
25 facility or any extension or alteration thereof or in addition

1 thereto, unless and until it shall have obtained from the
2 Commission a certificate that public convenience and necessity
3 require such construction. Whenever after a hearing the
4 Commission determines that any new construction or the
5 transaction of any business by a public utility will promote
6 the public convenience and is necessary thereto, it shall have
7 the power to issue certificates of public convenience and
8 necessity. The Commission shall determine that proposed
9 construction will promote the public convenience and necessity
10 only if the utility demonstrates: (1) that the proposed
11 construction is necessary to provide adequate, reliable, and
12 efficient service to its customers and is the least-cost means
13 of satisfying the service needs of its customers or that the
14 proposed construction will promote the development of an
15 effectively competitive electricity market that operates
16 efficiently, is equitable to all customers, and is the least
17 cost means of satisfying those objectives; (2) that the
18 utility is capable of efficiently managing and supervising the
19 construction process and has taken sufficient action to ensure
20 adequate and efficient construction and supervision thereof;
21 and (3) that the utility is capable of financing the proposed
22 construction without significant adverse financial
23 consequences for the utility or its customers.

24 ~~(b-5) As used in this subsection (b-5):~~

25 ~~"Qualifying direct current applicant" means an entity that~~
26 ~~seeks to provide direct current bulk transmission service for~~

1 ~~the purpose of transporting electric energy in interstate~~
2 ~~commerce.~~

3 ~~"Qualifying direct current project" means a high voltage~~
4 ~~direct current electric service line that crosses at least one~~
5 ~~Illinois border, the Illinois portion of which is physically~~
6 ~~located within the region of the Midcontinent Independent~~
7 ~~System Operator, Inc., or its successor organization, and runs~~
8 ~~through the counties of Pike, Scott, Greene, Macoupin,~~
9 ~~Montgomery, Christian, Shelby, Cumberland, and Clark, is~~
10 ~~capable of transmitting electricity at voltages of 345kv or~~
11 ~~above, and may also include associated interconnected~~
12 ~~alternating current interconnection facilities in this State~~
13 ~~that are part of the proposed project and reasonably necessary~~
14 ~~to connect the project with other portions of the grid.~~

15 ~~Notwithstanding any other provision of this Act, a~~
16 ~~qualifying direct current applicant that does not own,~~
17 ~~control, operate, or manage, within this State, any plant,~~
18 ~~equipment, or property used or to be used for the transmission~~
19 ~~of electricity at the time of its application or of the~~
20 ~~Commission's order may file an application on or before~~
21 ~~December 31, 2023 with the Commission pursuant to this Section~~
22 ~~or Section 8-406.1 for, and the Commission may grant, a~~
23 ~~certificate of public convenience and necessity to construct,~~
24 ~~operate, and maintain a qualifying direct current project. The~~
25 ~~qualifying direct current applicant may also include in the~~
26 ~~application requests for authority under Section 8-503. The~~

1 ~~Commission shall grant the application for a certificate of~~
2 ~~public convenience and necessity and requests for authority~~
3 ~~under Section 8-503 if it finds that the qualifying direct~~
4 ~~current applicant and the proposed qualifying direct current~~
5 ~~project satisfy the requirements of this subsection and~~
6 ~~otherwise satisfy the criteria of this Section or Section~~
7 ~~8-406.1 and the criteria of Section 8-503, as applicable to~~
8 ~~the application and to the extent such criteria are not~~
9 ~~superseded by the provisions of this subsection. The~~
10 ~~Commission's order on the application for the certificate of~~
11 ~~public convenience and necessity shall also include the~~
12 ~~Commission's findings and determinations on the request or~~
13 ~~requests for authority pursuant to Section 8-503. Prior to~~
14 ~~filing its application under either this Section or Section~~
15 ~~8-406.1, the qualifying direct current applicant shall conduct~~
16 ~~3 public meetings in accordance with subsection (h) of this~~
17 ~~Section. If the qualifying direct current applicant~~
18 ~~demonstrates in its application that the proposed qualifying~~
19 ~~direct current project is designed to deliver electricity to a~~
20 ~~point or points on the electric transmission grid in either or~~
21 ~~both the PJM Interconnection, LLC or the Midcontinent~~
22 ~~Independent System Operator, Inc., or their respective~~
23 ~~successor organizations, the proposed qualifying direct~~
24 ~~current project shall be deemed to be, and the Commission~~
25 ~~shall find it to be, for public use. If the qualifying direct~~
26 ~~current applicant further demonstrates in its application that~~

1 ~~the proposed transmission project has a capacity of 1,000~~
2 ~~megawatts or larger and a voltage level of 345 kilovolts or~~
3 ~~greater, the proposed transmission project shall be deemed to~~
4 ~~satisfy, and the Commission shall find that it satisfies, the~~
5 ~~criteria stated in item (1) of subsection (b) of this Section~~
6 ~~or in paragraph (1) of subsection (f) of Section 8 406.1, as~~
7 ~~applicable to the application, without the taking of~~
8 ~~additional evidence on these criteria. Prior to the transfer~~
9 ~~of functional control of any transmission assets to a regional~~
10 ~~transmission organization, a qualifying direct current~~
11 ~~applicant shall request Commission approval to join a regional~~
12 ~~transmission organization in an application filed pursuant to~~
13 ~~this subsection (b-5) or separately pursuant to Section 7-102~~
14 ~~of this Act. The Commission may grant permission to a~~
15 ~~qualifying direct current applicant to join a regional~~
16 ~~transmission organization if it finds that the membership, and~~
17 ~~associated transfer of functional control of transmission~~
18 ~~assets, benefits Illinois customers in light of the attendant~~
19 ~~costs and is otherwise in the public interest. Nothing in this~~
20 ~~subsection (b-5) requires a qualifying direct current~~
21 ~~applicant to join a regional transmission organization.~~
22 ~~Nothing in this subsection (b-5) requires the owner or~~
23 ~~operator of a high voltage direct current transmission line~~
24 ~~that is not a qualifying direct current project to obtain a~~
25 ~~certificate of public convenience and necessity to the extent~~
26 ~~it is not otherwise required by this Section 8 406 or any other~~

1 ~~provision of this Act.~~

2 (c) After the effective date of this amendatory Act of
3 1987, no construction shall commence on any new nuclear power
4 plant to be located within this State, and no certificate of
5 public convenience and necessity or other authorization shall
6 be issued therefor by the Commission, until the Director of
7 the Illinois Environmental Protection Agency finds that the
8 United States Government, through its authorized agency, has
9 identified and approved a demonstrable technology or means for
10 the disposal of high level nuclear waste, or until such
11 construction has been specifically approved by a statute
12 enacted by the General Assembly.

13 As used in this Section, "high level nuclear waste" means
14 those aqueous wastes resulting from the operation of the first
15 cycle of the solvent extraction system or equivalent and the
16 concentrated wastes of the subsequent extraction cycles or
17 equivalent in a facility for reprocessing irradiated reactor
18 fuel and shall include spent fuel assemblies prior to fuel
19 reprocessing.

20 (d) In making its determination, the Commission shall
21 attach primary weight to the cost or cost savings to the
22 customers of the utility. The Commission may consider any or
23 all factors which will or may affect such cost or cost savings,
24 including the public utility's engineering judgment regarding
25 the materials used for construction.

26 (e) The Commission may issue a temporary certificate which

1 shall remain in force not to exceed one year in cases of
2 emergency, to assure maintenance of adequate service or to
3 serve particular customers, without notice or hearing, pending
4 the determination of an application for a certificate, and may
5 by regulation exempt from the requirements of this Section
6 temporary acts or operations for which the issuance of a
7 certificate will not be required in the public interest.

8 A public utility shall not be required to obtain but may
9 apply for and obtain a certificate of public convenience and
10 necessity pursuant to this Section with respect to any matter
11 as to which it has received the authorization or order of the
12 Commission under the Electric Supplier Act, and any such
13 authorization or order granted a public utility by the
14 Commission under that Act shall as between public utilities be
15 deemed to be, and shall have except as provided in that Act the
16 same force and effect as, a certificate of public convenience
17 and necessity issued pursuant to this Section.

18 No electric cooperative shall be made or shall become a
19 party to or shall be entitled to be heard or to otherwise
20 appear or participate in any proceeding initiated under this
21 Section for authorization of power plant construction and as
22 to matters as to which a remedy is available under The Electric
23 Supplier Act.

24 (f) Such certificates may be altered or modified by the
25 Commission, upon its own motion or upon application by the
26 person or corporation affected. Unless exercised within a

1 period of 2 years from the grant thereof authority conferred
2 by a certificate of convenience and necessity issued by the
3 Commission shall be null and void.

4 No certificate of public convenience and necessity shall
5 be construed as granting a monopoly or an exclusive privilege,
6 immunity or franchise.

7 (g) A public utility that undertakes any of the actions
8 described in items (1) through (3) of this subsection (g) or
9 that has obtained approval pursuant to Section 8-406.1 of this
10 Act shall not be required to comply with the requirements of
11 this Section to the extent such requirements otherwise would
12 apply. For purposes of this Section and Section 8-406.1 of
13 this Act, "high voltage electric service line" means an
14 electric line having a design voltage of 100,000 or more. For
15 purposes of this subsection (g), a public utility may do any of
16 the following:

17 (1) replace or upgrade any existing high voltage
18 electric service line and related facilities,
19 notwithstanding its length;

20 (2) relocate any existing high voltage electric
21 service line and related facilities, notwithstanding its
22 length, to accommodate construction or expansion of a
23 roadway or other transportation infrastructure; or

24 (3) construct a high voltage electric service line and
25 related facilities that is constructed solely to serve a
26 single customer's premises or to provide a generator

1 interconnection to the public utility's transmission
2 system and that will pass under or over the premises owned
3 by the customer or generator to be served or under or over
4 premises for which the customer or generator has secured
5 the necessary right of way.

6 (h) A public utility seeking to construct a high-voltage
7 electric service line and related facilities (Project) must
8 show that the utility has held a minimum of 2 pre-filing public
9 meetings to receive public comment concerning the Project in
10 each county where the Project is to be located, no earlier than
11 6 months prior to filing an application for a certificate of
12 public convenience and necessity from the Commission. Notice
13 of the public meeting shall be published in a newspaper of
14 general circulation within the affected county once a week for
15 3 consecutive weeks, beginning no earlier than one month prior
16 to the first public meeting. If the Project traverses 2
17 contiguous counties and where in one county the transmission
18 line mileage and number of landowners over whose property the
19 proposed route traverses is one-fifth or less of the
20 transmission line mileage and number of such landowners of the
21 other county, then the utility may combine the 2 pre-filing
22 meetings in the county with the greater transmission line
23 mileage and affected landowners. All other requirements
24 regarding pre-filing meetings shall apply in both counties.
25 Notice of the public meeting, including a description of the
26 Project, must be provided in writing to the clerk of each

1 county where the Project is to be located. A representative of
2 the Commission shall be invited to each pre-filing public
3 meeting.

4 (i) For applications filed after the effective date of
5 this amendatory Act of the 99th General Assembly, the
6 Commission shall by registered mail notify each owner of
7 record of land, as identified in the records of the relevant
8 county tax assessor, included in the right-of-way over which
9 the utility seeks in its application to construct a
10 high-voltage electric line of the time and place scheduled for
11 the initial hearing on the public utility's application. The
12 utility shall reimburse the Commission for the cost of the
13 postage and supplies incurred for mailing the notice.

14 (Source: P.A. 99-399, eff. 8-18-15; 102-662, eff. 9-15-21.)

15 (220 ILCS 5/9-229)

16 Sec. 9-229. Consideration of attorney and expert
17 compensation as an expense ~~and intervenor compensation fund.~~

18 ~~(a)~~ The Commission shall specifically assess the justness
19 and reasonableness of any amount expended by a public utility
20 to compensate attorneys or technical experts to prepare and
21 litigate a general rate case filing. This issue shall be
22 expressly addressed in the Commission's final order.

23 ~~(b) The State of Illinois shall create a Consumer~~
24 ~~Intervenor Compensation Fund subject to the following:~~

25 ~~(1) Provision of compensation for Consumer Interest~~

1 ~~Representatives that intervene in Illinois Commerce~~
2 ~~Commission proceedings will increase public engagement,~~
3 ~~encourage additional transparency, expand the information~~
4 ~~available to the Commission, and improve decision-making.~~

5 ~~(2) As used in this Section, "Consumer interest~~
6 ~~representative" means:~~

7 ~~(A) a residential utility customer or group of~~
8 ~~residential utility customers represented by a~~
9 ~~not for profit group or organization registered with~~
10 ~~the Illinois Attorney General under the Solicitation~~
11 ~~of Charity Act;~~

12 ~~(B) representatives of not for profit groups or~~
13 ~~organizations whose membership is limited to~~
14 ~~residential utility customers; or~~

15 ~~(C) representatives of not for profit groups or~~
16 ~~organizations whose membership includes Illinois~~
17 ~~residents and that address the community, economic,~~
18 ~~environmental, or social welfare of Illinois~~
19 ~~residents, except government agencies or intervenors~~
20 ~~specifically authorized by Illinois law to participate~~
21 ~~in Commission proceedings on behalf of Illinois~~
22 ~~consumers.~~

23 ~~(3) A consumer interest representative is eligible to~~
24 ~~receive compensation from the consumer intervenor~~
25 ~~compensation fund if its participation included lay or~~
26 ~~expert testimony or legal briefing and argument concerning~~

1 ~~the expenses, investments, rate design, rate impact, or~~
2 ~~other matters affecting the pricing, rates, costs or other~~
3 ~~charges associated with utility service, the Commission~~
4 ~~adopts a material recommendation related to a significant~~
5 ~~issue in the docket, and participation caused a~~
6 ~~significant financial hardship to the participant,~~
7 ~~however, no consumer interest representative shall be~~
8 ~~eligible to receive an award pursuant to this Section if~~
9 ~~the consumer interest representative receives any~~
10 ~~compensation, funding, or donations, directly or~~
11 ~~indirectly, from parties that have a financial interest in~~
12 ~~the outcome of the proceeding.~~

13 ~~(4) Within 30 days after the effective date of this~~
14 ~~amendatory Act of the 102nd General Assembly, each utility~~
15 ~~that files a request for an increase in rates under~~
16 ~~Article IX or Article XVI shall deposit an amount equal to~~
17 ~~one half of the rate case attorney and expert expense~~
18 ~~allowed by the Commission, but not to exceed \$500,000,~~
19 ~~into the fund within 35 days of the date of the~~
20 ~~Commission's final Order in the rate case or 20 days after~~
21 ~~the denial of rehearing under Section 10-113 of this Act,~~
22 ~~whichever is later. The Consumer Intervenor Compensation~~
23 ~~Fund shall be used to provide payment to consumer interest~~
24 ~~representatives as described in this Section.~~

25 ~~(5) An electric public utility with 3,000,000 or more~~
26 ~~retail customers shall contribute \$450,000 to the Consumer~~

~~Intervenor Compensation Fund within 60 days after the effective date of this amendatory Act of the 102nd General Assembly. A combined electric and gas public utility serving fewer than 3,000,000 but more than 500,000 retail customers shall contribute \$225,000 to the Consumer Intervenor Compensation Fund within 60 days after the effective date of this amendatory Act of the 102nd General Assembly. A gas public utility with 1,500,000 or more retail customers that is not a combined electric and gas public utility shall contribute \$225,000 to the Consumer Intervenor Compensation Fund within 60 days after the effective date of this amendatory Act of the 102nd General Assembly. A gas public utility with fewer than 1,500,000 retail customers but more than 300,000 retail customers that is not a combined electric and gas public utility shall contribute \$80,000 to the Consumer Intervenor Compensation Fund within 60 days after the effective date of this amendatory Act of the 102nd General Assembly. A gas public utility with fewer than 300,000 retail customers that is not a combined electric and gas public utility shall contribute \$20,000 to the Consumer Intervenor Compensation Fund within 60 days after the effective date of this amendatory Act of the 102nd General Assembly. A combined electric and gas public utility serving fewer than 500,000 retail customers shall contribute \$20,000 to the Consumer Intervenor Compensation~~

1 ~~Fund within 60 days after the effective date of this~~
2 ~~amendatory Act of the 102nd General Assembly. A water or~~
3 ~~sewer public utility serving more than 100,000 retail~~
4 ~~customers shall contribute \$80,000, and a water or sewer~~
5 ~~public utility serving fewer than 100,000 but more than~~
6 ~~10,000 retail customers shall contribute \$20,000.~~

7 ~~(6) (A) Prior to the entry of a Final Order in a~~
8 ~~docketed case, the Commission Administrator shall provide~~
9 ~~a payment to a consumer interest representative that~~
10 ~~demonstrates through a verified application for funding~~
11 ~~that the consumer interest representative's participation~~
12 ~~or intervention without an award of fees or costs imposes~~
13 ~~a significant financial hardship based on a schedule to be~~
14 ~~developed by the Commission. The Administrator may require~~
15 ~~verification of costs incurred, including statements of~~
16 ~~hours spent, as a condition to paying the consumer~~
17 ~~interest representative prior to the entry of a Final~~
18 ~~Order in a docketed case.~~

19 ~~(B) If the Commission adopts a material recommendation~~
20 ~~related to a significant issue in the docket and~~
21 ~~participation caused a financial hardship to the~~
22 ~~participant, then the consumer interest representative~~
23 ~~shall be allowed payment for some or all of the consumer~~
24 ~~interest representative's reasonable attorney's or~~
25 ~~advocate's fees, reasonable expert witness fees, and other~~
26 ~~reasonable costs of preparation for and participation in a~~

1 ~~hearing or proceeding. Expenses related to travel or meals~~
2 ~~shall not be compensable.~~

3 ~~(C) The consumer interest representative shall submit~~
4 ~~an itemized request for compensation to the Consumer~~
5 ~~Intervenor Compensation Fund, including the advocate's or~~
6 ~~attorney's reasonable fee rate, the number of hours~~
7 ~~expended, reasonable expert and expert witness fees, and~~
8 ~~other reasonable costs for the preparation for and~~
9 ~~participation in the hearing and briefing within 30 days~~
10 ~~of the Commission's final order after denial or decision~~
11 ~~on rehearing, if any.~~

12 ~~(7) Administration of the Fund.~~

13 ~~(A) The Consumer Intervenor Compensation Fund is~~
14 ~~created as a special fund in the State treasury. All~~
15 ~~disbursements from the Consumer Intervenor Compensation~~
16 ~~Fund shall be made only upon warrants of the Comptroller~~
17 ~~drawn upon the Treasurer as custodian of the Fund upon~~
18 ~~vouchers signed by the Executive Director of the~~
19 ~~Commission or by the person or persons designated by the~~
20 ~~Director for that purpose. The Comptroller is authorized~~
21 ~~to draw the warrant upon vouchers so signed. The Treasurer~~
22 ~~shall accept all warrants so signed and shall be released~~
23 ~~from liability for all payments made on those warrants.~~
24 ~~The Consumer Intervenor Compensation Fund shall be~~
25 ~~administered by an Administrator that is a person or~~
26 ~~entity that is independent of the Commission. The~~

1 ~~administrator will be responsible for the prudent~~
2 ~~management of the Consumer Intervenor Compensation Fund~~
3 ~~and for recommendations for the award of consumer~~
4 ~~intervenor compensation from the Consumer Intervenor~~
5 ~~Compensation Fund. The Commission shall issue a request~~
6 ~~for qualifications for a third party program administrator~~
7 ~~to administer the Consumer Intervenor Compensation Fund.~~
8 ~~The third party administrator shall be chosen through a~~
9 ~~competitive bid process based on selection criteria and~~
10 ~~requirements developed by the Commission. The Illinois~~
11 ~~Procurement Code does not apply to the hiring or payment~~
12 ~~of the Administrator. All Administrator costs may be paid~~
13 ~~for using monies from the Consumer Intervenor Compensation~~
14 ~~Fund, but the Program Administrator shall strive to~~
15 ~~minimize costs in the implementation of the program.~~

16 ~~(B) The computation of compensation awarded from the~~
17 ~~fund shall take into consideration the market rates paid~~
18 ~~to persons of comparable training and experience who offer~~
19 ~~similar services, but may not exceed the comparable market~~
20 ~~rate for services paid by the public utility as part of its~~
21 ~~rate case expense.~~

22 ~~(C) (1) Recommendations on the award of compensation by~~
23 ~~the administrator shall include consideration of whether~~
24 ~~the Commission adopted a material recommendation related~~
25 ~~to a significant issue in the docket and whether~~
26 ~~participation caused a financial hardship to the~~

1 ~~participant and the payment of compensation is fair, just~~
2 ~~and reasonable.~~

3 ~~(2) Recommendations on the award of compensation by~~
4 ~~the administrator shall be submitted to the Commission for~~
5 ~~approval. Unless the Commission initiates an investigation~~
6 ~~within 45 days after the notice to the Commission, the~~
7 ~~award of compensation shall be allowed 45 days after~~
8 ~~notice to the Commission. Such notice shall be given by~~
9 ~~filing with the Commission on the Commission's e docket~~
10 ~~system, and keeping open for public inspection the award~~
11 ~~for compensation proposed by the Administrator. The~~
12 ~~Commission shall have power, and it is hereby given~~
13 ~~authority, either upon complaint or upon its own~~
14 ~~initiative without complaint, at once, and if it so~~
15 ~~orders, without answer or other formal pleadings, but upon~~
16 ~~reasonable notice, to enter upon a hearing concerning the~~
17 ~~propriety of the award.~~

18 ~~(c) The Commission may adopt rules to implement this~~
19 ~~Section.~~

20 (Source: P.A. 96-33, eff. 7-10-09; 102-662, eff. 9-15-21.)

21 (220 ILCS 5/9-241) (from Ch. 111 2/3, par. 9-241)

22 Sec. 9-241. No public utility shall, as to rates or other
23 charges, services, facilities or in other respect, make or
24 grant any preference or advantage to any corporation or person
25 or subject any corporation or person to any prejudice or

1 disadvantage. No public utility shall establish or maintain
2 any unreasonable difference as to rates or other charges,
3 services, facilities, or in any other respect, either as
4 between localities or as between classes of service.

5 However, nothing in this Section shall be construed as
6 limiting the authority of the Commission to permit the
7 establishment of economic development rates as incentives to
8 economic development either in enterprise zones as designated
9 by the State of Illinois or in other areas of a utility's
10 service area. Such rates should be available to existing
11 businesses which demonstrate an increase to existing load as
12 well as new businesses which create new load for a utility so
13 as to create a more balanced utilization of generating
14 capacity. The Commission shall ensure that such rates are
15 established at a level which provides a net benefit to
16 customers within a public utility's service area.

17 ~~On or before January 1, 2023, the Commission shall conduct~~
18 ~~a comprehensive study to assess whether low income discount~~
19 ~~rates for electric and natural gas residential customers are~~
20 ~~appropriate and the potential design and implementation of any~~
21 ~~such rates. The Commission shall include its findings,~~
22 ~~together with the appropriate recommendations, in a report to~~
23 ~~be provided to the General Assembly. Upon completion of the~~
24 ~~study, the Commission shall have the authority to permit or~~
25 ~~require electric and natural gas utilities to file a tariff~~
26 ~~establishing low income discount rates.~~

1 ~~Such study shall assess, at a minimum, the following:~~

2 ~~(1) customer eligibility requirements, including~~
3 ~~income based eligibility and eligibility based on~~
4 ~~participation in or eligibility for certain public~~
5 ~~assistance programs;~~

6 ~~(2) appropriate rate structures, including~~
7 ~~consideration of tiered discounts for different income~~
8 ~~levels;~~

9 ~~(3) appropriate recovery mechanisms, including the~~
10 ~~consideration of volumetric charges and customer charges;~~

11 ~~(4) appropriate verification mechanisms;~~

12 ~~(5) measures to ensure customer confidentiality and~~
13 ~~data safeguards;~~

14 ~~(6) outreach and consumer education procedures; and~~

15 ~~(7) the impact that a low income discount rate would~~
16 ~~have on the affordability of delivery service to~~
17 ~~low income customers and customers overall.~~

18 ~~The Commission shall adopt rules requiring utility~~
19 ~~companies to produce information, in the form of a mailing,~~
20 ~~and other approved methods of distribution, to its consumers,~~
21 ~~to inform the consumers of available rebates, discounts,~~
22 ~~credits, and other cost saving mechanisms that can help them~~
23 ~~lower their monthly utility bills, and send out such~~
24 ~~information semi-annually, unless otherwise provided by this~~
25 ~~Article.~~

26 Prior to October 1, 1989, no public utility providing

1 electrical or gas service shall consider the use of solar or
2 other nonconventional renewable sources of energy by a
3 customer as a basis for establishing higher rates or charges
4 for any service or commodity sold to such customer; nor shall a
5 public utility subject any customer utilizing such energy
6 source or sources to any other prejudice or disadvantage on
7 account of such use. No public utility shall without the
8 consent of the Commission, charge or receive any greater
9 compensation in the aggregate for a lesser commodity, product,
10 or service than for a greater commodity, product or service of
11 like character.

12 The Commission, in order to expedite the determination of
13 rate questions, or to avoid unnecessary and unreasonable
14 expense, or to avoid unjust or unreasonable discrimination
15 between classes of customers, or, whenever in the judgment of
16 the Commission public interest so requires, may, for rate
17 making and accounting purposes, or either of them, consider
18 one or more municipalities either with or without the adjacent
19 or intervening rural territory as a regional unit where the
20 same public utility serves such region under substantially
21 similar conditions, and may within such region prescribe
22 uniform rates for consumers or patrons of the same class.

23 Any public utility, with the consent and approval of the
24 Commission, may as a basis for the determination of the
25 charges made by it classify its service according to the
26 amount used, the time when used, the purpose for which used,

1 and other relevant factors.

2 (Source: P.A. 91-357, eff. 7-29-99; 102-662, eff. 9-15-21.)

3 (220 ILCS 5/16-107.5)

4 Sec. 16-107.5. Net electricity metering.

5 (a) The ~~General Assembly~~ Legislature finds and declares
6 that a program to provide net electricity metering, as defined
7 in this Section, for eligible customers can encourage private
8 investment in renewable energy resources, stimulate economic
9 growth, enhance the continued diversification of Illinois'
10 energy resource mix, and protect the Illinois environment.
11 ~~Further, to achieve the goals of this Act that robust options~~
12 ~~for customer-site distributed generation continue to thrive in~~
13 ~~Illinois, the General Assembly finds that a predictable~~
14 ~~transition must be ensured for customers between full net~~
15 ~~metering at the retail electricity rate to the distribution~~
16 ~~generation rebate described in Section 16-107.6.~~

17 (b) As used in this Section, (i) "community renewable
18 generation project" shall have the meaning set forth in
19 Section 1-10 of the Illinois Power Agency Act; (ii) "eligible
20 customer" means a retail customer that owns, ~~hosts,~~ or
21 operates, ~~including any third party owned systems,~~ a solar,
22 wind, or other eligible renewable electrical generating
23 facility with a rated capacity of not more than 2,000
24 kilowatts that is located on the customer's premises ~~or~~
25 ~~customer's side of the billing meter~~ and is intended primarily

1 to offset the customer's own ~~current or future~~ electrical
2 requirements; (iii) "electricity provider" means an electric
3 utility or alternative retail electric supplier; (iv)
4 "eligible renewable electrical generating facility" means a
5 generator, ~~which may include the co location of an energy~~
6 ~~storage system,~~ that is interconnected under rules adopted by
7 the Commission and is powered by solar electric energy, wind,
8 dedicated crops grown for electricity generation, agricultural
9 residues, untreated and unadulterated wood waste, landscape
10 trimmings, livestock manure, anaerobic digestion of livestock
11 or food processing waste, fuel cells or microturbines powered
12 by renewable fuels, or hydroelectric energy; (v) "net
13 electricity metering" (or "net metering") means the
14 measurement, during the billing period applicable to an
15 eligible customer, of the net amount of electricity supplied
16 by an electricity provider to the ~~customer~~ customer's premises
17 or provided to the electricity provider by the customer or
18 subscriber; (vi) "subscriber" shall have the meaning as set
19 forth in Section 1-10 of the Illinois Power Agency Act; and
20 (vii) "subscription" shall have the meaning set forth in
21 Section 1-10 of the Illinois Power Agency Act; ~~(viii) "energy~~
22 ~~storage system" means commercially available technology that~~
23 ~~is capable of absorbing energy and storing it for a period of~~
24 ~~time for use at a later time, including, but not limited to,~~
25 ~~electrochemical, thermal, and electromechanical technologies,~~
26 ~~and may be interconnected behind the customer's meter or~~

1 ~~interconnected behind its own meter; and (ix) "future~~
2 ~~electrical requirements" means modeled electrical requirements~~
3 ~~upon occupation of a new or vacant property, and other~~
4 ~~reasonable expectations of future electrical use, as well as,~~
5 ~~for occupied properties, a reasonable approximation of the~~
6 ~~annual load of 2 electric vehicles and, for non electric~~
7 ~~heating customers, a reasonable approximation of the~~
8 ~~incremental electric load associated with fuel switching. The~~
9 ~~approximations shall be applied to the appropriate net~~
10 ~~metering tariff and do not need to be unique to each individual~~
11 ~~eligible customer. The utility shall submit these~~
12 ~~approximations to the Commission for review, modification, and~~
13 ~~approval.~~

14 (c) A net metering facility shall be equipped with
15 metering equipment that can measure the flow of electricity in
16 both directions at the same rate.

17 (1) For eligible customers whose electric service has
18 not been declared competitive pursuant to Section 16-113
19 of this Act as of July 1, 2011 and whose electric delivery
20 service is provided and measured on a kilowatt-hour basis
21 and electric supply service is not provided based on
22 hourly pricing, this shall typically be accomplished
23 through use of a single, bi-directional meter. If the
24 eligible customer's existing electric revenue meter does
25 not meet this requirement, the electricity provider shall
26 arrange for the local electric utility or a meter service

1 provider to install and maintain a new revenue meter at
2 the electricity provider's expense, which may be the smart
3 meter described by subsection (b) of Section 16-108.5 of
4 this Act.

5 (2) For eligible customers whose electric service has
6 not been declared competitive pursuant to Section 16-113
7 of this Act as of July 1, 2011 and whose electric delivery
8 service is provided and measured on a kilowatt demand
9 basis and electric supply service is not provided based on
10 hourly pricing, this shall typically be accomplished
11 through use of a dual channel meter capable of measuring
12 the flow of electricity both into and out of the
13 customer's facility at the same rate and ratio. If such
14 customer's existing electric revenue meter does not meet
15 this requirement, then the electricity provider shall
16 arrange for the local electric utility or a meter service
17 provider to install and maintain a new revenue meter at
18 the electricity provider's expense, which may be the smart
19 meter described by subsection (b) of Section 16-108.5 of
20 this Act.

21 (3) For all other eligible customers, until such time
22 as the local electric utility installs a smart meter, as
23 described by subsection (b) of Section 16-108.5 of this
24 Act, the electricity provider may arrange for the local
25 electric utility or a meter service provider to install
26 and maintain metering equipment capable of measuring the

1 flow of electricity both into and out of the customer's
2 facility at the same rate and ratio, typically through the
3 use of a dual channel meter. If the eligible customer's
4 existing electric revenue meter does not meet this
5 requirement, then the costs of installing such equipment
6 shall be paid for by the customer.

7 (d) An electricity provider shall measure and charge or
8 credit for the net electricity supplied to eligible customers
9 or provided by eligible customers whose electric service has
10 not been declared competitive pursuant to Section 16-113 of
11 this Act as of July 1, 2011 and whose electric delivery service
12 is provided and measured on a kilowatt-hour basis and electric
13 supply service is not provided based on hourly pricing in the
14 following manner:

15 (1) If the amount of electricity used by the customer
16 during the billing period exceeds the amount of
17 electricity produced by the customer, the electricity
18 provider shall charge the customer for the net electricity
19 supplied to and used by the customer as provided in
20 subsection (e-5) of this Section.

21 (2) If the amount of electricity produced by a
22 customer during the billing period exceeds the amount of
23 electricity used by the customer during that billing
24 period, the electricity provider supplying that customer
25 shall apply a 1:1 kilowatt-hour credit to a subsequent
26 bill for service to the customer for the net electricity

1 supplied to the electricity provider. The electricity
2 provider shall continue to carry over any excess
3 kilowatt-hour credits earned and apply those credits to
4 subsequent billing periods to offset any
5 customer-generator consumption in those billing periods
6 until all credits are used or until the end of the
7 annualized period.

8 (3) At the end of the year or annualized over the
9 period that service is supplied by means of net metering,
10 or in the event that the retail customer terminates
11 service with the electricity provider prior to the end of
12 the year or the annualized period, any remaining credits
13 in the customer's account shall expire.

14 (d-5) An electricity provider shall measure and charge or
15 credit for the net electricity supplied to eligible customers
16 or provided by eligible customers whose electric service has
17 not been declared competitive pursuant to Section 16-113 of
18 this Act as of July 1, 2011 and whose electric delivery service
19 is provided and measured on a kilowatt-hour basis and electric
20 supply service is provided based on hourly pricing ~~or~~
21 ~~time-of-use rates~~ in the following manner:

22 (1) If the amount of electricity used by the customer
23 during any hourly period ~~or time-of-use period~~ exceeds the
24 amount of electricity produced by the customer, the
25 electricity provider shall charge the customer for the net
26 electricity supplied to and used by the customer according

1 to the terms of the contract or tariff to which the same
2 customer would be assigned to or be eligible for if the
3 customer was not a net metering customer.

4 (2) If the amount of electricity produced by a
5 customer during any hourly period ~~or time of use period~~
6 exceeds the amount of electricity used by the customer
7 during that hourly period ~~or time of use period~~, the
8 energy provider shall apply a credit for the net
9 kilowatt-hours produced in such period. The credit shall
10 consist of an energy credit and a delivery service credit.
11 The energy credit shall be valued at the same price per
12 kilowatt-hour as the electric service provider would
13 charge for kilowatt-hour energy sales during that same
14 hourly period ~~or time of use period~~. The delivery credit
15 shall be equal to the net kilowatt-hours produced in such
16 hourly period ~~or time of use period~~ times a credit that
17 reflects all kilowatt-hour based charges in the customer's
18 electric service rate, excluding energy charges.

19 (e) An electricity provider shall measure and charge or
20 credit for the net electricity supplied to eligible customers
21 whose electric service has not been declared competitive
22 pursuant to Section 16-113 of this Act as of July 1, 2011 and
23 whose electric delivery service is provided and measured on a
24 kilowatt demand basis and electric supply service is not
25 provided based on hourly pricing in the following manner:

26 (1) If the amount of electricity used by the customer

1 during the billing period exceeds the amount of
2 electricity produced by the customer, then the electricity
3 provider shall charge the customer for the net electricity
4 supplied to and used by the customer as provided in
5 subsection (e-5) of this Section. The customer shall
6 remain responsible for all taxes, fees, and utility
7 delivery charges that would otherwise be applicable to the
8 net amount of electricity used by the customer.

9 (2) If the amount of electricity produced by a
10 customer during the billing period exceeds the amount of
11 electricity used by the customer during that billing
12 period, then the electricity provider supplying that
13 customer shall apply a 1:1 kilowatt-hour credit that
14 reflects the kilowatt-hour based charges in the customer's
15 electric service rate to a subsequent bill for service to
16 the customer for the net electricity supplied to the
17 electricity provider. The electricity provider shall
18 continue to carry over any excess kilowatt-hour credits
19 earned and apply those credits to subsequent billing
20 periods to offset any customer-generator consumption in
21 those billing periods until all credits are used or until
22 the end of the annualized period.

23 (3) At the end of the year or annualized over the
24 period that service is supplied by means of net metering,
25 or in the event that the retail customer terminates
26 service with the electricity provider prior to the end of

1 the year or the annualized period, any remaining credits
2 in the customer's account shall expire.

3 (e-5) An electricity provider shall provide electric
4 service to eligible customers who utilize net metering at
5 non-discriminatory rates that are identical, with respect to
6 rate structure, retail rate components, and any monthly
7 charges, to the rates that the customer would be charged if not
8 a net metering customer. An electricity provider shall not
9 charge net metering customers any fee or charge or require
10 additional equipment, insurance, or any other requirements not
11 specifically authorized by interconnection standards
12 authorized by the Commission, unless the fee, charge, or other
13 requirement would apply to other similarly situated customers
14 who are not net metering customers. The customer will remain
15 responsible for all taxes, fees, and utility delivery charges
16 that would otherwise be applicable to the net amount of
17 electricity used by the customer. Subsections (c) through (e)
18 of this Section shall not be construed to prevent an
19 arms-length agreement between an electricity provider and an
20 eligible customer that sets forth different prices, terms, and
21 conditions for the provision of net metering service,
22 including, but not limited to, the provision of the
23 appropriate metering equipment for non-residential customers.

24 (f) Notwithstanding the requirements of subsections (c)
25 through (e-5) of this Section, an electricity provider must
26 require dual-channel metering for customers operating eligible

1 renewable electrical generating facilities with a nameplate
2 rating up to 2,000 kilowatts and to whom the provisions of
3 neither subsection (d), (d-5), nor (e) of this Section apply.
4 In such cases, electricity charges and credits shall be
5 determined as follows:

6 (1) The electricity provider shall assess and the
7 customer remains responsible for all taxes, fees, and
8 utility delivery charges that would otherwise be
9 applicable to the gross amount of kilowatt-hours supplied
10 to the eligible customer by the electricity provider.

11 (2) Each month that service is supplied by means of
12 dual-channel metering, the electricity provider shall
13 compensate the eligible customer for any excess
14 kilowatt-hour credits at the electricity provider's
15 avoided cost of electricity supply over the monthly period
16 or as otherwise specified by the terms of a power-purchase
17 agreement negotiated between the customer and electricity
18 provider.

19 (3) For all eligible net metering customers taking
20 service from an electricity provider under contracts or
21 tariffs employing hourly or ~~time-of-use~~ time of use rates,
22 any monthly consumption of electricity shall be calculated
23 according to the terms of the contract or tariff to which
24 the same customer would be assigned to or be eligible for
25 if the customer was not a net metering customer. When
26 those same customer-generators are net generators during

1 any discrete hourly or ~~time-of-use~~ time of use period, the
2 net kilowatt-hours produced shall be valued at the same
3 price per kilowatt-hour as the electric service provider
4 would charge for retail kilowatt-hour sales during that
5 same ~~time-of-use~~ time of use period.

6 (g) For purposes of federal and State laws providing
7 renewable energy credits or greenhouse gas credits, the
8 eligible customer shall be treated as owning and having title
9 to the renewable energy attributes, renewable energy credits,
10 and greenhouse gas emission credits related to any electricity
11 produced by the qualified generating unit. The electricity
12 provider may not condition participation in a net metering
13 program on the signing over of a customer's renewable energy
14 credits; provided, however, this subsection (g) shall not be
15 construed to prevent an arms-length agreement between an
16 electricity provider and an eligible customer that sets forth
17 the ownership or title of the credits.

18 (h) Within 120 days after the effective date of this
19 amendatory Act of the 95th General Assembly, the Commission
20 shall establish standards for net metering and, if the
21 Commission has not already acted on its own initiative,
22 standards for the interconnection of eligible renewable
23 generating equipment to the utility system. The
24 interconnection standards shall address any procedural
25 barriers, delays, and administrative costs associated with the
26 interconnection of customer-generation while ensuring the

1 safety and reliability of the units and the electric utility
2 system. The Commission shall consider the Institute of
3 Electrical and Electronics Engineers (IEEE) Standard 1547 and
4 the issues of (i) reasonable and fair fees and costs, (ii)
5 clear timelines for major milestones in the interconnection
6 process, (iii) nondiscriminatory terms of agreement, and (iv)
7 any best practices for interconnection of distributed
8 generation.

9 ~~(h 5) Within 90 days after the effective date of this~~
10 ~~amendatory Act of the 102nd General Assembly, the Commission~~
11 ~~shall:~~

12 ~~(1) establish an Interconnection Working Group. The~~
13 ~~working group shall include representatives from electric~~
14 ~~utilities, developers of renewable electric generating~~
15 ~~facilities, other industries that regularly apply for~~
16 ~~interconnection with the electric utilities,~~
17 ~~representatives of distributed generation customers, the~~
18 ~~Commission Staff, and such other stakeholders with a~~
19 ~~substantial interest in the topics addressed by the~~
20 ~~Interconnection Working Group. The Interconnection Working~~
21 ~~Group shall address at least the following issues:~~

22 ~~(A) cost and best available technology for~~
23 ~~interconnection and metering, including the~~
24 ~~standardization and publication of standard costs;~~

25 ~~(B) transparency, accuracy and use of the~~
26 ~~distribution interconnection queue and hosting~~

1 ~~capacity maps;~~

2 ~~(C) distribution system upgrade cost avoidance~~
3 ~~through use of advanced inverter functions;~~

4 ~~(D) predictability of the queue management process~~
5 ~~and enforcement of timelines;~~

6 ~~(E) benefits and challenges associated with group~~
7 ~~studies and cost sharing;~~

8 ~~(F) minimum requirements for application to the~~
9 ~~interconnection process and throughout the~~
10 ~~interconnection process to avoid queue clogging~~
11 ~~behavior;~~

12 ~~(G) process and customer service for~~
13 ~~interconnecting customers adopting distributed energy~~
14 ~~resources, including energy storage;~~

15 ~~(H) options for metering distributed energy~~
16 ~~resources, including energy storage;~~

17 ~~(I) interconnection of new technologies, including~~
18 ~~smart inverters and energy storage;~~

19 ~~(J) collect, share, and examine data on Level 1~~
20 ~~interconnection costs, including cost and type of~~
21 ~~upgrades required for interconnection, and use this~~
22 ~~data to inform the final standardized cost of Level 1~~
23 ~~interconnection; and~~

24 ~~(K) such other technical, policy, and tariff~~
25 ~~issues related to and affecting interconnection~~
26 ~~performance and customer service as determined by the~~

1 ~~Interconnection Working Group.~~

2 ~~The Commission may create subcommittees of the~~
3 ~~Interconnection Working Group to focus on specific issues~~
4 ~~of importance, as appropriate. The Interconnection Working~~
5 ~~Group shall report to the Commission on recommended~~
6 ~~improvements to interconnection rules and tariffs and~~
7 ~~policies as determined by the Interconnection Working~~
8 ~~Group at least every 6 months. Such reports shall include~~
9 ~~consensus recommendations of the Interconnection Working~~
10 ~~Group and, if applicable, additional recommendations for~~
11 ~~which consensus was not reached. The Commission shall use~~
12 ~~the report from the Interconnection Working Group to~~
13 ~~determine whether processes should be commenced to~~
14 ~~formally codify or implement the recommendations;~~

15 ~~(2) create or contract for an Ombudsman to resolve~~
16 ~~interconnection disputes through non binding arbitration.~~
17 ~~The Ombudsman may be paid in full or in part through fees~~
18 ~~levied on the initiators of the dispute; and~~

19 ~~(3) determine a single standardized cost for Level 1~~
20 ~~interconnections, which shall not exceed \$200.~~

21 (i) All electricity providers shall begin to offer net
22 metering no later than April 1, 2008.

23 (j) An electricity provider shall provide net metering to
24 eligible customers ~~according to subsections (d), (d-5), and~~
25 ~~(e). Eligible renewable electrical generating facilities for~~
26 ~~which eligible customers registered for net metering before~~

1 ~~January 1, 2025 shall continue to receive net metering~~
2 ~~services according to subsections (d), (d-5), and (e) of this~~
3 ~~Section for the lifetime of the system, regardless of whether~~
4 ~~those retail customers change electricity providers or whether~~
5 ~~the retail customer benefiting from the system changes. On and~~
6 ~~after January 1, 2025, any eligible customer that applies for~~
7 ~~net metering and previously would have qualified under~~
8 ~~subsections (d), (d-5), or (e) shall only be eligible for net~~
9 ~~metering as described in subsection (n).~~ until the load of its
10 net metering customers equals 5% of the total peak demand
11 supplied by that electricity provider during the previous
12 year. After such time as the load of the electricity
13 provider's net metering customers equals 5% of the total peak
14 demand supplied by that electricity provider during the
15 previous year, eligible customers that begin taking net
16 metering shall only be eligible for netting of energy.

17 (k) Each electricity provider shall maintain records and
18 report annually to the Commission the total number of net
19 metering customers served by the provider, as well as the
20 type, capacity, and energy sources of the generating systems
21 used by the net metering customers. Nothing in this Section
22 shall limit the ability of an electricity provider to request
23 the redaction of information deemed by the Commission to be
24 confidential business information.

25 (l)(1) Notwithstanding the definition of "eligible
26 customer" in item (ii) of subsection (b) of this Section, each

1 electricity provider shall allow net metering as set forth in
2 this subsection (1) and for the following projects, ~~provided~~
3 ~~that only electric utilities serving more than 200,000~~
4 ~~customers as of January 1, 2021 shall provide net metering for~~
5 ~~projects that are eligible for subparagraph (C) of this~~
6 ~~paragraph (1) and have energized after the effective date of~~
7 ~~this amendatory Act of the 102nd General Assembly:~~

8 (A) properties owned or leased by multiple customers
9 that contribute to the operation of an eligible renewable
10 electrical generating facility through an ownership or
11 leasehold interest of at least 200 watts in such facility,
12 such as a community-owned wind project, a community-owned
13 biomass project, a community-owned solar project, or a
14 community methane digester processing livestock waste from
15 multiple sources, provided that the facility is also
16 located within the utility's service territory;

17 (B) individual units, apartments, or properties
18 located in a single building that are owned or leased by
19 multiple customers and collectively served by a common
20 eligible renewable electrical generating facility, such as
21 an office or apartment building, a shopping center or
22 strip mall served by photovoltaic panels on the roof; and

23 (C) subscriptions to community renewable generation
24 projects, ~~including community renewable generation~~
25 ~~projects on the customer's side of the billing meter of a~~
26 ~~host facility and partially used for the customer's own~~

1 ~~load.~~

2 In addition, the nameplate capacity of the eligible
3 renewable electric generating facility that serves the demand
4 of the properties, units, or apartments identified in
5 paragraphs (1) and (2) of this subsection (1) shall not exceed
6 ~~5,000~~ 2,000 kilowatts in nameplate capacity in total. Any
7 eligible renewable electrical generating facility or community
8 renewable generation project that is powered by photovoltaic
9 electric energy and installed after the effective date of this
10 amendatory Act of the 99th General Assembly must be installed
11 by a qualified person in compliance with the requirements of
12 Section 16-128A of the Public Utilities Act and any rules or
13 regulations adopted thereunder.

14 (2) Notwithstanding anything to the contrary, an
15 electricity provider shall provide credits for the electricity
16 produced by the projects described in paragraph (1) of this
17 subsection (1). The electricity provider shall provide credits
18 ~~that include at least energy supply, capacity, transmission,~~
19 ~~and, if applicable, the purchased energy adjustment~~ at the
20 subscriber's energy supply rate on the subscriber's monthly
21 bill equal to the subscriber's share of the production of
22 electricity from the project, as determined by paragraph (3)
23 of this subsection (1). ~~For customers with transmission or~~
24 ~~capacity charges not charged on a kilowatt-hour basis, the~~
25 ~~electricity provider shall prepare a reasonable approximation~~
26 ~~of the kilowatt-hour equivalent value and provide that value~~

1 ~~as a monetary credit. The electricity provider shall submit~~
2 ~~these approximation methodologies to the Commission for~~
3 ~~review, modification, and approval. Notwithstanding anything~~
4 ~~to the contrary, customers on payment plans or participating~~
5 ~~in budget billing programs shall have credits applied on a~~
6 ~~monthly basis.~~

7 ~~(3) Notwithstanding anything to the contrary and~~
8 ~~regardless of whether a subscriber to an eligible community~~
9 ~~renewable generation project receives power and energy service~~
10 ~~from the electric utility or an alternative retail electric~~
11 ~~supplier, for projects eligible under paragraph (C) of~~
12 ~~subparagraph (1) of this subsection (1), electric utilities~~
13 ~~servng more than 200,000 customers as of January 1, 2021~~
14 ~~shall provide the monetary credits to a subscriber's~~
15 ~~subsequent bill for the electricity produced by community~~
16 ~~renewable generation projects. The electric utility shall~~
17 ~~provide monetary credits to a subscriber's subsequent bill at~~
18 ~~the utility's total price to compare equal to the subscriber's~~
19 ~~share of the production of electricity from the project, as~~
20 ~~determined by paragraph (5) of this subsection (1). For the~~
21 ~~purposes of this subsection, "total price to compare" means~~
22 ~~the rate or rates published by the Illinois Commerce~~
23 ~~Commission for energy supply for eligible customers receiving~~
24 ~~supply service from the electric utility, and shall include~~
25 ~~energy, capacity, transmission, and the purchased energy~~
26 ~~adjustment. Notwithstanding anything to the contrary,~~

1 ~~customers on payment plans or participating in budget billing~~
2 ~~programs shall have credits applied on a monthly basis. Any~~
3 ~~applicable credit or reduction in load obligation from the~~
4 ~~production of the community renewable generating projects~~
5 ~~receiving a credit under this subsection shall be credited to~~
6 ~~the electric utility to offset the cost of providing the~~
7 ~~credit. To the extent that the credit or load obligation~~
8 ~~reduction does not completely offset the cost of providing the~~
9 ~~credit to subscribers of community renewable generation~~
10 ~~projects as described in this subsection, the electric utility~~
11 ~~may recover the remaining costs through its Multi-Year Rate~~
12 ~~Plan. All electric utilities serving 200,000 or fewer~~
13 ~~customers as of January 1, 2021 shall only provide the~~
14 ~~monetary credits to a subscriber's subsequent bill for the~~
15 ~~electricity produced by community renewable generation~~
16 ~~projects if the subscriber receives power and energy service~~
17 ~~from the electric utility. Alternative retail electric~~
18 ~~suppliers providing power and energy service to a subscriber~~
19 ~~located within the service territory of an electric utility~~
20 ~~not subject to Sections 16-108.18 and 16-118 shall provide the~~
21 ~~monetary credits to the subscriber's subsequent bill for the~~
22 ~~electricity produced by community renewable generation~~
23 ~~projects.~~

24 ~~(4) If requested by the owner or operator of a community~~
25 ~~renewable generating project, an electric utility serving more~~
26 ~~than 200,000 customers as of January 1, 2021 shall enter into a~~

1 ~~net crediting agreement with the owner or operator to include~~
2 ~~a subscriber's subscription fee on the subscriber's monthly~~
3 ~~electric bill and provide the subscriber with a net credit~~
4 ~~equivalent to the total bill credit value for that generation~~
5 ~~period minus the subscription fee, provided the subscription~~
6 ~~fee is structured as a fixed percentage of bill credit value.~~
7 ~~The net crediting agreement shall set forth payment terms from~~
8 ~~the electric utility to the owner or operator of the community~~
9 ~~renewable generating project, and the electric utility may~~
10 ~~charge a net crediting fee to the owner or operator of a~~
11 ~~community renewable generating project that may not exceed 2%~~
12 ~~of the bill credit value. Notwithstanding anything to the~~
13 ~~contrary, an electric utility serving 200,000 customers or~~
14 ~~fewer as of January 1, 2021 shall not be obligated to enter~~
15 ~~into a net crediting agreement with the owner or operator of a~~
16 ~~community renewable generating project.~~

17 ~~(5)~~ (3) For the purposes of facilitating net metering, the
18 owner or operator of the eligible renewable electrical
19 generating facility or community renewable generation project
20 shall be responsible for determining the amount of the credit
21 that each customer or subscriber participating in a project
22 under this subsection (1) is to receive in the following
23 manner:

24 (A) The owner or operator shall, on a monthly basis,
25 provide to the electric utility the kilowatthours of
26 generation attributable to each of the utility's retail

1 customers and subscribers participating in projects under
2 this subsection (1) in accordance with the customer's or
3 subscriber's share of the eligible renewable electric
4 generating facility's or community renewable generation
5 project's output of power and energy for such month. The
6 owner or operator shall electronically transmit such
7 calculations and associated documentation to the electric
8 utility, in a format or method set forth in the applicable
9 tariff, on a monthly basis so that the electric utility
10 can reflect the monetary credits on customers' and
11 subscribers' electric utility bills. The electric utility
12 shall be permitted to revise its tariffs to implement the
13 provisions of ~~this amendatory Act of the 102nd General~~
14 ~~Assembly~~ this amendatory Act of the 99th General Assembly.
15 The owner or operator shall separately provide the
16 electric utility with the documentation detailing the
17 calculations supporting the credit in the manner set forth
18 in the applicable tariff.

19 (B) For those participating customers and subscribers
20 who receive their energy supply from an alternative retail
21 electric supplier, the electric utility shall remit to the
22 applicable alternative retail electric supplier the
23 information provided under subparagraph (A) of this
24 paragraph (3) for such customers and subscribers in a
25 manner set forth in such alternative retail electric
26 supplier's net metering program, or as otherwise agreed

1 between the utility and the alternative retail electric
2 supplier. The alternative retail electric supplier shall
3 then submit to the utility the amount of the charges for
4 power and energy to be applied to such customers and
5 subscribers, including the amount of the credit associated
6 with net metering.

7 (C) A participating customer or subscriber may provide
8 authorization as required by applicable law that directs
9 the electric utility to submit information to the owner or
10 operator of the eligible renewable electrical generating
11 facility or community renewable generation project to
12 which the customer or subscriber has an ownership or
13 leasehold interest or a subscription. Such information
14 shall be limited to the components of the net metering
15 credit calculated under this subsection (1), including the
16 bill credit rate, total kilowatthours, and total monetary
17 credit value applied to the customer's or subscriber's
18 bill for the monthly billing period.

19 (1-5) Within 90 days after the effective date of ~~this~~
20 ~~amendatory Act of the 102nd General Assembly~~ this amendatory
21 Act of the 99th General Assembly, each electric utility
22 subject to this Section shall file a tariff ~~or tariffs~~ to
23 implement the provisions of subsection (1) of this Section,
24 which shall, consistent with the provisions of subsection (1),
25 describe the terms and conditions under which owners or
26 operators of qualifying properties, units, or apartments may

1 participate in net metering. The Commission shall approve, or
2 approve with modification, the tariff within 120 days after
3 the effective date of ~~this amendatory Act of the 102nd General~~
4 ~~Assembly~~ this amendatory Act of the 99th General Assembly.

5 (m) Nothing in this Section shall affect the right of an
6 electricity provider to continue to provide, or the right of a
7 retail customer to continue to receive service pursuant to a
8 contract for electric service between the electricity provider
9 and the retail customer in accordance with the prices, terms,
10 and conditions provided for in that contract. Either the
11 electricity provider or the customer may require compliance
12 with the prices, terms, and conditions of the contract.

13 (n) ~~On and after January 1, 2025~~ At such time, if any, that
14 the load of the electricity provider's net metering customers
15 equals 5% of the total peak demand supplied by that
16 electricity provider during the previous year, as specified in
17 subsection (j) of this Section, the net metering services
18 described in subsections (d), (d-5), ~~and (e), (e-5), and (f)~~
19 of this Section shall no longer be offered, except as to those
20 ~~eligible renewable electrical generating facilities for which~~
21 retail customers that are receiving net metering service under
22 these subsections at the time the net metering services under
23 those subsections are no longer offered; ~~those systems shall~~
24 ~~continue to receive net metering services described in~~
25 ~~subsections (d), (d-5), and (e) of this Section for the~~
26 ~~lifetime of the system, regardless of if those retail~~

1 ~~customers change electricity providers or whether the retail~~
2 ~~customer benefiting from the system changes. The electric~~
3 ~~utility serving more than 200,000 customers as of January 1,~~
4 ~~2021 is responsible for ensuring the billing credits continue~~
5 ~~without lapse for the lifetime of systems, as required in~~
6 ~~subsection (o).~~ Those retail customers that begin taking net
7 metering service after the date that net metering services are
8 no longer offered under such subsections shall be subject to
9 the provisions set forth in the following paragraphs (1)
10 through (3) of this subsection (n):

11 (1) An electricity provider shall charge or credit for
12 the net electricity supplied to eligible customers or
13 provided by eligible customers whose electric supply
14 service is not provided based on hourly pricing in the
15 following manner:

16 (A) If the amount of electricity used by the
17 customer during the ~~monthly~~ billing period exceeds the
18 amount of electricity produced by the customer, then
19 the electricity provider shall charge the customer for
20 the net kilowatt-hour based electricity charges
21 reflected in the customer's electric service rate
22 supplied to and used by the customer as provided in
23 paragraph (3) of this subsection (n).

24 (B) If the amount of electricity produced by a
25 customer during the ~~monthly~~ billing period exceeds the
26 amount of electricity used by the customer during that

1 billing period, then the electricity provider
2 supplying that customer shall apply a 1:1
3 kilowatt-hour energy ~~or monetary credit kilowatt-hour~~
4 ~~supply charges to the customer's subsequent bill. The~~
5 ~~customer shall choose between 1:1 kilowatt hour or~~
6 ~~monetary credit at the time of application. For the~~
7 ~~purposes of this subsection, "kilowatt hour supply~~
8 ~~charges" means the kilowatt hour equivalent values for~~
9 ~~energy, capacity, transmission, and the purchased~~
10 ~~energy adjustment, if applicable. Notwithstanding~~
11 ~~anything to the contrary, customers on payment plans~~
12 ~~or participating in budget billing programs shall have~~
13 ~~credits applied on a monthly basis. that reflects the~~
14 ~~kilowatt-hour based energy charges in the customer's~~
15 ~~electric service rate to a subsequent bill for service~~
16 ~~to the customer for the net electricity supplied to~~
17 ~~the electricity provider.~~ The electricity provider
18 shall continue to carry over any excess kilowatt-hour
19 ~~or monetary~~ energy credits earned and apply those
20 credits to subsequent billing periods. ~~For customers~~
21 ~~with transmission or capacity charges not charged on a~~
22 ~~kilowatt hour basis, the electricity provider shall~~
23 ~~prepare a reasonable approximation of the~~
24 ~~kilowatt hour equivalent value and provide that value~~
25 ~~as a monetary credit. The electricity provider shall~~
26 ~~submit these approximation methodologies to the~~

1 ~~Commission for review, modification, and approval. to~~
2 offset any customer-generator consumption in those
3 billing periods until all credits are used or until
4 the end of the annualized period.

5 (C) ~~(Blank).~~ At the end of the year or annualized
6 over the period that service is supplied by means of
7 net metering, or in the event that the retail customer
8 terminates service with the electricity provider prior
9 to the end of the year or the annualized period, any
10 remaining credits in the customer's account shall
11 expire.

12 (2) An electricity provider shall charge or credit for
13 the net electricity supplied to eligible customers or
14 provided by eligible customers whose electric supply
15 service is provided based on hourly pricing in the
16 following manner:

17 (A) If the amount of electricity used by the
18 customer during any hourly period exceeds the amount
19 of electricity produced by the customer, then the
20 electricity provider shall charge the customer for the
21 net electricity supplied to and used by the customer
22 as provided in paragraph (3) of this subsection (n).

23 (B) If the amount of electricity produced by a
24 customer during any hourly period exceeds the amount
25 of electricity used by the customer during that hourly
26 period, the energy provider shall calculate an energy

1 credit for the net kilowatt-hours produced in such
2 period, ~~and shall apply that credit as a monetary~~
3 ~~credit to the customer's subsequent bill.~~ The value of
4 the energy credit shall be calculated using the same
5 price per kilowatt-hour as the electric service
6 provider would charge for kilowatt-hour energy sales
7 during that same hourly period ~~and shall also include~~
8 ~~values for capacity and transmission.~~ For customers
9 ~~with transmission or capacity charges not charged on a~~
10 ~~kilowatt hour basis, the electricity provider shall~~
11 ~~prepare a reasonable approximation of the~~
12 ~~kilowatt hour equivalent value and provide that value~~
13 ~~as a monetary credit.~~ The electricity provider shall
14 ~~submit these approximation methodologies to the~~
15 ~~Commission for review, modification, and approval.~~
16 ~~Notwithstanding anything to the contrary, customers on~~
17 ~~payment plans or participating in budget billing~~
18 ~~programs shall have credits applied on a monthly~~
19 ~~basis.~~

20 (3) An electricity provider shall provide electric
21 service to eligible customers who utilize net metering at
22 non-discriminatory rates that are identical, with respect
23 to rate structure, retail rate components, and any monthly
24 charges, to the rates that the customer would be charged
25 if not a net metering customer. An electricity provider
26 shall charge the customer for the net electricity supplied

1 to and used by the customer according to the terms of the
2 contract or tariff to which the same customer would be
3 assigned or be eligible for if the customer was not a net
4 metering customer. An electricity provider shall not
5 charge net metering customers any fee or charge or require
6 additional equipment, insurance, or any other requirements
7 not specifically authorized by interconnection standards
8 authorized by the Commission, unless the fee, charge, or
9 other requirement would apply to other similarly situated
10 customers who are not net metering customers. The charge
11 or credit that the customer receives for net electricity
12 shall be at a rate equal to the customer's energy supply
13 rate. The customer remains responsible for the gross
14 amount of delivery services charges, supply-related
15 charges that are kilowatt based, and all taxes and fees
16 related to such charges. The customer also remains
17 responsible for all taxes and fees that would otherwise be
18 applicable to the net amount of electricity used by the
19 customer. Paragraphs (1) and (2) of this subsection (n)
20 shall not be construed to prevent an arms-length agreement
21 between an electricity provider and an eligible customer
22 that sets forth different prices, terms, and conditions
23 for the provision of net metering service, including, but
24 not limited to, the provision of the appropriate metering
25 equipment for non-residential customers. Nothing in this
26 paragraph (3) shall be interpreted to mandate that a

1 utility that is only required to provide delivery services
2 to a given customer must also sell electricity to such
3 customer.

4 ~~(e) Within 90 days after the effective date of this~~
5 ~~amendatory Act of the 102nd General Assembly, each electric~~
6 ~~utility subject to this Section shall file a tariff, which~~
7 ~~shall, consistent with the provisions of this Section, propose~~
8 ~~the terms and conditions under which a customer may~~
9 ~~participate in net metering. The tariff for electric utilities~~
10 ~~serving more than 200,000 customers as of January 1, 2021~~
11 ~~shall also provide a streamlined and transparent bill~~
12 ~~crediting system for net metering to be managed by the~~
13 ~~electric utilities. The terms and conditions shall include,~~
14 ~~but are not limited to, that an electric utility shall manage~~
15 ~~and maintain billing of net metering credits and charges~~
16 ~~regardless of if the eligible customer takes net metering~~
17 ~~under an electric utility or alternative retail electric~~
18 ~~supplier. The electric utility serving more than 200,000~~
19 ~~customers as of January 1, 2021 shall process and approve all~~
20 ~~net metering applications, even if an eligible customer is~~
21 ~~served by an alternative retail electric supplier; and the~~
22 ~~utility shall forward application approval to the appropriate~~
23 ~~alternative retail electric supplier. Eligibility for net~~
24 ~~metering shall remain with the owner of the utility billing~~
25 ~~address such that, if an eligible renewable electrical~~
26 ~~generating facility changes ownership, the net metering~~

1 ~~eligibility transfers to the new owner. The electric utility~~
2 ~~servicing more than 200,000 customers as of January 1, 2021~~
3 ~~shall manage net metering billing for eligible customers to~~
4 ~~ensure full crediting occurs on electricity bills, including,~~
5 ~~but not limited to, ensuring net metering crediting begins~~
6 ~~upon commercial operation date, net metering billing transfers~~
7 ~~immediately if an eligible customer switches from an electric~~
8 ~~utility to alternative retail electric supplier or vice versa,~~
9 ~~and net metering billing transfers between ownership of a~~
10 ~~valid billing address. All transfers referenced in the~~
11 ~~preceding sentence shall include transfer of all banked~~
12 ~~credits. All electric utilities servicing 200,000 or fewer~~
13 ~~customers as of January 1, 2021 shall manage net metering~~
14 ~~billing for eligible customers receiving power and energy~~
15 ~~service from the electric utility to ensure full crediting~~
16 ~~occurs on electricity bills, ensuring net metering crediting~~
17 ~~begins upon commercial operation date, net metering billing~~
18 ~~transfers immediately if an eligible customer switches from an~~
19 ~~electric utility to alternative retail electric supplier or~~
20 ~~vice versa, and net metering billing transfers between~~
21 ~~ownership of a valid billing address. Alternative retail~~
22 ~~electric suppliers providing power and energy service to~~
23 ~~eligible customers located within the service territory of an~~
24 ~~electric utility servicing 200,000 or fewer customers as of~~
25 ~~January 1, 2021 shall manage net metering billing for eligible~~
26 ~~customers to ensure full crediting occurs on electricity~~

~~bills, including, but not limited to, ensuring net metering crediting begins upon commercial operation date, net metering billing transfers immediately if an eligible customer switches from an electric utility to alternative retail electric supplier or vice versa, and net metering billing transfers between ownership of a valid billing address.~~

(Source: P.A. 99-906, eff. 6-1-17; 102-662, eff. 9-15-21.)

(220 ILCS 5/16-107.6)

Sec. 16-107.6. Distributed generation rebate.

(a) In this Section:

~~"Additive services" means the services that distributed energy resources provide to the energy system and society that are not (1) already included in the base rebates for system wide grid services; or (2) otherwise already compensated. Additive services may reflect, but shall not be limited to, any geographic, time based, performance based, and other benefits of distributed energy resources, as well as the present and future technological capabilities of distributed energy resources and present and future grid needs.~~

~~"Distributed energy resource" means a wide range of technologies that are located on the customer side of the customer's electric meter, including, but not limited to, distributed generation, energy storage, electric vehicles, and demand response technologies.~~

~~"Energy storage system" means commercially available~~

1 ~~technology that is capable of absorbing energy and storing it~~
2 ~~for a period of time for use at a later time, including, but~~
3 ~~not limited to, electrochemical, thermal, and~~
4 ~~electromechanical technologies, and may be interconnected~~
5 ~~behind the customer's meter or interconnected behind its own~~
6 ~~meter.~~

7 "Smart inverter" means a device that converts direct
8 current into alternating current and ~~meets the IEEE 1547-2018~~
9 ~~equipment standards. Until devices that meet the IEEE~~
10 ~~1547-2018 standard are available, devices that meet the UL~~
11 ~~1741 SA standard are acceptable. can autonomously contribute~~
12 ~~to grid support during excursions from normal operating~~
13 ~~voltage and frequency conditions by providing each of the~~
14 ~~following: dynamic reactive and real power support, voltage~~
15 ~~and frequency ride-through, ramp rate controls, communication~~
16 ~~systems with ability to accept external commands, and other~~
17 ~~functions from the electric utility.~~

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

20 "Subscription" has the meaning set forth in Section 1-10
21 of the Illinois Power Agency Act.

22 ~~"System-wide grid services" means the benefits that a~~
23 ~~distributed energy resource provides to the distribution grid~~
24 ~~for a period of no less than 25 years. System-wide grid~~
25 ~~services do not vary by location, time, or the performance~~
26 ~~characteristics of the distributed energy resource.~~

1 ~~System-wide grid services include, but are not limited to,~~
2 ~~avoided or deferred distribution capacity costs, resilience~~
3 ~~and reliability benefits, avoided or deferred distribution~~
4 ~~operation and maintenance costs, distribution voltage and~~
5 ~~power quality benefits, and line loss reductions.~~

6 "Threshold date" means ~~December 31, 2024 or~~ the date on
7 which ~~the utility's tariff or tariffs setting the new~~
8 ~~compensation values established under subsection (c) take~~
9 ~~effect, whichever is later.~~ the load of an electricity
10 provider's net metering customers equals 5% of the total peak
11 demand supplied by that electricity provider during the
12 previous year, as specified under subsection (j) of Section
13 16-107.5 of this Act.

14 (b) An electric utility that serves more than 200,000
15 customers in the State shall file a petition with the
16 Commission requesting approval of the utility's tariff to
17 provide a rebate to ~~the owner or operator of~~ a retail customer
18 who owns or operates distributed generation, ~~including~~
19 ~~third party owned systems,~~ that meets the following criteria:

20 (1) has a nameplate generating capacity no greater
21 than ~~5,000~~ 2,000 kilowatts and is primarily used to offset
22 ~~a~~ that customer's electricity load;

23 (2) is located on the customer's ~~side of the billing~~
24 ~~meter and~~ premises, for the customer's own use, and not for
25 commercial use or sales, including, but not limited to,
26 wholesale sales of electric power and energy;

1 (3) is located in the electric utility's service
2 territory; and

3 ~~(3) (4) is interconnected to electric distribution~~
4 ~~facilities owned by the electric utility~~ under rules
5 adopted by the Commission by means of the inverter or
6 smart inverter required by this Section, as applicable.

7 For purposes of this Section, "distributed generation"
8 shall satisfy the definition of distributed renewable energy
9 generation device set forth in Section 1-10 of the Illinois
10 Power Agency Act to the extent such definition is consistent
11 with the requirements of this Section.

12 In addition, any new photovoltaic distributed generation
13 that is installed after ~~June 1, 2017~~ (the effective date of
14 ~~Public Act 99-906~~) this amendatory Act of the 99th General
15 Assembly must be installed by a qualified person, as defined
16 by subsection (i) of Section 1-56 of the Illinois Power Agency
17 Act.

18 The tariff shall ~~include a base rebate that compensates~~
19 ~~distributed generation for the system wide grid services~~
20 ~~associated with distributed generation and, after the~~
21 ~~proceeding described in subsection (c) of this Section, an~~
22 ~~additional payment or payments for the additive services. The~~
23 ~~tariff shall provide that the smart inverter associated with~~
24 ~~the distributed generation shall provide autonomous response~~
25 ~~to grid conditions through its default settings as approved by~~
26 ~~the Commission. Default settings may not be changed after the~~

1 ~~execution of the interconnection agreement except by mutual~~
2 ~~agreement between the utility and the owner or operator of the~~
3 ~~distributed generation.~~ provide that the utility shall be
4 permitted to operate and control the smart inverter associated
5 with the distributed generation that is the subject of the
6 rebate for the purpose of preserving reliability during
7 distribution system reliability events and shall address the
8 terms and conditions of the operation and the compensation
9 associated with the operation. Nothing in this Section shall
10 negate or supersede Institute of Electrical and Electronics
11 Engineers ~~equipment~~ interconnection requirements or standards
12 or other similar standards or requirements. ~~The tariff shall~~
13 ~~not limit the ability of the smart inverter or other~~
14 ~~distributed energy resource to provide wholesale market~~
15 ~~products such as regulation, demand response, or other~~
16 ~~services, or limit the ability of the owner of the smart~~
17 ~~inverter or the other distributed energy resource to receive~~
18 ~~compensation for providing those wholesale market products or~~
19 ~~services.~~ The tariff shall also provide for additional uses of
20 the smart inverter that shall be separately compensated and
21 which may include, but are not limited to, voltage and VAR
22 support, regulation, and other grid services. As part of the
23 proceeding described in subsection (e) of this Section, the
24 Commission shall review and determine whether smart inverters
25 can provide any additional uses or services. If the Commission
26 determines that an additional use or service would be

1 beneficial, the Commission shall determine the terms and
2 conditions of the operation and how the use or service should
3 be separately compensated.

4 ~~(b-5) Within 30 days after the effective date of this~~
5 ~~amendatory Act of the 102nd General Assembly, each electric~~
6 ~~public utility with 3,000,000 or more retail customers shall~~
7 ~~file a tariff with the Commission that further compensates any~~
8 ~~retail customer that installs or has installed photovoltaic~~
9 ~~facilities paired with energy storage facilities on or~~
10 ~~adjacent to its premises for the benefits the facilities~~
11 ~~provide to the distribution grid. The tariff shall provide~~
12 ~~that, in addition to the other rebates identified in this~~
13 ~~Section, the electric utility shall rebate to such retail~~
14 ~~customer (i) the previously incurred and future costs of~~
15 ~~installing interconnection facilities and related~~
16 ~~infrastructure to enable full participation in the PJM~~
17 ~~Interconnection, LLC or its successor organization frequency~~
18 ~~regulation market; and (ii) all wholesale demand charges~~
19 ~~incurred after the effective date of this amendatory Act of~~
20 ~~the 102nd General Assembly. The Commission shall approve, or~~
21 ~~approve with modification, the tariff within 120 days after~~
22 ~~the utility's filing.~~

23 (c) The proposed tariff authorized by subsection (b) of
24 this Section shall include the following participation terms
25 ~~for~~ and formulae to calculate the value of the rebates to be
26 applied under this Section for distributed generation that

1 satisfies the criteria set forth in subsection (b) of this
2 Section:

3 ~~(1) The owner or operator of distributed generation~~
4 ~~that services~~ (1) Until the utility files its tariff or
5 tariffs to place into effect the rebate values established
6 by the Commission under subsection (e) of this Section,
7 non-residential customers ~~not eligible for net metering~~
8 ~~under subsection (d), (d 5), or (e) of Section 16-107.5 of~~
9 ~~this Act~~ that are taking service under a net metering
10 program offered by an electricity provider under the terms
11 of Section 16-107.5 of this Act may apply for a rebate as
12 provided for in this Section. ~~Until the threshold date,~~
13 ~~the~~ The value of the rebate shall be \$250 per kilowatt of
14 nameplate generating capacity, measured as nominal DC
15 power output, of ~~that~~ a non-residential customer's
16 distributed generation. ~~To the extent the distributed~~
17 ~~generation also has an associated energy storage, then the~~
18 ~~energy storage system shall be separately compensated with~~
19 ~~a base rebate of \$250 per kilowatt hour of nameplate~~
20 ~~capacity. Any distributed generation device that is~~
21 ~~compensated for storage in this subsection (1) before the~~
22 ~~threshold date shall participate in one or more programs~~
23 ~~determined through the Multi-Year Integrated Grid Planning~~
24 ~~process that are designed to meet peak reduction and~~
25 ~~flexibility. After the threshold date, the value of the~~
26 ~~base rebate and additional compensation for any additive~~

1 ~~services shall be as determined by the Commission in the~~
2 ~~proceeding described in subsection (e) of this Section,~~
3 ~~provided that the value of the base rebate for system-wide~~
4 ~~grid services shall not be lower than \$250 per kilowatt of~~
5 ~~nameplate generating capacity of distributed generation or~~
6 ~~community renewable generation project.~~

7 ~~(2) The owner or operator of distributed generation~~
8 ~~that, before the threshold date, would have been eligible~~
9 ~~for net metering under subsection (d), (d 5), or (e) of~~
10 ~~Section 16 107.5 of this Act and that has not previously~~
11 ~~received a distributed generation rebate, may apply for a~~
12 ~~rebate as provided for in this Section. Until the~~
13 ~~threshold date, the value of the base rebate shall be \$300~~
14 ~~per kilowatt of nameplate generating capacity, measured as~~
15 ~~nominal DC power output, of the distributed generation.~~
16 ~~The owner or operator of distributed generation that,~~
17 ~~before the threshold date, is eligible for net metering~~
18 ~~under subsection (d), (d 5), or (e) of Section 16 107.5 of~~
19 ~~this Act may apply for a base rebate for an energy storage~~
20 ~~device that uses the same smart inverter as the~~
21 ~~distributed generation, regardless of whether the~~
22 ~~distributed generation applies for a rebate for the~~
23 ~~distributed generation device. The energy storage system~~
24 ~~shall be separately compensated at a base payment of \$300~~
25 ~~per kilowatt-hour of nameplate capacity. Any distributed~~
26 ~~generation device that is compensated for storage in this~~

1 ~~subsection (2) before the threshold date shall participate~~
2 ~~in a peak time rebate program, hourly pricing program, or~~
3 ~~time of use rate program offered by the applicable~~
4 ~~electric utility. After the threshold date, the value of~~
5 ~~the base rebate and additional compensation for any~~
6 ~~additive services shall be as determined by the Commission~~
7 ~~in the proceeding described in subsection (c) of this~~
8 ~~Section, provided that, prior to December 31, 2029, the~~
9 ~~value of the base rebate for system wide services shall~~
10 ~~not be lower than \$300 per kilowatt of nameplate~~
11 ~~generating capacity of distributed generation, after which~~
12 ~~it shall not be lower than \$250 per kilowatt of nameplate~~
13 ~~capacity.~~

14 (2) After the utility's tariff or tariffs setting the
15 new rebate values established under subsection (d) of this
16 Section take effect, retail customers may, as applicable,
17 make the following elections:

18 (A) Residential customers that are taking service
19 under a net metering program offered by an electricity
20 provider under the terms of Section 16-107.5 of this
21 Act on the threshold date may elect to either continue
22 to take such service under the terms of such program as
23 in effect on such threshold date for the useful life of
24 the customer's eligible renewable electric generating
25 facility as defined in such Section, or file an
26 application to receive a rebate under the terms of

1 this Section, provided that such application must be
2 submitted within 6 months after the effective date of
3 the tariff approved under subsection (d) of this
4 Section. The value of the rebate shall be the amount
5 established by the Commission and reflected in the
6 utility's tariff pursuant to subsection (e) of this
7 Section.

8 (B) Non-residential customers that are taking
9 service under a net metering program offered by an
10 electricity provider under the terms of Section
11 16-107.5 of this Act on the threshold date may apply
12 for a rebate as provided for in this Section. The value
13 of the rebate shall be the amount established by the
14 Commission and reflected in the utility's tariff
15 pursuant to subsection (e) of this Section.

16 (3) Upon approval of a rebate application submitted
17 under this subsection (c), the retail customer shall no
18 longer be entitled to receive any delivery service credits
19 for the excess electricity generated by its facility and
20 shall be subject to the provisions of subsection (n) of
21 Section 16-107.5 of this Act.

22 (4) To be eligible for a rebate described in this
23 subsection (c), ~~the owner or operator of the distributed~~
24 ~~generation~~ customers who begin taking service after the
25 effective date of this amendatory Act of the 99th General
26 Assembly under a net metering program offered by an

1 electricity provider under the terms of Section 16-107.5
2 of this Act must have a smart inverter ~~installed and in~~
3 ~~operation on the~~ associated with the customer's
4 distributed generation.

5 (d) The Commission shall review the proposed tariff
6 ~~authorized by subsection~~ submitted under subsections (b) and
7 (c) of this Section and may make changes to the tariff that are
8 consistent with this Section and with the Commission's
9 authority under Article IX of this Act, subject to notice and
10 hearing. Following notice and hearing, the Commission shall
11 issue an order approving, or approving with modification, such
12 tariff no later than 240 days after the utility files its
13 tariff. ~~Upon the effective date of this amendatory Act of the~~
14 ~~102nd General Assembly, an electric utility shall file a~~
15 ~~petition with the Commission to amend and update any existing~~
16 ~~tariffs to comply with subsections (b) and (c).~~

17 (e) ~~By no later than June 30, 2023,~~ When the total
18 generating capacity of the electricity provider's net metering
19 customers is equal to 3%, the Commission shall open an
20 ~~independent, statewide~~ investigation into ~~the value of, and~~
21 ~~compensation for, distributed energy resources. The Commission~~
22 ~~shall conduct the investigation, but may arrange for experts~~
23 ~~or consultants independent of the utilities and selected by~~
24 ~~the Commission to assist with the investigation. The cost of~~
25 ~~the investigation shall be shared by the utilities filing~~
26 ~~tariffs under subsection (b) of this Section but may be~~

1 ~~recovered as an expense through normal ratemaking procedures.~~
2 an annual process and formula for calculating the value of
3 rebates for the retail customers described in subsections (b)
4 and (f) of this Section that submit rebate applications after
5 the threshold date for an electric utility that elected to
6 file a tariff pursuant to this Section.

7 ~~(1) The Commission shall ensure that the investigation~~
8 ~~includes, at minimum, diverse sets of stakeholders; a~~
9 ~~review of best practices in calculating the value of~~
10 ~~distributed energy resource benefits; a review of the full~~
11 ~~value of the distributed energy resources and the manner~~
12 ~~in which each component of that value is or is not~~
13 ~~otherwise compensated; and assessments of how the value of~~
14 ~~distributed energy resources may evolve based on the~~
15 ~~present and future technological capabilities of~~
16 ~~distributed energy resources and based on present and~~
17 ~~future grid needs.~~

18 ~~(2) The Commission's final order concluding this~~
19 ~~investigation shall establish an annual process and~~
20 ~~formula for the compensation of distributed generation and~~
21 ~~energy storage systems, and an initial set of inputs for~~
22 ~~that formula. The Commission's final order concluding this~~
23 ~~investigation shall establish base rebates that compensate~~
24 ~~distributed generation, community renewable generation~~
25 ~~projects and energy storage systems for the system-wide~~
26 ~~grid services that they provide. Those base rebate values~~

1 ~~shall be consistent across the state, and shall not vary~~
2 ~~by customer, customer class, customer location, or any~~
3 ~~other variable. With respect to rebates for distributed~~
4 ~~generation or community renewable generation projects,~~
5 ~~that rebate shall not be lower than \$250 per kilowatt of~~
6 ~~nameplate generating capacity of the distributed~~
7 ~~generation or community renewable generation project. The~~
8 ~~Commission's final order concluding this proceeding shall~~
9 ~~also direct the utilities to update the formula, on an~~
10 ~~annual basis, with inputs derived from their integrated~~
11 ~~grid plans developed pursuant to Section 16-105.17. The~~
12 ~~base rebate shall be updated annually based on the annual~~
13 ~~updates to the formula inputs, but, with respect to~~
14 ~~rebates for distributed generation or community renewable~~
15 ~~generation projects, shall be no lower than \$250 per~~
16 ~~kilowatt of nameplate generating capacity of the~~
17 ~~distributed generation or community renewable generation~~
18 ~~project.~~

19 ~~(3) The Commission shall also determine, as a part of~~
20 ~~its investigation under this subsection, whether~~
21 ~~distributed energy resources can provide any additive~~
22 ~~services. Those additive services may include services~~
23 ~~that are provided through utility controlled responses to~~
24 ~~grid conditions. If the Commission determines that~~
25 ~~distributed energy resources can provide additive grid~~
26 ~~services, the Commission shall determine the terms and~~

1 ~~conditions for the operation and compensation of those~~
2 ~~services. That compensation shall be above and beyond the~~
3 ~~base rebate that the distributed energy generation,~~
4 ~~community renewable generation project and energy storage~~
5 ~~system receives. Compensation for additive services may~~
6 ~~vary by location, time, performance characteristics,~~
7 ~~technology types, or other variables.~~

8 ~~(4) The Commission shall ensure that compensation for~~
9 ~~distributed energy resources, including base rebates and~~
10 ~~any payments for additive services, shall reflect all~~
11 ~~reasonably known and measurable values of the distributed~~
12 ~~generation over its full expected useful life.~~
13 ~~Compensation for additive services shall reflect, but~~
14 ~~shall not be limited to, any geographic, time based,~~
15 ~~performance based, and other benefits of distributed~~
16 ~~generation, as well as the present and future~~
17 ~~technological capabilities of distributed energy resources~~
18 ~~and present and future grid needs.~~

19 ~~(5) The Commission shall consider the electric~~
20 ~~utility's integrated grid plan developed pursuant to~~
21 ~~Section 16-105.17 of this Act to help identify the value~~
22 ~~of distributed energy resources for the purpose of~~
23 ~~calculating the compensation described in this subsection.~~

24 ~~(6) The Commission shall determine additional~~
25 ~~compensation for distributed energy resources that creates~~
26 ~~savings and value on the distribution system by being~~

~~co-located or in close proximity to electric vehicle charging infrastructure in use by medium-duty and heavy-duty vehicles, primarily serving environmental justice communities, as outlined in the utility integrated grid planning process under Section 16-105.17 of this Act.~~

~~No later than 60 days after the Commission enters its final order under this subsection (e), each utility shall file its updated tariff or tariffs in compliance with the order, including new tariffs for the recovery of costs incurred under this subsection (e) that shall provide for volumetric based cost recovery, and the Commission shall approve, or approve with modification, the tariff or tariffs within 240 days after the utility's filing.~~

The investigation shall include diverse sets of stakeholders, calculations for valuing distributed energy resource benefits to the grid based on best practices, and assessments of present and future technological capabilities of distributed energy resources. The value of such rebates shall reflect the value of the distributed generation to the distribution system at the location at which it is interconnected, taking into account the geographic, time-based, and performance-based benefits, as well as technological capabilities and present and future grid needs. No later than 10 days after the Commission enters its final order under this subsection (e), the utility shall file its tariff or tariffs in compliance with the order, and the

1 Commission shall approve, or approve with modification, the
2 tariff or tariffs within 45 days after the utility's filing.
3 For those rebate applications filed after the threshold date
4 but before the utility's tariff or tariffs filed pursuant to
5 this subsection (e) take effect, the value of the rebate shall
6 remain at the value established in subsection (c) of this
7 Section until the tariff is approved.

8 (f) Notwithstanding any provision of this Act to the
9 contrary, the owner ~~or operator~~, developer, or subscriber of
10 a ~~community renewable generation project as defined in Section~~
11 ~~1-10 of the Illinois Power Agency Act~~ facility that is part of
12 a net metering program provided under subsection (l) of
13 Section 16-107.5 shall also be eligible to apply for the
14 rebate described in this Section. ~~The owner or operator of the~~
15 ~~community renewable~~ A subscriber to the generation project
16 facility may apply for a rebate in the amount of the
17 subscriber's subscription only if the owner ~~or operator, or~~
18 ~~previous owner or operator, of the community renewable~~
19 ~~generation project, developer, or previous subscriber to the~~
20 same panel or panels has not already submitted an application,
21 and, regardless of whether the subscriber is a residential or
22 non-residential customer, may be allowed the amount identified
23 in paragraph (1) of subsection (c) or in subsection (e) of this
24 Section applicable to such customer on the date that the
25 application is submitted. An application for a rebate for a
26 portion of a project described in this subsection (f) may be

1 submitted at or after the time that a related request for net
2 metering is made.

3 ~~(g) The owner of the distributed generation or community~~
4 ~~renewable generation project may apply for the rebate or~~
5 ~~rebates approved under this Section at the time of execution~~
6 ~~of an interconnection agreement with the distribution utility~~
7 ~~and shall receive the value available at that time of~~
8 ~~execution of the interconnection agreement, provided the~~
9 ~~project reaches mechanical completion within 24 months after~~
10 ~~execution of the interconnection agreement. If the project has~~
11 ~~not reached mechanical completion within 24 months after~~
12 ~~execution, the owner may reapply for the rebate or rebates~~
13 ~~approved under this Section available at the time of~~
14 ~~application and shall receive the value available at the time~~
15 ~~of application. The utility shall issue the rebate no No later~~
16 ~~than 60 days after the ~~project is energized.~~ utility receives~~
17 ~~an application for a rebate under its tariff approved under~~
18 ~~subsection (d) or (e) of this Section, the utility shall issue~~
19 ~~a rebate to the applicant under the terms of the tariff. In the~~
20 ~~event the application is incomplete or the utility is~~
21 ~~otherwise unable to calculate the payment based on the~~
22 ~~information provided by the owner, the utility shall issue the~~
23 ~~payment no later than 60 days after the application is~~
24 ~~complete or all requested information is received.~~

25 (h) An electric utility shall recover from its retail
26 customers all of the costs of the rebates made under a tariff

1 or tariffs ~~approved under subsection (d) of~~ placed into effect
2 under this Section, including, but not limited to, the value
3 of the rebates and all costs incurred by the utility to comply
4 with and implement ~~subsections (b) and (c) of this Section,~~
5 ~~but not including costs incurred by the utility to comply with~~
6 ~~and implement subsection (c) of this Section,~~ consistent with
7 the following provisions:

8 (1) The utility shall defer the full amount of its
9 costs incurred under this Section as a regulatory asset.

10 The total costs deferred as a regulatory asset shall be
11 amortized over a 15-year period. The unamortized balance
12 shall be recognized as of December 31 for a given year. The
13 utility shall also earn a return on the total of the
14 unamortized balance of the regulatory assets, less any
15 deferred taxes related to the unamortized balance, at an
16 annual rate equal to the utility's weighted average cost
17 of capital that includes, based on a year-end capital
18 structure, the utility's actual cost of debt for the
19 applicable calendar year and a cost of equity, which shall
20 be calculated as the sum of (i) the average for the
21 applicable calendar year of the monthly average yields of
22 30-year U.S. Treasury bonds published by the Board of
23 Governors of the Federal Reserve System in its weekly H.15
24 Statistical Release or successor publication; and (ii) 580
25 basis points, including a revenue conversion factor
26 calculated to recover or refund all additional income

1 taxes that may be payable or receivable as a result of that
2 return.

3 When an electric utility creates a regulatory asset
4 under the provisions of this ~~paragraph (1) of subsection~~
5 ~~(h) Section~~, the costs are recovered over a period during
6 which customers also receive a benefit, which is in the
7 public interest. Accordingly, it is the intent of the
8 General Assembly that an electric utility that elects to
9 create a regulatory asset under the provisions of this
10 ~~paragraph (1) Section~~ shall recover all of the associated
11 costs, including, but not limited to, its cost of capital
12 as set forth in this ~~paragraph (1) Section~~. After the
13 Commission has approved the prudence and reasonableness of
14 the costs that comprise the regulatory asset, the electric
15 utility shall be permitted to recover all such costs, and
16 the value and recoverability through rates of the
17 associated regulatory asset shall not be limited, altered,
18 impaired, or reduced. To enable the financing of the
19 incremental capital expenditures, including regulatory
20 assets, for electric utilities that serve less than
21 3,000,000 retail customers but more than 500,000 retail
22 customers in the State, the utility's actual year-end
23 capital structure that includes a common equity ratio,
24 excluding goodwill, of up to and including 50% of the
25 total capital structure shall be deemed reasonable and
26 used to set rates.

1 (2) The utility, at its election, may recover all of
2 the costs it incurs under this Section as part of a filing
3 for a general increase in rates under Article IX of this
4 Act, as part of an annual filing to update a
5 performance-based formula rate under subsection (d) of
6 Section 16-108.5 of this Act, or through an automatic
7 adjustment clause tariff, provided that nothing in this
8 paragraph (2) permits the double recovery of such costs
9 from customers. If the utility elects to recover the costs
10 it incurs under ~~subsections (b) and (c)~~ this Section
11 through an automatic adjustment clause tariff, the utility
12 may file its proposed tariff together with the tariff it
13 files under subsection (b) of this Section or at a later
14 time. The proposed tariff shall provide for an annual
15 reconciliation, less any deferred taxes related to the
16 reconciliation, with interest at an annual rate of return
17 equal to the utility's weighted average cost of capital as
18 calculated under paragraph (1) of this subsection (h),
19 including a revenue conversion factor calculated to
20 recover or refund all additional income taxes that may be
21 payable or receivable as a result of that return, of the
22 revenue requirement reflected in rates for each calendar
23 year, beginning with the calendar year in which the
24 utility files its automatic adjustment clause tariff under
25 this subsection (h), with what the revenue requirement
26 would have been had the actual cost information for the

1 applicable calendar year been available at the filing
2 date. The Commission shall review the proposed tariff and
3 may make changes to the tariff that are consistent with
4 this Section and with the Commission's authority under
5 Article IX of this Act, subject to notice and hearing.
6 Following notice and hearing, the Commission shall issue
7 an order approving, or approving with modification, such
8 tariff no later than 240 days after the utility files its
9 tariff.

10 ~~(i) An electric utility shall recover from its retail~~
11 ~~customers, on a volumetric basis, all of the costs of the~~
12 ~~rebates made under a tariff or tariffs placed into effect~~
13 ~~under subsection (c) of this Section, including, but not~~
14 ~~limited to, the value of the rebates and all costs incurred by~~
15 ~~the utility to comply with and implement subsection (c) of~~
16 ~~this Section, consistent with the following provisions:~~

17 ~~(1) The utility may defer a portion of its costs as a~~
18 ~~regulatory asset. The Commission shall determine the~~
19 ~~portion that may be appropriately deferred as a regulatory~~
20 ~~asset. Factors that the Commission shall consider in~~
21 ~~determining the portion of costs that shall be deferred as~~
22 ~~a regulatory asset include, but are not limited to: (i)~~
23 ~~whether and the extent to which a cost effectively~~
24 ~~deferred or avoided other distribution system operating~~
25 ~~costs or capital expenditures; (ii) the extent to which a~~
26 ~~cost provides environmental benefits; (iii) the extent to~~

1 ~~which a cost improves system reliability or resilience;~~
2 ~~(iv) the electric utility's distribution system plan~~
3 ~~developed pursuant to Section 16-105.17 of this Act; (v)~~
4 ~~the extent to which a cost advances equity principles; and~~
5 ~~(vi) such other factors as the Commission deems~~
6 ~~appropriate. The remainder of costs shall be deemed an~~
7 ~~operating expense and shall be recoverable if found~~
8 ~~prudent and reasonable by the Commission.~~

9 ~~The total costs deferred as a regulatory asset shall be~~
10 ~~amortized over a 15 year period. The unamortized balance shall~~
11 ~~be recognized as of December 31 for a given year. The utility~~
12 ~~shall also earn a return on the total of the unamortized~~
13 ~~balance of the regulatory assets, less any deferred taxes~~
14 ~~related to the unamortized balance, at an annual rate equal to~~
15 ~~the utility's weighted average cost of capital that includes,~~
16 ~~based on a year end capital structure, the utility's actual~~
17 ~~cost of debt for the applicable calendar year and a cost of~~
18 ~~equity, which shall be calculated as the sum of: (I) the~~
19 ~~average for the applicable calendar year of the monthly~~
20 ~~average yields of 30 year U.S. Treasury bonds published by the~~
21 ~~Board of Governors of the Federal Reserve System in its weekly~~
22 ~~H.15 Statistical Release or successor publication; and (II)~~
23 ~~580 basis points, including a revenue conversion factor~~
24 ~~calculated to recover or refund all additional income taxes~~
25 ~~that may be payable or receivable as a result of that return.~~

26 ~~(2) The utility may recover all of the costs through~~

1 ~~an automatic adjustment clause tariff, on a volumetric~~
2 ~~basis. The utility may file its proposed cost-recovery~~
3 ~~tariff together with the tariff it files under subsection~~
4 ~~(c) of this Section or at a later time. The proposed tariff~~
5 ~~shall provide for an annual reconciliation, less any~~
6 ~~deferred taxes related to the reconciliation, with~~
7 ~~interest at an annual rate of return equal to the~~
8 ~~utility's weighted average cost of capital as calculated~~
9 ~~under paragraph (1) of this subsection (i), including a~~
10 ~~revenue conversion factor calculated to recover or refund~~
11 ~~all additional income taxes that may be payable or~~
12 ~~receivable as a result of that return, of the revenue~~
13 ~~requirement reflected in rates for each calendar year,~~
14 ~~beginning with the calendar year in which the utility~~
15 ~~files its automatic adjustment clause tariff under this~~
16 ~~subsection (i), with what the revenue requirement would~~
17 ~~have been had the actual cost information for the~~
18 ~~applicable calendar year been available at the filing~~
19 ~~date. The Commission shall review the proposed tariff and~~
20 ~~may make changes to the tariff that are consistent with~~
21 ~~this Section and with the Commission's authority under~~
22 ~~Article IX of this Act, subject to notice and hearing.~~
23 ~~Following notice and hearing, the Commission shall issue~~
24 ~~an order approving, or approving with modification, such~~
25 ~~tariff no later than 240 days after the utility files its~~
26 ~~tariff.~~

1 ~~(j)~~ (i) No later than 90 days after the Commission enters
2 an order, or order on rehearing, whichever is later, approving
3 an electric utility's proposed tariff under subsection (d) of
4 this Section, the electric utility shall provide notice of the
5 availability of rebates under this Section. Subsequent to the
6 utility's notice, any entity that offers in the State, for
7 sale or lease, distributed generation and estimates the dollar
8 saving attributable to such distributed generation shall
9 provide estimates based on both delivery service credits and
10 the rebates available under this Section.

11 (Source: P.A. 99-906, eff. 6-1-17; 102-662, eff. 9-15-21.)

12 (220 ILCS 5/16-108)

13 Sec. 16-108. Recovery of costs associated with the
14 provision of delivery and other services.

15 (a) An electric utility shall file a delivery services
16 tariff with the Commission at least 210 days prior to the date
17 that it is required to begin offering such services pursuant
18 to this Act. An electric utility shall provide the components
19 of delivery services that are subject to the jurisdiction of
20 the Federal Energy Regulatory Commission at the same prices,
21 terms and conditions set forth in its applicable tariff as
22 approved or allowed into effect by that Commission. The
23 Commission shall otherwise have the authority pursuant to
24 Article IX to review, approve, and modify the prices, terms
25 and conditions of those components of delivery services not

1 subject to the jurisdiction of the Federal Energy Regulatory
2 Commission, including the authority to determine the extent to
3 which such delivery services should be offered on an unbundled
4 basis. In making any such determination the Commission shall
5 consider, at a minimum, the effect of additional unbundling on
6 (i) the objective of just and reasonable rates, (ii) electric
7 utility employees, and (iii) the development of competitive
8 markets for electric energy services in Illinois.

9 (b) The Commission shall enter an order approving, or
10 approving as modified, the delivery services tariff no later
11 than 30 days prior to the date on which the electric utility
12 must commence offering such services. The Commission may
13 subsequently modify such tariff pursuant to this Act.

14 (c) The electric utility's tariffs shall define the
15 classes of its customers for purposes of delivery services
16 charges. Delivery services shall be priced and made available
17 to all retail customers electing delivery services in each
18 such class on a nondiscriminatory basis regardless of whether
19 the retail customer chooses the electric utility, an affiliate
20 of the electric utility, or another entity as its supplier of
21 electric power and energy. Charges for delivery services shall
22 be cost based, and shall allow the electric utility to recover
23 the costs of providing delivery services through its charges
24 to its delivery service customers that use the facilities and
25 services associated with such costs. Such costs shall include
26 the costs of owning, operating and maintaining transmission

1 and distribution facilities. The Commission shall also be
2 authorized to consider whether, and if so to what extent, the
3 following costs are appropriately included in the electric
4 utility's delivery services rates: (i) the costs of that
5 portion of generation facilities used for the production and
6 absorption of reactive power in order that retail customers
7 located in the electric utility's service area can receive
8 electric power and energy from suppliers other than the
9 electric utility, and (ii) the costs associated with the use
10 and redispatch of generation facilities to mitigate
11 constraints on the transmission or distribution system in
12 order that retail customers located in the electric utility's
13 service area can receive electric power and energy from
14 suppliers other than the electric utility. Nothing in this
15 subsection shall be construed as directing the Commission to
16 allocate any of the costs described in (i) or (ii) that are
17 found to be appropriately included in the electric utility's
18 delivery services rates to any particular customer group or
19 geographic area in setting delivery services rates.

20 (d) The Commission shall establish charges, terms and
21 conditions for delivery services that are just and reasonable
22 and shall take into account customer impacts when establishing
23 such charges. In establishing charges, terms and conditions
24 for delivery services, the Commission shall take into account
25 voltage level differences. A retail customer shall have the
26 option to request to purchase electric service at any delivery

1 service voltage reasonably and technically feasible from the
2 electric facilities serving that customer's premises provided
3 that there are no significant adverse impacts upon system
4 reliability or system efficiency. A retail customer shall also
5 have the option to request to purchase electric service at any
6 point of delivery that is reasonably and technically feasible
7 provided that there are no significant adverse impacts on
8 system reliability or efficiency. Such requests shall not be
9 unreasonably denied.

10 (e) Electric utilities shall recover the costs of
11 installing, operating or maintaining facilities for the
12 particular benefit of one or more delivery services customers,
13 including without limitation any costs incurred in complying
14 with a customer's request to be served at a different voltage
15 level, directly from the retail customer or customers for
16 whose benefit the costs were incurred, to the extent such
17 costs are not recovered through the charges referred to in
18 subsections (c) and (d) of this Section.

19 (f) An electric utility shall be entitled but not required
20 to implement transition charges in conjunction with the
21 offering of delivery services pursuant to Section 16-104. If
22 an electric utility implements transition charges, it shall
23 implement such charges for all delivery services customers and
24 for all customers described in subsection (h), but shall not
25 implement transition charges for power and energy that a
26 retail customer takes from cogeneration or self-generation

1 facilities located on that retail customer's premises, if such
2 facilities meet the following criteria:

3 (i) the cogeneration or self-generation facilities
4 serve a single retail customer and are located on that
5 retail customer's premises (for purposes of this
6 subparagraph and subparagraph (ii), an industrial or
7 manufacturing retail customer and a third party contractor
8 that is served by such industrial or manufacturing
9 customer through such retail customer's own electrical
10 distribution facilities under the circumstances described
11 in subsection (vi) of the definition of "alternative
12 retail electric supplier" set forth in Section 16-102,
13 shall be considered a single retail customer);

14 (ii) the cogeneration or self-generation facilities
15 either (A) are sized pursuant to generally accepted
16 engineering standards for the retail customer's electrical
17 load at that premises (taking into account standby or
18 other reliability considerations related to that retail
19 customer's operations at that site) or (B) if the facility
20 is a cogeneration facility located on the retail
21 customer's premises, the retail customer is the thermal
22 host for that facility and the facility has been designed
23 to meet that retail customer's thermal energy requirements
24 resulting in electrical output beyond that retail
25 customer's electrical demand at that premises, comply with
26 the operating and efficiency standards applicable to

1 "qualifying facilities" specified in title 18 Code of
2 Federal Regulations Section 292.205 as in effect on the
3 effective date of this amendatory Act of 1999;

4 (iii) the retail customer on whose premises the
5 facilities are located either has an exclusive right to
6 receive, and corresponding obligation to pay for, all of
7 the electrical capacity of the facility, or in the case of
8 a cogeneration facility that has been designed to meet the
9 retail customer's thermal energy requirements at that
10 premises, an identified amount of the electrical capacity
11 of the facility, over a minimum 5-year period; and

12 (iv) if the cogeneration facility is sized for the
13 retail customer's thermal load at that premises but
14 exceeds the electrical load, any sales of excess power or
15 energy are made only at wholesale, are subject to the
16 jurisdiction of the Federal Energy Regulatory Commission,
17 and are not for the purpose of circumventing the
18 provisions of this subsection (f).

19 If a generation facility located at a retail customer's
20 premises does not meet the above criteria, an electric utility
21 implementing transition charges shall implement a transition
22 charge until December 31, 2006 for any power and energy taken
23 by such retail customer from such facility as if such power and
24 energy had been delivered by the electric utility. Provided,
25 however, that an industrial retail customer that is taking
26 power from a generation facility that does not meet the above

1 criteria but that is located on such customer's premises will
2 not be subject to a transition charge for the power and energy
3 taken by such retail customer from such generation facility if
4 the facility does not serve any other retail customer and
5 either was installed on behalf of the customer and for its own
6 use prior to January 1, 1997, or is both predominantly fueled
7 by byproducts of such customer's manufacturing process at such
8 premises and sells or offers an average of 300 megawatts or
9 more of electricity produced from such generation facility
10 into the wholesale market. Such charges shall be calculated as
11 provided in Section 16-102, and shall be collected on each
12 kilowatt-hour delivered under a delivery services tariff to a
13 retail customer from the date the customer first takes
14 delivery services until December 31, 2006 except as provided
15 in subsection (h) of this Section. Provided, however, that an
16 electric utility, other than an electric utility providing
17 service to at least 1,000,000 customers in this State on
18 January 1, 1999, shall be entitled to petition for entry of an
19 order by the Commission authorizing the electric utility to
20 implement transition charges for an additional period ending
21 no later than December 31, 2008. The electric utility shall
22 file its petition with supporting evidence no earlier than 16
23 months, and no later than 12 months, prior to December 31,
24 2006. The Commission shall hold a hearing on the electric
25 utility's petition and shall enter its order no later than 8
26 months after the petition is filed. The Commission shall

1 determine whether and to what extent the electric utility
2 shall be authorized to implement transition charges for an
3 additional period. The Commission may authorize the electric
4 utility to implement transition charges for some or all of the
5 additional period, and shall determine the mitigation factors
6 to be used in implementing such transition charges; provided,
7 that the Commission shall not authorize mitigation factors
8 less than 110% of those in effect during the 12 months ended
9 December 31, 2006. In making its determination, the Commission
10 shall consider the following factors: the necessity to
11 implement transition charges for an additional period in order
12 to maintain the financial integrity of the electric utility;
13 the prudence of the electric utility's actions in reducing its
14 costs since the effective date of this amendatory Act of 1997;
15 the ability of the electric utility to provide safe, adequate
16 and reliable service to retail customers in its service area;
17 and the impact on competition of allowing the electric utility
18 to implement transition charges for the additional period.

19 (g) The electric utility shall file tariffs that establish
20 the transition charges to be paid by each class of customers to
21 the electric utility in conjunction with the provision of
22 delivery services. The electric utility's tariffs shall define
23 the classes of its customers for purposes of calculating
24 transition charges. The electric utility's tariffs shall
25 provide for the calculation of transition charges on a
26 customer-specific basis for any retail customer whose average

1 monthly maximum electrical demand on the electric utility's
2 system during the 6 months with the customer's highest monthly
3 maximum electrical demands equals or exceeds 3.0 megawatts for
4 electric utilities having more than 1,000,000 customers, and
5 for other electric utilities for any customer that has an
6 average monthly maximum electrical demand on the electric
7 utility's system of one megawatt or more, and (A) for which
8 there exists data on the customer's usage during the 3 years
9 preceding the date that the customer became eligible to take
10 delivery services, or (B) for which there does not exist data
11 on the customer's usage during the 3 years preceding the date
12 that the customer became eligible to take delivery services,
13 if in the electric utility's reasonable judgment there exists
14 comparable usage information or a sufficient basis to develop
15 such information, and further provided that the electric
16 utility can require customers for which an individual
17 calculation is made to sign contracts that set forth the
18 transition charges to be paid by the customer to the electric
19 utility pursuant to the tariff.

20 (h) An electric utility shall also be entitled to file
21 tariffs that allow it to collect transition charges from
22 retail customers in the electric utility's service area that
23 do not take delivery services but that take electric power or
24 energy from an alternative retail electric supplier or from an
25 electric utility other than the electric utility in whose
26 service area the customer is located. Such charges shall be

1 calculated, in accordance with the definition of transition
2 charges in Section 16-102, for the period of time that the
3 customer would be obligated to pay transition charges if it
4 were taking delivery services, except that no deduction for
5 delivery services revenues shall be made in such calculation,
6 and usage data from the customer's class shall be used where
7 historical usage data is not available for the individual
8 customer. The customer shall be obligated to pay such charges
9 on a lump sum basis on or before the date on which the customer
10 commences to take service from the alternative retail electric
11 supplier or other electric utility, provided, that the
12 electric utility in whose service area the customer is located
13 shall offer the customer the option of signing a contract
14 pursuant to which the customer pays such charges ratably over
15 the period in which the charges would otherwise have applied.

16 (i) An electric utility shall be entitled to add to the
17 bills of delivery services customers charges pursuant to
18 Sections 9-221, 9-222 (except as provided in Section 9-222.1),
19 and Section 16-114 of this Act, Section 5-5 of the Electricity
20 Infrastructure Maintenance Fee Law, Section 6-5 of the
21 Renewable Energy, Energy Efficiency, and Coal Resources
22 Development Law of 1997, and Section 13 of the Energy
23 Assistance Act.

24 ~~(i-5) An electric utility required to impose the Coal to~~
25 ~~Solar and Energy Storage Initiative Charge provided for in~~
26 ~~subsection (c 5) of Section 1-75 of the Illinois Power Agency~~

1 ~~Act shall add such charge to the bills of its delivery services~~
2 ~~customers pursuant to the terms of a tariff conforming to the~~
3 ~~requirements of subsection (c-5) of Section 1-75 of the~~
4 ~~Illinois Power Agency Act and this subsection (i-5) and filed~~
5 ~~with and approved by the Commission. The electric utility~~
6 ~~shall file its proposed tariff with the Commission on or~~
7 ~~before July 1, 2022 to be effective, after review and approval~~
8 ~~or modification by the Commission, beginning January 1, 2023.~~
9 ~~On or before December 1, 2022, the Commission shall review the~~
10 ~~electric utility's proposed tariff, including by conducting a~~
11 ~~docketed proceeding if deemed necessary by the Commission, and~~
12 ~~shall approve the proposed tariff or direct the electric~~
13 ~~utility to make modifications the Commission finds necessary~~
14 ~~for the tariff to conform to the requirements of subsection~~
15 ~~(c-5) of Section 1-75 of the Illinois Power Agency Act and this~~
16 ~~subsection (i-5). The electric utility's tariff shall provide~~
17 ~~for imposition of the Coal to Solar and Energy Storage~~
18 ~~Initiative Charge on a per kilowatthour basis to all~~
19 ~~kilowatthours delivered by the electric utility to its~~
20 ~~delivery services customers. The tariff shall provide for the~~
21 ~~calculation of the Coal to Solar and Energy Storage Initiative~~
22 ~~Charge to be in effect for the year beginning January 1, 2023~~
23 ~~and each year beginning January 1 thereafter, sufficient to~~
24 ~~collect the electric utility's estimated payment obligations~~
25 ~~for the delivery year beginning the following June 1 under~~
26 ~~contracts for purchase of renewable energy credits entered~~

1 ~~into pursuant to subsection (c 5) of Section 1-75 of the~~
2 ~~Illinois Power Agency Act and the obligations of the~~
3 ~~Department of Commerce and Economic Opportunity, or any~~
4 ~~successor department or agency, which for purposes of this~~
5 ~~subsection (i 5) shall be referred to as the Department, to~~
6 ~~make grant payments during such delivery year from the Coal to~~
7 ~~Solar and Energy Storage Initiative Fund pursuant to grant~~
8 ~~contracts entered into pursuant to subsection (c 5) of Section~~
9 ~~1-75 of the Illinois Power Agency Act, and using the electric~~
10 ~~utility's kilowatthour deliveries to its delivery services~~
11 ~~customers during the delivery year ended May 31 of the~~
12 ~~preceding calendar year. On or before November 1 of each year~~
13 ~~beginning November 1, 2022, the Department shall notify the~~
14 ~~electric utilities of the amount of the Department's estimated~~
15 ~~obligations for grant payments during the delivery year~~
16 ~~beginning the following June 1 pursuant to grant contracts~~
17 ~~entered into pursuant to subsection (c 5) of Section 1-75 of~~
18 ~~the Illinois Power Agency Act; and each electric utility shall~~
19 ~~incorporate in the calculation of its Coal to Solar and Energy~~
20 ~~Storage Initiative Charge the fractional portion of the~~
21 ~~Department's estimated obligations equal to the electric~~
22 ~~utility's kilowatthour deliveries to its delivery services~~
23 ~~customers in the delivery year ended the preceding May 31~~
24 ~~divided by the aggregate deliveries of both electric utilities~~
25 ~~to delivery services customers in such delivery year. The~~
26 ~~electric utility shall remit on a monthly basis to the State~~

1 ~~Treasurer, for deposit in the Coal to Solar and Energy Storage~~
2 ~~Initiative Fund provided for in subsection (c 5) of Section~~
3 ~~1-75 of the Illinois Power Agency Act, the electric utility's~~
4 ~~collections of the Coal to Solar and Energy Storage Initiative~~
5 ~~Charge estimated to be needed by the Department for grant~~
6 ~~payments pursuant to grant contracts entered into pursuant to~~
7 ~~subsection (c 5) of Section 1-75 of the Illinois Power Agency~~
8 ~~Act. The initial charge under the electric utility's tariff~~
9 ~~shall be effective for kilowatthours delivered beginning~~
10 ~~January 1, 2023, and thereafter shall be revised to be~~
11 ~~effective January 1, 2024 and each January 1 thereafter, based~~
12 ~~on the payment obligations for the delivery year beginning the~~
13 ~~following June 1. The tariff shall provide for the electric~~
14 ~~utility to make an annual filing with the Commission on or~~
15 ~~before November 15 of each year, beginning in 2023, setting~~
16 ~~forth the Coal to Solar and Energy Storage Initiative Charge~~
17 ~~to be in effect for the year beginning the following January 1.~~
18 ~~The electric utility's tariff shall also provide that the~~
19 ~~electric utility shall make a filing with the Commission on or~~
20 ~~before August 1 of each year beginning in 2024 setting forth a~~
21 ~~reconciliation, for the delivery year ended the preceding May~~
22 ~~31, of the electric utility's collections of the Coal to Solar~~
23 ~~and Energy Storage Initiative Charge against actual payments~~
24 ~~for renewable energy credits pursuant to contracts entered~~
25 ~~into, and the actual grant payments by the Department pursuant~~
26 ~~to grant contracts entered into, pursuant to subsection (c 5)~~

1 ~~of Section 1-75 of the Illinois Power Agency Act. The tariff~~
2 ~~shall provide that any excess or shortfall of collections to~~
3 ~~payments shall be deducted from or added to, on a~~
4 ~~per kilowatthour basis, the Coal to Solar and Energy Storage~~
5 ~~Initiative Charge, over the 6 month period beginning October 1~~
6 ~~of that calendar year.~~

7 (j) If a retail customer that obtains electric power and
8 energy from cogeneration or self-generation facilities
9 installed for its own use on or before January 1, 1997,
10 subsequently takes service from an alternative retail electric
11 supplier or an electric utility other than the electric
12 utility in whose service area the customer is located for any
13 portion of the customer's electric power and energy
14 requirements formerly obtained from those facilities
15 (including that amount purchased from the utility in lieu of
16 such generation and not as standby power purchases, under a
17 cogeneration displacement tariff in effect as of the effective
18 date of this amendatory Act of 1997), the transition charges
19 otherwise applicable pursuant to subsections (f), (g), or (h)
20 of this Section shall not be applicable in any year to that
21 portion of the customer's electric power and energy
22 requirements formerly obtained from those facilities,
23 provided, that for purposes of this subsection (j), such
24 portion shall not exceed the average number of kilowatt-hours
25 per year obtained from the cogeneration or self-generation
26 facilities during the 3 years prior to the date on which the

1 customer became eligible for delivery services, except as
2 provided in subsection (f) of Section 16-110.

3 (k) The electric utility shall be entitled to recover
4 through tariffed charges all of the costs associated with the
5 purchase of zero emission credits from zero emission
6 facilities to meet the requirements of subsection (d-5) of
7 Section 1-75 of the Illinois Power Agency Act ~~and all of the~~
8 ~~costs associated with the purchase of carbon mitigation~~
9 ~~credits from carbon free energy resources to meet the~~
10 ~~requirements of subsection (d-10) of Section 1-75 of the~~
11 ~~Illinois Power Agency Act.~~ Such costs shall include the costs
12 of procuring the zero emission credits ~~and carbon mitigation~~
13 ~~credits from carbon free energy resources,~~ as well as the
14 reasonable costs that the utility incurs as part of the
15 procurement processes and to implement and comply with plans
16 and processes approved by the Commission under ~~subsections~~
17 such subsection (d-5) ~~and (d-10)~~. The costs shall be allocated
18 across all retail customers through a single, uniform cents
19 per kilowatt-hour charge applicable to all retail customers,
20 which shall appear as a separate line item on each customer's
21 bill. Beginning June 1, 2017, the electric utility shall be
22 entitled to recover through tariffed charges all of the costs
23 associated with the purchase of renewable energy resources to
24 meet the renewable energy resource standards of subsection (c)
25 of Section 1-75 of the Illinois Power Agency Act, under
26 procurement plans as approved in accordance with that Section

1 and Section 16-111.5 of this Act. Such costs shall include the
2 costs of procuring the renewable energy resources, as well as
3 the reasonable costs that the utility incurs as part of the
4 procurement processes and to implement and comply with plans
5 and processes approved by the Commission under such Sections.
6 The costs associated with the purchase of renewable energy
7 resources shall be allocated across all retail customers in
8 proportion to the amount of renewable energy resources the
9 utility procures for such customers through a single, uniform
10 cents per kilowatt-hour charge applicable to such retail
11 customers, which shall appear as a separate line item on each
12 such customer's bill. ~~The credits, costs, and penalties~~
13 ~~associated with the self-direct renewable portfolio standard~~
14 ~~compliance program described in subparagraph (R) of paragraph~~
15 ~~(1) of subsection (c) of Section 1-75 of the Illinois Power~~
16 ~~Agency Act shall be allocated to approved eligible self-direct~~
17 ~~customers by the utility in a cents per kilowatt hour credit,~~
18 ~~cost, or penalty, which shall appear as a separate line item on~~
19 ~~each such customer's bill.~~

20 Notwithstanding whether the Commission has approved the
21 initial long-term renewable resources procurement plan as of
22 June 1, 2017, an electric utility shall place new tariffed
23 charges into effect beginning with the June 2017 monthly
24 billing period, to the extent practicable, to begin recovering
25 the costs of procuring renewable energy resources, as those
26 charges are calculated under the limitations described in

1 subparagraph (E) of paragraph (1) of subsection (c) of Section
2 1-75 of the Illinois Power Agency Act. Notwithstanding the
3 date on which the utility places such new tariffed charges
4 into effect, the utility shall be permitted to collect the
5 charges under such tariff as if the tariff had been in effect
6 beginning with the first day of the June 2017 monthly billing
7 period. For the delivery years commencing June 1, 2017, June
8 1, 2018, and June 1, 2019, ~~and each delivery year thereafter,~~
9 the electric utility shall deposit into a separate interest
10 bearing account of a financial institution the monies
11 collected under the tariffed charges. ~~Money collected from~~
12 ~~customers for the procurement of renewable energy resources in~~
13 ~~a given delivery year may be spent by the utility for the~~
14 ~~procurement of renewable resources over any of the following 5~~
15 ~~delivery years, after which unspent money shall be credited~~
16 ~~back to retail customers. The electric utility shall spend all~~
17 ~~money collected in earlier delivery years that has not yet~~
18 ~~been returned to customers, first, before spending money~~
19 ~~collected in later delivery years.~~ Any interest earned shall
20 be credited back to retail customers under the reconciliation
21 proceeding provided for in this subsection (k), provided that
22 the electric utility shall first be reimbursed from the
23 interest for the administrative costs that it incurs to
24 administer and manage the account. Any taxes due on the funds
25 in the account, or interest earned on it, will be paid from the
26 account or, if insufficient monies are available in the

1 account, from the monies collected under the tariffed charges
2 to recover the costs of procuring renewable energy resources.
3 Monies deposited in the account shall be subject to the
4 review, reconciliation, and true-up process described in this
5 subsection (k) that is applicable to the funds collected and
6 costs incurred for the procurement of renewable energy
7 resources.

8 The electric utility shall be entitled to recover all of
9 the costs identified in this subsection (k) through automatic
10 adjustment clause tariffs applicable to all of the utility's
11 retail customers that allow the electric utility to adjust its
12 tariffed charges consistent with this subsection (k). The
13 determination as to whether any excess funds were collected
14 during a given delivery year for the purchase of renewable
15 energy resources, and the crediting of any excess funds back
16 to retail customers, shall not be made until after the close of
17 the delivery year, which will ensure that the maximum amount
18 of funds is available to implement the approved long-term
19 renewable resources procurement plan during a given delivery
20 year. ~~The amount of excess funds eligible to be credited back~~
21 ~~to retail customers shall be reduced by an amount equal to the~~
22 ~~payment obligations required by any contracts entered into by~~
23 ~~an electric utility under contracts described in subsection~~
24 ~~(b) of Section 1-56 and subsection (c) of Section 1-75 of the~~
25 ~~Illinois Power Agency Act, even if such payments have not yet~~
26 ~~been made and regardless of the delivery year in which those~~

1 ~~payment obligations were incurred. Notwithstanding anything to~~
2 ~~the contrary, including in tariffs authorized by this~~
3 ~~subsection (k) in effect before the effective date of this~~
4 ~~amendatory Act of the 102nd General Assembly, all unspent~~
5 ~~funds as of May 31, 2021, excluding any funds credited to~~
6 ~~customers during any utility billing cycle that commences~~
7 ~~prior to the effective date of this amendatory Act of the 102nd~~
8 ~~General Assembly, shall remain in the utility account and~~
9 ~~shall on a first in, first out basis be used toward utility~~
10 ~~payment obligations under contracts described in subsection~~
11 ~~(b) of Section 1-56 and subsection (c) of Section 1-75 of the~~
12 ~~Illinois Power Agency Act. The electric utility's collections~~
13 ~~under such automatic adjustment clause tariffs to recover the~~
14 ~~costs of renewable energy resources, and zero emission credits~~
15 ~~from zero emission facilities, and carbon mitigation credits~~
16 ~~from carbon free energy resources shall be subject to separate~~
17 ~~annual review, reconciliation, and true-up against actual~~
18 ~~costs by the Commission under a procedure that shall be~~
19 ~~specified in the electric utility's automatic adjustment~~
20 ~~clause tariffs and that shall be approved by the Commission in~~
21 ~~connection with its approval of such tariffs. The procedure~~
22 ~~shall provide that any difference between the electric~~
23 ~~utility's collections ~~for zero emission credits and carbon~~~~
24 ~~mitigation credits under the automatic adjustment charges for~~
25 ~~an annual period and the electric utility's actual costs of~~
26 renewable energy resources and zero emission credits from zero

1 emission facilities ~~and carbon mitigation credits from~~
2 ~~carbon-free energy resources~~ for that same annual period shall
3 be refunded to or collected from, as applicable, the electric
4 utility's retail customers in subsequent periods.

5 Nothing in this subsection (k) is intended to affect,
6 limit, or change the right of the electric utility to recover
7 the costs associated with the procurement of renewable energy
8 resources for periods commencing before, on, or after June 1,
9 2017, as otherwise provided in the Illinois Power Agency Act.

10 Notwithstanding anything to the contrary, the Commission
11 shall not conduct an annual review, reconciliation, and
12 true-up associated with renewable energy resources'
13 collections and costs for the delivery years commencing June
14 1, 2017, June 1, 2018, June 1, 2019, and June 1, 2020, and
15 shall instead conduct a single review, reconciliation, and
16 true-up associated with renewable energy resources'
17 collections and costs for the 4-year period beginning June 1,
18 2017 and ending May 31, 2021, provided that the review,
19 reconciliation, and true-up shall not be initiated until after
20 August 31, 2021. During the 4-year period, the utility shall
21 be permitted to collect and retain funds under this subsection
22 (k) and to purchase renewable energy resources under an
23 approved long-term renewable resources procurement plan using
24 those funds regardless of the delivery year in which the funds
25 were collected during the 4-year period.

26 If the amount of funds collected during the delivery year

1 commencing June 1, 2017, exceeds the costs incurred during
2 that delivery year, then up to half of this excess amount, as
3 calculated on June 1, 2018, may be used to fund the programs
4 under subsection (b) of Section 1-56 of the Illinois Power
5 Agency Act in the same proportion the programs are funded
6 under that subsection (b). However, any amount identified
7 under this subsection (k) to fund programs under subsection
8 (b) of Section 1-56 of the Illinois Power Agency Act shall be
9 reduced if it exceeds the funding shortfall. For purposes of
10 this Section, "funding shortfall" means the difference between
11 \$200,000,000 and the amount appropriated by the General
12 Assembly to the Illinois Power Agency Renewable Energy
13 Resources Fund during the period that commences on the
14 effective date of this amendatory act of the 99th General
15 Assembly and ends on August 1, 2018.

16 If the amount of funds collected during the delivery year
17 commencing June 1, 2018, exceeds the costs incurred during
18 that delivery year, then up to half of this excess amount, as
19 calculated on June 1, 2019, may be used to fund the programs
20 under subsection (b) of Section 1-56 of the Illinois Power
21 Agency Act in the same proportion the programs are funded
22 under that subsection (b). However, any amount identified
23 under this subsection (k) to fund programs under subsection
24 (b) of Section 1-56 of the Illinois Power Agency Act shall be
25 reduced if it exceeds the funding shortfall.

26 If the amount of funds collected during the delivery year

1 commencing June 1, 2019, exceeds the costs incurred during
2 that delivery year, then up to half of this excess amount, as
3 calculated on June 1, 2020, may be used to fund the programs
4 under subsection (b) of Section 1-56 of the Illinois Power
5 Agency Act in the same proportion the programs are funded
6 under that subsection (b). However, any amount identified
7 under this subsection (k) to fund programs under subsection
8 (b) of Section 1-56 of the Illinois Power Agency Act shall be
9 reduced if it exceeds the funding shortfall.

10 The funding available under this subsection (k), if any,
11 for the programs described under subsection (b) of Section
12 1-56 of the Illinois Power Agency Act shall not reduce the
13 amount of funding for the programs described in subparagraph
14 (O) of paragraph (1) of subsection (c) of Section 1-75 of the
15 Illinois Power Agency Act. If funding is available under this
16 subsection (k) for programs described under subsection (b) of
17 Section 1-56 of the Illinois Power Agency Act, then the
18 long-term renewable resources plan shall provide for the
19 Agency to procure contracts in an amount that does not exceed
20 the funding, and the contracts approved by the Commission
21 shall be executed by the applicable utility or utilities.

22 (1) A utility that has terminated any contract executed
23 under subsection (d-5) ~~or (d-10)~~ of Section 1-75 of the
24 Illinois Power Agency Act shall be entitled to recover any
25 remaining balance associated with the purchase of zero
26 emission credits prior to such termination, and such utility

1 shall also apply a credit to its retail customer bills in the
2 event of any over-collection.

3 (m)(1) An electric utility that recovers its costs of
4 procuring zero emission credits from zero emission facilities
5 through a cents-per-kilowatthour charge under to subsection
6 (k) of this Section shall be subject to the requirements of
7 this subsection (m). Notwithstanding anything to the contrary,
8 such electric utility shall, beginning on April 30, 2018, and
9 each April 30 thereafter until April 30, 2026, calculate
10 whether any reduction must be applied to such
11 cents-per-kilowatthour charge that is paid by retail customers
12 of the electric utility that ~~have opted out of~~ are exempt from
13 subsections (a) through (j) of Section 8-103B of this Act
14 under subsection (l) of Section 8-103B. Such charge shall be
15 reduced for such customers for the next delivery year
16 commencing on June 1 based on the amount necessary, if any, to
17 limit the annual estimated average net increase for the prior
18 calendar year due to the future energy investment costs to no
19 more than 1.3% of 5.98 cents per kilowatt-hour, which is the
20 average amount paid per kilowatthour for electric service
21 during the year ending December 31, 2015 by Illinois
22 industrial retail customers, as reported to the Edison
23 Electric Institute.

24 The calculations required by this subsection (m) shall be
25 made only once for each year, and no subsequent rate impact
26 determinations shall be made.

1 (2) For purposes of this Section, "future energy
2 investment costs" shall be calculated by subtracting the
3 cents-per-kilowatthour charge identified in subparagraph (A)
4 of this paragraph (2) from the sum of the
5 cents-per-kilowatthour charges identified in subparagraph (B)
6 of this paragraph (2):

7 (A) The cents-per-kilowatthour charge identified in
8 the electric utility's tariff placed into effect under
9 Section 8-103 of the Public Utilities Act that, on
10 December 1, 2016, was applicable to those retail customers
11 that ~~have opted out of~~ are exempt from subsections (a)
12 through (j) of Section 8-103B of this Act under subsection
13 (1) of Section 8-103B.

14 (B) The sum of the following cents-per-kilowatthour
15 charges applicable to those retail customers that ~~have~~
16 ~~opted out of~~ are exempt from subsections (a) through (j)
17 of Section 8-103B of this Act under subsection (1) of
18 Section 8-103B, provided that if one or more of the
19 following charges has been in effect and applied to such
20 customers for more than one calendar year, then each
21 charge shall be equal to the average of the charges
22 applied over a period that commences with the calendar
23 year ending December 31, 2017 and ends with the most
24 recently completed calendar year prior to the calculation
25 required by this subsection (m):

26 (i) the cents-per-kilowatthour charge to recover

1 the costs incurred by the utility under subsection
2 (d-5) of Section 1-75 of the Illinois Power Agency
3 Act, adjusted for any reductions required under this
4 subsection (m); and

5 (ii) the cents-per-kilowatthour charge to recover
6 the costs incurred by the utility under Section
7 16-107.6 of the Public Utilities Act.

8 If no charge was applied for a given calendar year
9 under item (i) or (ii) of this subparagraph (B), then the
10 value of the charge for that year shall be zero.

11 (3) If a reduction is required by the calculation
12 performed under this subsection (m), then the amount of the
13 reduction shall be multiplied by the number of years reflected
14 in the averages calculated under subparagraph (B) of paragraph
15 (2) of this subsection (m). Such reduction shall be applied to
16 the cents-per-kilowatthour charge that is applicable to those
17 retail customers that ~~have opted out of~~ are exempt from
18 subsections (a) through (j) of Section 8-103B of this Act
19 under subsection (1) of Section 8-103B beginning with the next
20 delivery year commencing after the date of the calculation
21 required by this subsection (m).

22 (4) The electric utility shall file a notice with the
23 Commission on May 1 of 2018 and each May 1 thereafter until May
24 1, 2026 containing the reduction, if any, which must be
25 applied for the delivery year which begins in the year of the
26 filing. The notice shall contain the calculations made

1 pursuant to this Section. By October 1 of each year beginning
2 in 2018, each electric utility shall notify the Commission if
3 it appears, based on an estimate of the calculation required
4 in this subsection (m), that a reduction will be required in
5 the next year.

6 (Source: P.A. 99-906, eff. 6-1-17; 102-662, eff. 9-15-21.)

7 (220 ILCS 5/16-111.5)

8 Sec. 16-111.5. Provisions relating to procurement.

9 (a) An electric utility that on December 31, 2005 served
10 at least 100,000 customers in Illinois shall procure power and
11 energy for its eligible retail customers in accordance with
12 the applicable provisions set forth in Section 1-75 of the
13 Illinois Power Agency Act and this Section. Beginning with the
14 delivery year commencing on June 1, 2017, such electric
15 utility shall also procure zero emission credits from zero
16 emission facilities in accordance with the applicable
17 provisions set forth in Section 1-75 of the Illinois Power
18 Agency Act, and, for years beginning on or after June 1, 2017,
19 the utility shall procure renewable energy resources in
20 accordance with the applicable provisions set forth in Section
21 1-75 of the Illinois Power Agency Act and this Section.
22 ~~Beginning with the delivery year commencing on June 1, 2022,~~
23 ~~an electric utility serving over 3,000,000 customers shall~~
24 ~~also procure carbon mitigation credits from carbon-free energy~~
25 ~~resources in accordance with the applicable provisions set~~

1 ~~forth in Section 1-75 of the Illinois Power Agency Act and this~~
2 ~~Section.~~ A small multi-jurisdictional electric utility that on
3 December 31, 2005 served less than 100,000 customers in
4 Illinois may elect to procure power and energy for all or a
5 portion of its eligible Illinois retail customers in
6 accordance with the applicable provisions set forth in this
7 Section and Section 1-75 of the Illinois Power Agency Act.
8 This Section shall not apply to a small multi-jurisdictional
9 utility until such time as a small multi-jurisdictional
10 utility requests the Illinois Power Agency to prepare a
11 procurement plan for its eligible retail customers. "Eligible
12 retail customers" for the purposes of this Section means those
13 retail customers that purchase power and energy from the
14 electric utility under fixed-price bundled service tariffs,
15 other than those retail customers whose service is declared or
16 deemed competitive under Section 16-113 and those other
17 customer groups specified in this Section, including
18 self-generating customers, customers electing hourly pricing,
19 or those customers who are otherwise ineligible for
20 fixed-price bundled tariff service. For those customers that
21 are excluded from the procurement plan's electric supply
22 service requirements, and the utility shall procure any supply
23 requirements, including capacity, ancillary services, and
24 hourly priced energy, in the applicable markets as needed to
25 serve those customers, provided that the utility may include
26 in its procurement plan load requirements for the load that is

1 associated with those retail customers whose service has been
2 declared or deemed competitive pursuant to Section 16-113 of
3 this Act to the extent that those customers are purchasing
4 power and energy during one of the transition periods
5 identified in subsection (b) of Section 16-113 of this Act.

6 (b) A procurement plan shall be prepared for each electric
7 utility consistent with the applicable requirements of the
8 Illinois Power Agency Act and this Section. For purposes of
9 this Section, Illinois electric utilities that are affiliated
10 by virtue of a common parent company are considered to be a
11 single electric utility. Small multi-jurisdictional utilities
12 may request a procurement plan for a portion of or all of its
13 Illinois load. Each procurement plan shall analyze the
14 projected balance of supply and demand for those retail
15 customers to be included in the plan's electric supply service
16 requirements over a 5-year period, with the first planning
17 year beginning on June 1 of the year following the year in
18 which the plan is filed. The plan shall specifically identify
19 the wholesale products to be procured following plan approval,
20 and shall follow all the requirements set forth in the Public
21 Utilities Act and all applicable State and federal laws,
22 statutes, rules, or regulations, as well as Commission orders.
23 Nothing in this Section precludes consideration of contracts
24 longer than 5 years and related forecast data. Unless
25 specified otherwise in this Section, in the procurement plan
26 or in the implementing tariff, any procurement occurring in

1 accordance with this plan shall be competitively bid through a
2 request for proposals process. Approval and implementation of
3 the procurement plan shall be subject to review and approval
4 by the Commission according to the provisions set forth in
5 this Section. A procurement plan shall include each of the
6 following components:

7 (1) Hourly load analysis. This analysis shall include:

8 (i) multi-year historical analysis of hourly
9 loads;

10 (ii) switching trends and competitive retail
11 market analysis;

12 (iii) known or projected changes to future loads;

13 and

14 (iv) growth forecasts by customer class.

15 (2) Analysis of the impact of any demand side and
16 renewable energy initiatives. This analysis shall include:

17 (i) the impact of demand response programs and
18 energy efficiency programs, both current and
19 projected; for small multi-jurisdictional utilities,
20 the impact of demand response and energy efficiency
21 programs approved pursuant to Section 8-408 of this
22 Act, both current and projected; and

23 (ii) supply side needs that are projected to be
24 offset by purchases of renewable energy resources, if
25 any.

26 (3) A plan for meeting the expected load requirements

1 that will not be met through preexisting contracts. This
2 plan shall include:

3 (i) definitions of the different Illinois retail
4 customer classes for which supply is being purchased;

5 (ii) the proposed mix of demand-response products
6 for which contracts will be executed during the next
7 year. For small multi-jurisdictional electric
8 utilities that on December 31, 2005 served fewer than
9 100,000 customers in Illinois, these shall be defined
10 as demand-response products offered in an energy
11 efficiency plan approved pursuant to Section 8-408 of
12 this Act. The cost-effective demand-response measures
13 shall be procured whenever the cost is lower than
14 procuring comparable capacity products, provided that
15 such products shall:

16 (A) be procured by a demand-response provider
17 from those retail customers included in the plan's
18 electric supply service requirements;

19 (B) at least satisfy the demand-response
20 requirements of the regional transmission
21 organization market in which the utility's service
22 territory is located, including, but not limited
23 to, any applicable capacity or dispatch
24 requirements;

25 (C) provide for customers' participation in
26 the stream of benefits produced by the

1 demand-response products;

2 (D) provide for reimbursement by the
3 demand-response provider of the utility for any
4 costs incurred as a result of the failure of the
5 supplier of such products to perform its
6 obligations thereunder; and

7 (E) meet the same credit requirements as apply
8 to suppliers of capacity, in the applicable
9 regional transmission organization market;

10 (iii) monthly forecasted system supply
11 requirements, including expected minimum, maximum, and
12 average values for the planning period;

13 (iv) the proposed mix and selection of standard
14 wholesale products for which contracts will be
15 executed during the next year, separately or in
16 combination, to meet that portion of its load
17 requirements not met through pre-existing contracts,
18 including but not limited to monthly 5 x 16 peak period
19 block energy, monthly off-peak wrap energy, monthly 7
20 x 24 energy, annual 5 x 16 energy, ~~other standardized~~
21 ~~energy or capacity products designed to provide~~
22 ~~eligible retail customer benefits from commercially~~
23 ~~deployed advanced technologies including but not~~
24 ~~limited to high voltage direct current converter~~
25 ~~stations, as such term is defined in Section 1-10 of~~
26 ~~the Illinois Power Agency Act, whether or not such~~

1 ~~product is currently available in wholesale markets,~~
2 annual off-peak wrap energy, annual 7 x 24 energy,
3 monthly capacity, annual capacity, peak load capacity
4 obligations, capacity purchase plan, and ancillary
5 services;

6 (v) proposed term structures for each wholesale
7 product type included in the proposed procurement plan
8 portfolio of products; and

9 (vi) an assessment of the price risk, load
10 uncertainty, and other factors that are associated
11 with the proposed procurement plan; this assessment,
12 to the extent possible, shall include an analysis of
13 the following factors: contract terms, time frames for
14 securing products or services, fuel costs, weather
15 patterns, transmission costs, market conditions, and
16 the governmental regulatory environment; the proposed
17 procurement plan shall also identify alternatives for
18 those portfolio measures that are identified as having
19 significant price risk ~~and mitigation in the form of~~
20 ~~additional retail customer and ratepayer price,~~
21 ~~reliability, and environmental benefits from~~
22 ~~standardized energy products delivered from~~
23 ~~commercially deployed advanced technologies,~~
24 ~~including, but not limited to, high voltage direct~~
25 ~~current converter stations, as such term is defined in~~
26 ~~Section 1-10 of the Illinois Power Agency Act, whether~~

1 ~~or not such product is currently available in~~
2 ~~wholesale markets.~~

3 (4) Proposed procedures for balancing loads. The
4 procurement plan shall include, for load requirements
5 included in the procurement plan, the process for (i)
6 hourly balancing of supply and demand and (ii) the
7 criteria for portfolio re-balancing in the event of
8 significant shifts in load.

9 (5) Long-Term Renewable Resources Procurement Plan.
10 The Agency shall prepare a long-term renewable resources
11 procurement plan for the procurement of renewable energy
12 credits under Sections 1-56 and 1-75 of the Illinois Power
13 Agency Act for delivery beginning in the 2017 delivery
14 year.

15 (i) The initial long-term renewable resources
16 procurement plan and all subsequent revisions shall be
17 subject to review and approval by the Commission. For
18 the purposes of this Section, "delivery year" has the
19 same meaning as in Section 1-10 of the Illinois Power
20 Agency Act. For purposes of this Section, "Agency"
21 shall mean the Illinois Power Agency.

22 (ii) The long-term renewable resources planning
23 process shall be conducted as follows:

24 (A) Electric utilities shall provide a range
25 of load forecasts to the Illinois Power Agency
26 within 45 days of the Agency's request for

1 forecasts, which request shall specify the length
2 and conditions for the forecasts including, but
3 not limited to, the quantity of distributed
4 generation expected to be interconnected for each
5 year.

6 (B) The Agency shall publish for comment the
7 initial long-term renewable resources procurement
8 plan no later than 120 days after the effective
9 date of this amendatory Act of the 99th General
10 Assembly and shall review, and may revise, the
11 plan at least every 2 years thereafter. To the
12 extent practicable, the Agency shall review and
13 propose any revisions to the long-term renewable
14 energy resources procurement plan in conjunction
15 with the Agency's other planning and approval
16 processes conducted under this Section. The
17 initial long-term renewable resources procurement
18 plan shall:

19 (aa) Identify the procurement programs and
20 competitive procurement events consistent with
21 the applicable requirements of the Illinois
22 Power Agency Act and shall be designed to
23 achieve the goals set forth in subsection (c)
24 of Section 1-75 of that Act.

25 (bb) Include a schedule for procurements
26 for renewable energy credits from

1 utility-scale wind projects, utility-scale
2 solar projects, and brownfield site
3 photovoltaic projects consistent with
4 subparagraph (G) of paragraph (1) of
5 subsection (c) of Section 1-75 of the Illinois
6 Power Agency Act.

7 (cc) Identify the process whereby the
8 Agency will submit to the Commission for
9 review and approval the proposed contracts to
10 implement the programs required by such plan.

11 Copies of the initial long-term renewable
12 resources procurement plan and all subsequent
13 revisions shall be posted and made publicly
14 available on the Agency's and Commission's
15 websites, and copies shall also be provided to
16 each affected electric utility. An affected
17 utility and other interested parties shall have 45
18 days following the date of posting to provide
19 comment to the Agency on the initial long-term
20 renewable resources procurement plan and all
21 subsequent revisions. All comments submitted to
22 the Agency shall be specific, supported by data or
23 other detailed analyses, and, if objecting to all
24 or a portion of the procurement plan, accompanied
25 by specific alternative wording or proposals. All
26 comments shall be posted on the Agency's and

1 Commission's websites. During this 45-day comment
2 period, the Agency shall hold at least one public
3 hearing within each utility's service area that is
4 subject to the requirements of this paragraph (5)
5 for the purpose of receiving public comment.
6 Within 21 days following the end of the 45-day
7 review period, the Agency may revise the long-term
8 renewable resources procurement plan based on the
9 comments received and shall file the plan with the
10 Commission for review and approval.

11 (C) Within 14 days after the filing of the
12 initial long-term renewable resources procurement
13 plan or any subsequent revisions, any person
14 objecting to the plan may file an objection with
15 the Commission. Within 21 days after the filing of
16 the plan, the Commission shall determine whether a
17 hearing is necessary. The Commission shall enter
18 its order confirming or modifying the initial
19 long-term renewable resources procurement plan or
20 any subsequent revisions within 120 days after the
21 filing of the plan by the Illinois Power Agency.

22 (D) The Commission shall approve the initial
23 long-term renewable resources procurement plan and
24 any subsequent revisions, including expressly the
25 forecast used in the plan and taking into account
26 that funding will be limited to the amount of

1 revenues actually collected by the utilities, if
2 the Commission determines that the plan will
3 reasonably and prudently accomplish the
4 requirements of Section 1-56 and subsection (c) of
5 Section 1-75 of the Illinois Power Agency Act. The
6 Commission shall also approve the process for the
7 submission, review, and approval of the proposed
8 contracts to procure renewable energy credits or
9 implement the programs authorized by the
10 Commission pursuant to a long-term renewable
11 resources procurement plan approved under this
12 Section.

13 ~~In approving any long-term renewable resources~~
14 ~~procurement plan after the effective date of this~~
15 ~~amendatory Act of the 102nd General Assembly, the~~
16 ~~Commission shall approve or modify the Agency's~~
17 ~~proposal for minimum equity standards pursuant to~~
18 ~~subsection (c 10) of Section 1-75 of the Illinois~~
19 ~~Power Agency Act. The Commission shall consider~~
20 ~~any analysis performed by the Agency in developing~~
21 ~~its proposal, including past performance,~~
22 ~~availability of equity eligible contractors, and~~
23 ~~availability of equity eligible persons at the~~
24 ~~time the long-term renewable resources procurement~~
25 ~~plan is approved.~~

26 (iii) The Agency or third parties contracted by

1 the Agency shall implement all programs authorized by
2 the Commission in an approved long-term renewable
3 resources procurement plan without further review and
4 approval by the Commission. Third parties shall not
5 begin implementing any programs or receive any payment
6 under this Section until the Commission has approved
7 the contract or contracts under the process authorized
8 by the Commission in item (D) of subparagraph (ii) of
9 paragraph (5) of this subsection (b) and the third
10 party and the Agency or utility, as applicable, have
11 executed the contract. For those renewable energy
12 credits subject to procurement through a competitive
13 bid process under the plan or under the initial
14 forward procurements for wind and solar resources
15 described in subparagraph (G) of paragraph (1) of
16 subsection (c) of Section 1-75 of the Illinois Power
17 Agency Act, the Agency shall follow the procurement
18 process specified in the provisions relating to
19 electricity procurement in subsections (e) through (i)
20 of this Section.

21 (iv) An electric utility shall recover its costs
22 associated with the procurement of renewable energy
23 credits under this Section ~~and pursuant to subsection~~
24 ~~(c-5) of Section 1-75 of the Illinois Power Agency Act~~
25 through an automatic adjustment clause tariff under
26 subsection (k) ~~or a tariff pursuant to subsection~~

1 ~~(i-5), as applicable,~~ of Section 16-108 of this Act. A
2 utility shall not be required to advance any payment
3 or pay any amounts under this Section that exceed the
4 actual amount of revenues collected by the utility
5 under paragraph (6) of subsection (c) of Section 1-75
6 of the Illinois Power Agency Act, ~~subsection (e-5) of~~
7 ~~Section 1-75 of the Illinois Power Agency Act,~~ and
8 subsection (k) ~~or subsection (i-5), as applicable,~~ of
9 Section 16-108 of this Act, and contracts executed
10 under this Section shall expressly incorporate this
11 limitation.

12 (v) For the public interest, safety, and welfare,
13 the Agency and the Commission may adopt rules to carry
14 out the provisions of this Section on an emergency
15 basis immediately following the effective date of this
16 amendatory Act of the 99th General Assembly.

17 (vi) On or before July 1 of each year, the
18 Commission shall hold an informal hearing for the
19 purpose of receiving comments on the prior year's
20 procurement process and any recommendations for
21 change.

22 ~~(b-5) An electric utility that as of January 1, 2019~~
23 ~~served more than 300,000 retail customers in this State shall~~
24 ~~purchase renewable energy credits from new renewable energy~~
25 ~~facilities constructed at or adjacent to the sites of~~
26 ~~coal fueled electric generating facilities in this State in~~

1 ~~accordance with subsection (c-5) of Section 1-75 of the~~
2 ~~Illinois Power Agency Act. Except as expressly provided in~~
3 ~~this Section, the plans and procedures for such procurements~~
4 ~~shall not be included in the procurement plans provided for in~~
5 ~~this Section, but rather shall be conducted and implemented~~
6 ~~solely in accordance with subsection (c-5) of Section 1-75 of~~
7 ~~the Illinois Power Agency Act.~~

8 (c) ~~The provisions of this subsection (c) shall not apply~~
9 ~~to procurements conducted pursuant to subsection (c-5) of~~
10 ~~Section 1-75 of the Illinois Power Agency Act. However, the~~
11 ~~Agency may retain a procurement administrator to assist the~~
12 ~~Agency in planning and carrying out the procurement events and~~
13 ~~implementing the other requirements specified in such~~
14 ~~subsection (c-5) of Section 1-75 of the Illinois Power Agency~~
15 ~~Act, with the costs incurred by the Agency for the procurement~~
16 ~~administrator to be recovered through fees charged to~~
17 ~~applicants for selection to sell and deliver renewable energy~~
18 ~~credits to electric utilities pursuant to subsection (c-5) of~~
19 ~~Section 1-75 of the Illinois Power Agency Act. The procurement~~
20 ~~process set forth in Section 1-75 of the Illinois Power Agency~~
21 ~~Act and subsection (e) of this Section shall be administered~~
22 ~~by a procurement administrator and monitored by a procurement~~
23 ~~monitor.~~

24 (1) The procurement administrator shall:

25 (i) design the final procurement process in
26 accordance with Section 1-75 of the Illinois Power

1 Agency Act and subsection (e) of this Section
2 following Commission approval of the procurement plan;

3 (ii) develop benchmarks in accordance with
4 subsection (e)(3) to be used to evaluate bids; these
5 benchmarks shall be submitted to the Commission for
6 review and approval on a confidential basis prior to
7 the procurement event;

8 (iii) serve as the interface between the electric
9 utility and suppliers;

10 (iv) manage the bidder pre-qualification and
11 registration process;

12 (v) obtain the electric utilities' agreement to
13 the final form of all supply contracts and credit
14 collateral agreements;

15 (vi) administer the request for proposals process;

16 (vii) have the discretion to negotiate to
17 determine whether bidders are willing to lower the
18 price of bids that meet the benchmarks approved by the
19 Commission; any post-bid negotiations with bidders
20 shall be limited to price only and shall be completed
21 within 24 hours after opening the sealed bids and
22 shall be conducted in a fair and unbiased manner; in
23 conducting the negotiations, there shall be no
24 disclosure of any information derived from proposals
25 submitted by competing bidders; if information is
26 disclosed to any bidder, it shall be provided to all

1 competing bidders;

2 (viii) maintain confidentiality of supplier and
3 bidding information in a manner consistent with all
4 applicable laws, rules, regulations, and tariffs;

5 (ix) submit a confidential report to the
6 Commission recommending acceptance or rejection of
7 bids;

8 (x) notify the utility of contract counterparties
9 and contract specifics; and

10 (xi) administer related contingency procurement
11 events.

12 (2) The procurement monitor, who shall be retained by
13 the Commission, shall:

14 (i) monitor interactions among the procurement
15 administrator, suppliers, and utility;

16 (ii) monitor and report to the Commission on the
17 progress of the procurement process;

18 (iii) provide an independent confidential report
19 to the Commission regarding the results of the
20 procurement event;

21 (iv) assess compliance with the procurement plans
22 approved by the Commission for each utility that on
23 December 31, 2005 provided electric service to at
24 least 100,000 customers in Illinois and for each small
25 multi-jurisdictional utility that on December 31, 2005
26 served less than 100,000 customers in Illinois;

1 (v) preserve the confidentiality of supplier and
2 bidding information in a manner consistent with all
3 applicable laws, rules, regulations, and tariffs;

4 (vi) provide expert advice to the Commission and
5 consult with the procurement administrator regarding
6 issues related to procurement process design, rules,
7 protocols, and policy-related matters; and

8 (vii) consult with the procurement administrator
9 regarding the development and use of benchmark
10 criteria, standard form contracts, credit policies,
11 and bid documents.

12 (d) Except as provided in subsection (j), the planning
13 process shall be conducted as follows:

14 (1) Beginning in 2008, each Illinois utility procuring
15 power pursuant to this Section shall annually provide a
16 range of load forecasts to the Illinois Power Agency by
17 July 15 of each year, or such other date as may be required
18 by the Commission or Agency. The load forecasts shall
19 cover the 5-year procurement planning period for the next
20 procurement plan and shall include hourly data
21 representing a high-load, low-load, and expected-load
22 scenario for the load of those retail customers included
23 in the plan's electric supply service requirements. The
24 utility shall provide supporting data and assumptions for
25 each of the scenarios.

26 (2) Beginning in 2008, the Illinois Power Agency shall

1 prepare a procurement plan by August 15th of each year, or
2 such other date as may be required by the Commission. The
3 procurement plan shall identify the portfolio of
4 demand-response and power and energy products to be
5 procured. Cost-effective demand-response measures shall be
6 procured as set forth in item (iii) of subsection (b) of
7 this Section. Copies of the procurement plan shall be
8 posted and made publicly available on the Agency's and
9 Commission's websites, and copies shall also be provided
10 to each affected electric utility. An affected utility
11 shall have 30 days following the date of posting to
12 provide comment to the Agency on the procurement plan.
13 Other interested entities also may comment on the
14 procurement plan. All comments submitted to the Agency
15 shall be specific, supported by data or other detailed
16 analyses, and, if objecting to all or a portion of the
17 procurement plan, accompanied by specific alternative
18 wording or proposals. All comments shall be posted on the
19 Agency's and Commission's websites. During this 30-day
20 comment period, the Agency shall hold at least one public
21 hearing within each utility's service area for the purpose
22 of receiving public comment on the procurement plan.
23 Within 14 days following the end of the 30-day review
24 period, the Agency shall revise the procurement plan as
25 necessary based on the comments received and file the
26 procurement plan with the Commission and post the

1 procurement plan on the websites.

2 (3) Within 5 days after the filing of the procurement
3 plan, any person objecting to the procurement plan shall
4 file an objection with the Commission. Within 10 days
5 after the filing, the Commission shall determine whether a
6 hearing is necessary. The Commission shall enter its order
7 confirming or modifying the procurement plan within 90
8 days after the filing of the procurement plan by the
9 Illinois Power Agency.

10 (4) The Commission shall approve the procurement plan,
11 including expressly the forecast used in the procurement
12 plan, if the Commission determines that it will ensure
13 adequate, reliable, affordable, efficient, and
14 environmentally sustainable electric service at the lowest
15 total cost over time, taking into account any benefits of
16 price stability.

17 ~~(4.5) The Commission shall review the Agency's~~
18 ~~recommendations for the selection of applicants to enter~~
19 ~~into long term contracts for the sale and delivery of~~
20 ~~renewable energy credits from new renewable energy~~
21 ~~facilities to be constructed at or adjacent to the sites~~
22 ~~of coal fueled electric generating facilities in this~~
23 ~~State in accordance with the provisions of subsection~~
24 ~~(e-5) of Section 1-75 of the Illinois Power Agency Act,~~
25 ~~and shall approve the Agency's recommendations if the~~
26 ~~Commission determines that the applicants recommended by~~

1 ~~the Agency for selection, the proposed new renewable~~
2 ~~energy facilities to be constructed, the amounts of~~
3 ~~renewable energy credits to be delivered pursuant to the~~
4 ~~contracts, and the other terms of the contracts, are~~
5 ~~consistent with the requirements of subsection (c 5) of~~
6 ~~Section 1-75 of the Illinois Power Agency Act.~~

7 (e) The procurement process shall include each of the
8 following components:

9 (1) Solicitation, pre-qualification, and registration
10 of bidders. The procurement administrator shall
11 disseminate information to potential bidders to promote a
12 procurement event, notify potential bidders that the
13 procurement administrator may enter into a post-bid price
14 negotiation with bidders that meet the applicable
15 benchmarks, provide supply requirements, and otherwise
16 explain the competitive procurement process. In addition
17 to such other publication as the procurement administrator
18 determines is appropriate, this information shall be
19 posted on the Illinois Power Agency's and the Commission's
20 websites. The procurement administrator shall also
21 administer the prequalification process, including
22 evaluation of credit worthiness, compliance with
23 procurement rules, and agreement to the standard form
24 contract developed pursuant to paragraph (2) of this
25 subsection (e). The procurement administrator shall then
26 identify and register bidders to participate in the

1 procurement event.

2 (2) Standard contract forms and credit terms and
3 instruments. The procurement administrator, in
4 consultation with the utilities, the Commission, and other
5 interested parties and subject to Commission oversight,
6 shall develop and provide standard contract forms for the
7 supplier contracts that meet generally accepted industry
8 practices. Standard credit terms and instruments that meet
9 generally accepted industry practices shall be similarly
10 developed. The procurement administrator shall make
11 available to the Commission all written comments it
12 receives on the contract forms, credit terms, or
13 instruments. If the procurement administrator cannot reach
14 agreement with the applicable electric utility as to the
15 contract terms and conditions, the procurement
16 administrator must notify the Commission of any disputed
17 terms and the Commission shall resolve the dispute. The
18 terms of the contracts shall not be subject to negotiation
19 by winning bidders, and the bidders must agree to the
20 terms of the contract in advance so that winning bids are
21 selected solely on the basis of price.

22 (3) Establishment of a market-based price benchmark.
23 As part of the development of the procurement process, the
24 procurement administrator, in consultation with the
25 Commission staff, Agency staff, and the procurement
26 monitor, shall establish benchmarks for evaluating the

1 final prices in the contracts for each of the products
2 that will be procured through the procurement process. The
3 benchmarks shall be based on price data for similar
4 products for the same delivery period and same delivery
5 hub, or other delivery hubs after adjusting for that
6 difference. The price benchmarks may also be adjusted to
7 take into account differences between the information
8 reflected in the underlying data sources and the specific
9 products and procurement process being used to procure
10 power for the Illinois utilities. The benchmarks shall be
11 confidential but shall be provided to, and will be subject
12 to Commission review and approval, prior to a procurement
13 event.

14 (4) Request for proposals competitive procurement
15 process. The procurement administrator shall design and
16 issue a request for proposals to supply electricity in
17 accordance with each utility's procurement plan, as
18 approved by the Commission. The request for proposals
19 shall set forth a procedure for sealed, binding commitment
20 bidding with pay-as-bid settlement, and provision for
21 selection of bids on the basis of price.

22 (5) A plan for implementing contingencies in the event
23 of supplier default or failure of the procurement process
24 to fully meet the expected load requirement due to
25 insufficient supplier participation, Commission rejection
26 of results, or any other cause.

1 (i) Event of supplier default: In the event of
2 supplier default, the utility shall review the
3 contract of the defaulting supplier to determine if
4 the amount of supply is 200 megawatts or greater, and
5 if there are more than 60 days remaining of the
6 contract term. If both of these conditions are met,
7 and the default results in termination of the
8 contract, the utility shall immediately notify the
9 Illinois Power Agency that a request for proposals
10 must be issued to procure replacement power, and the
11 procurement administrator shall run an additional
12 procurement event. If the contracted supply of the
13 defaulting supplier is less than 200 megawatts or
14 there are less than 60 days remaining of the contract
15 term, the utility shall procure power and energy from
16 the applicable regional transmission organization
17 market, including ancillary services, capacity, and
18 day-ahead or real time energy, or both, for the
19 duration of the contract term to replace the
20 contracted supply; provided, however, that if a needed
21 product is not available through the regional
22 transmission organization market it shall be purchased
23 from the wholesale market.

24 (ii) Failure of the procurement process to fully
25 meet the expected load requirement: If the procurement
26 process fails to fully meet the expected load

1 requirement due to insufficient supplier participation
2 or due to a Commission rejection of the procurement
3 results, the procurement administrator, the
4 procurement monitor, and the Commission staff shall
5 meet within 10 days to analyze potential causes of low
6 supplier interest or causes for the Commission
7 decision. If changes are identified that would likely
8 result in increased supplier participation, or that
9 would address concerns causing the Commission to
10 reject the results of the prior procurement event, the
11 procurement administrator may implement those changes
12 and rerun the request for proposals process according
13 to a schedule determined by those parties and
14 consistent with Section 1-75 of the Illinois Power
15 Agency Act and this subsection. In any event, a new
16 request for proposals process shall be implemented by
17 the procurement administrator within 90 days after the
18 determination that the procurement process has failed
19 to fully meet the expected load requirement.

20 (iii) In all cases where there is insufficient
21 supply provided under contracts awarded through the
22 procurement process to fully meet the electric
23 utility's load requirement, the utility shall meet the
24 load requirement by procuring 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; provided,
2 however, that if a needed product is not available
3 through the regional transmission organization market
4 it shall be purchased from the wholesale market.

5 (6) The procurement ~~processes~~ process described in
6 this subsection ~~and in subsection (c 5) of Section 1-75 of~~
7 ~~the Illinois Power Agency Act are~~ is exempt from the
8 requirements of the Illinois Procurement Code, pursuant to
9 Section 20-10 of that Code.

10 (f) Within 2 business days after opening the sealed bids,
11 the procurement administrator shall submit a confidential
12 report to the Commission. The report shall contain the results
13 of the bidding for each of the products along with the
14 procurement administrator's recommendation for the acceptance
15 and rejection of bids based on the price benchmark criteria
16 and other factors observed in the process. The procurement
17 monitor also shall submit a confidential report to the
18 Commission within 2 business days after opening the sealed
19 bids. The report shall contain the procurement monitor's
20 assessment of bidder behavior in the process as well as an
21 assessment of the procurement administrator's compliance with
22 the procurement process and rules. The Commission shall review
23 the confidential reports submitted by the procurement
24 administrator and procurement monitor, and shall accept or
25 reject the recommendations of the procurement administrator
26 within 2 business days after receipt of the reports.

1 (g) Within 3 business days after the Commission decision
2 approving the results of a procurement event, the utility
3 shall enter into binding contractual arrangements with the
4 winning suppliers using the standard form contracts; except
5 that the utility shall not be required either directly or
6 indirectly to execute the contracts if a tariff that is
7 consistent with subsection (l) of this Section has not been
8 approved and placed into effect for that utility.

9 ~~(h) For the procurement of standard wholesale products,~~
10 ~~the names of the successful bidders and the load weighted~~
11 ~~average of the winning bid prices for each contract type and~~
12 ~~for each contract term shall be made available to the public at~~
13 ~~the time of Commission approval of a procurement event. For~~
14 ~~procurements conducted to meet the requirements of subsection~~
15 ~~(b) of Section 1-56 or subsection (c) of Section 1-75 of the~~
16 ~~Illinois Power Agency Act governed by the provisions of this~~
17 ~~Section, the address and nameplate capacity of the new~~
18 ~~renewable energy generating facility proposed by a winning~~
19 ~~bidder shall also be made available to the public at the time~~
20 ~~of Commission approval of a procurement event, along with the~~
21 ~~business address and contact information for any winning~~
22 ~~bidder. An estimate or approximation of the nameplate capacity~~
23 ~~of the new renewable energy generating facility may be~~
24 ~~disclosed if necessary to protect the confidentiality of~~
25 ~~individual bid prices.~~

26 ~~The Commission, the procurement monitor, the procurement~~

1 ~~administrator, the Illinois Power Agency, and all participants~~
2 ~~in the procurement process shall maintain the confidentiality~~
3 ~~of all other supplier and bidding information in a manner~~
4 ~~consistent with all applicable laws, rules, regulations, and~~
5 ~~tariffs. Confidential information, including the confidential~~
6 ~~reports submitted by the procurement administrator and~~
7 ~~procurement monitor pursuant to subsection (f) of this~~
8 ~~Section, shall not be made publicly available and shall not be~~
9 ~~discoverable by any party in any proceeding, absent a~~
10 ~~compelling demonstration of need, nor shall those reports be~~
11 ~~admissible in any proceeding other than one for law~~
12 ~~enforcement purposes.~~ The names of the successful bidders and
13 the load weighted average of the winning bid prices for each
14 contract type and for each contract term shall be made
15 available to the public at the time of Commission approval of a
16 procurement event. The Commission, the procurement monitor,
17 the procurement administrator, the Illinois Power Agency, and
18 all participants in the procurement process shall maintain the
19 confidentiality of all other supplier and bidding information
20 in a manner consistent with all applicable laws, rules,
21 regulations, and tariffs. Confidential information, including
22 the confidential reports submitted by the procurement
23 administrator and procurement monitor pursuant to subsection
24 (f) of this Section, shall not be made publicly available and
25 shall not be discoverable by any party in any proceeding,
26 absent a compelling demonstration of need, nor shall those

1 reports be admissible in any proceeding other than one for law
2 enforcement purposes.

3 (i) Within 2 business days after a Commission decision
4 approving the results of a procurement event or such other
5 date as may be required by the Commission from time to time,
6 the utility shall file for informational purposes with the
7 Commission its actual or estimated retail supply charges, as
8 applicable, by customer supply group reflecting the costs
9 associated with the procurement and computed in accordance
10 with the tariffs filed pursuant to subsection (l) of this
11 Section and approved by the Commission.

12 (j) Within 60 days following August 28, 2007 (the
13 effective date of Public Act 95-481), each electric utility
14 that on December 31, 2005 provided electric service to at
15 least 100,000 customers in Illinois shall prepare and file
16 with the Commission an initial procurement plan, which shall
17 conform in all material respects to the requirements of the
18 procurement plan set forth in subsection (b); provided,
19 however, that the Illinois Power Agency Act shall not apply to
20 the initial procurement plan prepared pursuant to this
21 subsection. The initial procurement plan shall identify the
22 portfolio of power and energy products to be procured and
23 delivered for the period June 2008 through May 2009, and shall
24 identify the proposed procurement administrator, who shall
25 have the same experience and expertise as is required of a
26 procurement administrator hired pursuant to Section 1-75 of

1 the Illinois Power Agency Act. Copies of the procurement plan
2 shall be posted and made publicly available on the
3 Commission's website. The initial procurement plan may include
4 contracts for renewable resources that extend beyond May 2009.

5 (i) Within 14 days following filing of the initial
6 procurement plan, any person may file a detailed objection
7 with the Commission contesting the procurement plan
8 submitted by the electric utility. All objections to the
9 electric utility's plan shall be specific, supported by
10 data or other detailed analyses. The electric utility may
11 file a response to any objections to its procurement plan
12 within 7 days after the date objections are due to be
13 filed. Within 7 days after the date the utility's response
14 is due, the Commission shall determine whether a hearing
15 is necessary. If it determines that a hearing is
16 necessary, it shall require the hearing to be completed
17 and issue an order on the procurement plan within 60 days
18 after the filing of the procurement plan by the electric
19 utility.

20 (ii) The order shall approve or modify the procurement
21 plan, approve an independent procurement administrator,
22 and approve or modify the electric utility's tariffs that
23 are proposed with the initial procurement plan. The
24 Commission shall approve the procurement plan if the
25 Commission determines that it will ensure adequate,
26 reliable, affordable, efficient, and environmentally

1 sustainable electric service at the lowest total cost over
2 time, taking into account any benefits of price stability.

3 (k) (Blank).

4 (k-5) (Blank).

5 (l) An electric utility shall recover its costs incurred
6 under this Section ~~and subsection (c 5) of Section 1-75 of the~~
7 ~~Illinois Power Agency Act~~, including, but not limited to, the
8 costs of procuring power and energy demand-response resources
9 under this Section ~~and its costs for purchasing renewable~~
10 ~~energy credits pursuant to subsection (c 5) of Section 1-75 of~~
11 ~~the Illinois Power Agency Act~~. The utility shall file with the
12 initial procurement plan its proposed tariffs through which
13 its costs of procuring power that are incurred pursuant to a
14 Commission-approved procurement plan and those other costs
15 identified in this subsection (l), will be recovered. The
16 tariffs shall include a formula rate or charge designed to
17 pass through both the costs incurred by the utility in
18 procuring a supply of electric power and energy for the
19 applicable customer classes with no mark-up or return on the
20 price paid by the utility for that supply, plus any just and
21 reasonable costs that the utility incurs in arranging and
22 providing for the supply of electric power and energy. The
23 formula rate or charge shall also contain provisions that
24 ensure that its application does not result in over or under
25 recovery due to changes in customer usage and demand patterns,
26 and that provide for the correction, on at least an annual

1 basis, of any accounting errors that may occur. A utility
2 shall recover through the tariff all reasonable costs incurred
3 to implement or comply with any procurement plan that is
4 developed and put into effect pursuant to Section 1-75 of the
5 Illinois Power Agency Act and this Section, ~~and for the~~
6 ~~procurement of renewable energy credits pursuant to subsection~~
7 ~~(c 5) of Section 1-75 of the Illinois Power Agency Act,~~
8 including any fees assessed by the Illinois Power Agency,
9 costs associated with load balancing, and contingency plan
10 costs. The electric utility shall also recover its full costs
11 of procuring electric supply for which it contracted before
12 the effective date of this Section in conjunction with the
13 provision of full requirements service under fixed-price
14 bundled service tariffs subsequent to December 31, 2006. All
15 such costs shall be deemed to have been prudently incurred.
16 The pass-through tariffs that are filed and approved pursuant
17 to this Section shall not be subject to review under, or in any
18 way limited by, Section 16-111(i) of this Act. All of the costs
19 incurred by the electric utility associated with the purchase
20 of zero emission credits in accordance with subsection (d-5)
21 of Section 1-75 of the Illinois Power Agency Act, ~~all costs~~
22 ~~incurred by the electric utility associated with the purchase~~
23 ~~of carbon mitigation credits in accordance with subsection~~
24 ~~(d-10) of Section 1-75 of the Illinois Power Agency Act,~~ and,
25 beginning June 1, 2017, all of the costs incurred by the
26 electric utility associated with the purchase of renewable

1 energy resources in accordance with Sections 1-56 and 1-75 of
2 the Illinois Power Agency Act, ~~and all of the costs incurred by~~
3 ~~the electric utility in purchasing renewable energy credits in~~
4 ~~accordance with subsection (c-5) of Section 1-75 of the~~
5 ~~Illinois Power Agency Act,~~ shall be recovered through the
6 electric utility's tariffed charges applicable to all of its
7 retail customers, as specified in subsection (k) ~~or subsection~~
8 ~~(i-5), as applicable,~~ of Section 16-108 of this Act, and shall
9 not be recovered through the electric utility's tariffed
10 charges for electric power and energy supply to its eligible
11 retail customers.

12 (m) The Commission has the authority to adopt rules to
13 carry out the provisions of this Section. For the public
14 interest, safety, and welfare, the Commission also has
15 authority to adopt rules to carry out the provisions of this
16 Section on an emergency basis immediately following August 28,
17 2007 (the effective date of Public Act 95-481).

18 (n) Notwithstanding any other provision of this Act, any
19 affiliated electric utilities that submit a single procurement
20 plan covering their combined needs may procure for those
21 combined needs in conjunction with that plan, and may enter
22 jointly into power supply contracts, purchases, and other
23 procurement arrangements, and allocate capacity and energy and
24 cost responsibility therefor among themselves in proportion to
25 their requirements.

26 (o) On or before June 1 of each year, the Commission shall

1 hold an informal hearing for the purpose of receiving comments
2 on the prior year's procurement process and any
3 recommendations for change.

4 (p) An electric utility subject to this Section may
5 propose to invest, lease, own, or operate an electric
6 generation facility as part of its procurement plan, provided
7 the utility demonstrates that such facility is the least-cost
8 option to provide electric service to those retail customers
9 included in the plan's electric supply service requirements.
10 If the facility is shown to be the least-cost option and is
11 included in a procurement plan prepared in accordance with
12 Section 1-75 of the Illinois Power Agency Act and this
13 Section, then the electric utility shall make a filing
14 pursuant to Section 8-406 of this Act, and may request of the
15 Commission any statutory relief required thereunder. If the
16 Commission grants all of the necessary approvals for the
17 proposed facility, such supply shall thereafter be considered
18 as a pre-existing contract under subsection (b) of this
19 Section. The Commission shall in any order approving a
20 proposal under this subsection specify how the utility will
21 recover the prudently incurred costs of investing in, leasing,
22 owning, or operating such generation facility through just and
23 reasonable rates charged to those retail customers included in
24 the plan's electric supply service requirements. Cost recovery
25 for facilities included in the utility's procurement plan
26 pursuant to this subsection shall not be subject to review

1 under or in any way limited by the provisions of Section
2 16-111(i) of this Act. Nothing in this Section is intended to
3 prohibit a utility from filing for a fuel adjustment clause as
4 is otherwise permitted under Section 9-220 of this Act.

5 (q) If the Illinois Power Agency filed with the
6 Commission, under Section 16-111.5 of this Act, its proposed
7 procurement plan for the period commencing June 1, 2017, and
8 the Commission has not yet entered its final order approving
9 the plan on or before the effective date of this amendatory Act
10 of the 99th General Assembly, then the Illinois Power Agency
11 shall file a notice of withdrawal with the Commission, after
12 the effective date of this amendatory Act of the 99th General
13 Assembly, to withdraw the proposed procurement of renewable
14 energy resources to be approved under the plan, other than the
15 procurement of renewable energy credits from distributed
16 renewable energy generation devices using funds previously
17 collected from electric utilities' retail customers that take
18 service pursuant to electric utilities' hourly pricing tariff
19 or tariffs and, for an electric utility that serves less than
20 100,000 retail customers in the State, other than the
21 procurement of renewable energy credits from distributed
22 renewable energy generation devices. Upon receipt of the
23 notice, the Commission shall enter an order that approves the
24 withdrawal of the proposed procurement of renewable energy
25 resources from the plan. The initially proposed procurement of
26 renewable energy resources shall not be approved or be the

1 subject of any further hearing, investigation, proceeding, or
2 order of any kind.

3 This amendatory Act of the 99th General Assembly preempts
4 and supersedes any order entered by the Commission that
5 approved the Illinois Power Agency's procurement plan for the
6 period commencing June 1, 2017, to the extent it is
7 inconsistent with the provisions of this amendatory Act of the
8 99th General Assembly. To the extent any previously entered
9 order approved the procurement of renewable energy resources,
10 the portion of that order approving the procurement shall be
11 void, other than the procurement of renewable energy credits
12 from distributed renewable energy generation devices using
13 funds previously collected from electric utilities' retail
14 customers that take service under electric utilities' hourly
15 pricing tariff or tariffs and, for an electric utility that
16 serves less than 100,000 retail customers in the State, other
17 than the procurement of renewable energy credits for
18 distributed renewable energy generation devices.

19 (Source: P.A. 99-906, eff. 6-1-17; 102-662, eff. 9-15-21.)

20 (220 ILCS 5/16-127)

21 Sec. 16-127. Environmental disclosure.

22 (a) ~~Every~~ Effective January 1, 2013, every electric
23 utility and alternative retail electric supplier shall provide
24 the following information, to the maximum extent practicable,
25 to its customers on a quarterly basis:

1 (i) the known sources of electricity supplied,
2 broken-out by percentages, of biomass power, coal-fired
3 power, hydro power, natural gas-fired power, nuclear
4 power, oil-fired power, solar power, wind power and other
5 resources, respectively;

6 (ii) a pie chart that graphically depicts the
7 percentages of the sources of the electricity supplied as
8 set forth in subparagraph (i) of this subsection;

9 (iii) a pie chart that graphically depicts the
10 quantity of renewable energy resources procured pursuant
11 to Section 1-75 of the Illinois Power Agency Act as a
12 percentage of electricity supplied to serve eligible
13 retail customers as defined in Section 16-111.5(a) of this
14 Act; and

15 (iv) after May, 31, 2017, a pie chart that graphically
16 depicts the quantity of zero emission credits from zero
17 emission facilities procured under Section 1-75 of the
18 Illinois Power Agency Act as a percentage of the actual
19 load of retail customers within its service area ~~and, for~~
20 ~~an electric utility serving over 3,000,000 customers, the~~
21 ~~quantity of carbon mitigation credits from carbon-free~~
22 ~~energy resources procured under Section 1-75 of the~~
23 ~~Illinois Power Agency Act, which may be depicted in~~
24 ~~combination with the zero emission credits procured.~~

25 (b) In addition, every electric utility and alternative
26 retail electric supplier shall provide, to the maximum extent

1 practicable, to its customers on a quarterly basis, a
2 standardized chart in a format to be determined by the
3 Commission in a rule following notice and hearings which
4 provides the amounts of carbon dioxide, nitrogen oxides and
5 sulfur dioxide emissions and nuclear waste attributable to the
6 known sources of electricity supplied as set forth in
7 subparagraph (i) of subsection (a) of this Section.

8 (c) The electric utilities and alternative retail electric
9 suppliers may provide their customers with such other
10 information as they believe relevant to the information
11 required in subsections (a) and (b) of this Section. All of the
12 information required in subsections (a) and (b) of this
13 Section shall be made available by the electric utilities or
14 alternative retail electric suppliers either in an electronic
15 medium, such as on a website or by electronic mail, or through
16 the U.S. Postal Service.

17 (d) For the purposes of subsection (a) of this Section,
18 "biomass" means dedicated crops grown for energy production
19 and organic wastes.

20 (e) All of the information provided in subsections (a) and
21 (b) of this Section shall be presented to the Commission for
22 inclusion in its World Wide Web Site.

23 (Source: P.A. 99-906, eff. 6-1-17; 102-662, eff. 9-15-21.)

24 Section 90-55. The Environmental Protection Act is amended
25 by changing Sections 9.15 and 22.59 as follows:

1 (415 ILCS 5/9.15)

2 Sec. 9.15. Greenhouse gases.

3 (a) An air pollution construction permit shall not be
4 required due to emissions of greenhouse gases if the
5 equipment, site, or source is not subject to regulation, as
6 defined by 40 CFR 52.21, as now or hereafter amended, for
7 greenhouse gases. This exemption does ~~or is otherwise not~~
8 ~~addressed in this Section or by the Board in regulations for~~
9 ~~greenhouse gases. These exemptions do~~ not relieve an owner or
10 operator from the obligation to comply with other applicable
11 rules or regulations.

12 (b) An air pollution operating permit shall not be
13 required due to emissions of greenhouse gases if the
14 equipment, site, or source is not subject to regulation, as
15 defined by Section 39.5 of this Act, for greenhouse gases.
16 This exemption does ~~or is otherwise not~~ addressed in this
17 ~~Section or by the Board in regulations for greenhouse gases.~~
18 ~~These exemptions do~~ not relieve an owner or operator from the
19 obligation to comply with other applicable rules or
20 regulations.

21 (c) ~~(Blank)~~. Notwithstanding any provision to the contrary
22 in this Section, an air pollution construction or operating
23 permit shall not be required due to emissions of greenhouse
24 gases if any of the following events occur:

25 (1) enactment of federal legislation depriving the

1 Administrator of the USEPA of authority to regulate
2 greenhouse gases under the Clean Air Act;

3 (2) the issuance of any opinion, ruling, judgment,
4 order, or decree by a federal court depriving the
5 Administrator of the USEPA of authority to regulate
6 greenhouse gases under the Clean Air Act; or

7 (3) action by the President of the United States or
8 the President's authorized agent, including the
9 Administrator of the USEPA, to repeal or withdraw the
10 Greenhouse Gas Tailoring Rule (75 Fed. Reg. 31514, June 3,
11 2010).

12 This subsection (c) does not relieve an owner or operator
13 from the obligation to comply with applicable rules or
14 regulations other than those relating to greenhouse gases.

15 (d) ~~(Blank)~~. If any event listed in subsection (c) of this
16 Section occurs, permits issued after such event shall not
17 impose permit terms or conditions addressing greenhouse gases
18 during the effectiveness of any event listed in subsection
19 (c).

20 (e) ~~(Blank)~~. If an event listed in subsection (c) of this
21 Section occurs, any owner or operator with a permit that
22 includes terms or conditions addressing greenhouse gases may
23 elect to submit an application to the Agency to address a
24 revision or repeal of such terms or conditions. The Agency
25 shall expeditiously process such permit application in
26 accordance with applicable laws and regulations.

1 ~~(f) As used in this Section:~~

2 ~~"Carbon dioxide emission" means the plant annual CO₂ total~~
3 ~~output emission as measured by the United States Environmental~~
4 ~~Protection Agency in its Emissions & Generation Resource~~
5 ~~Integrated Database (eGrid), or its successor.~~

6 ~~"Carbon dioxide equivalent emissions" or "CO₂e" means the~~
7 ~~sum total of the mass amount of emissions in tons per year,~~
8 ~~calculated by multiplying the mass amount of each of the 6~~
9 ~~greenhouse gases specified in Section 3.207, in tons per year,~~
10 ~~by its associated global warming potential as set forth in 40~~
11 ~~CFR 98, subpart A, table A-1 or its successor, and then adding~~
12 ~~them all together.~~

13 ~~"Cogeneration" or "combined heat and power" refers to any~~
14 ~~system that, either simultaneously or sequentially, produces~~
15 ~~electricity and useful thermal energy from a single fuel~~
16 ~~source.~~

17 ~~"Copollutants" refers to the 6 criteria pollutants that~~
18 ~~have been identified by the United States Environmental~~
19 ~~Protection Agency pursuant to the Clean Air Act.~~

20 ~~"Electric generating unit" or "EGU" means a fossil~~
21 ~~fuel-fired stationary boiler, combustion turbine, or combined~~
22 ~~cycle system that serves a generator that has a nameplate~~
23 ~~capacity greater than 25 MWe and produces electricity for~~
24 ~~sale.~~

25 ~~"Environmental justice community" means the definition of~~
26 ~~that term based on existing methodologies and findings, used~~

1 ~~and as may be updated by the Illinois Power Agency and its~~
2 ~~program administrator in the Illinois Solar for All Program.~~

3 ~~"Equity investment eligible community" or "eligible~~
4 ~~community" means the geographic areas throughout Illinois that~~
5 ~~would most benefit from equitable investments by the State~~
6 ~~designed to combat discrimination and foster sustainable~~
7 ~~economic growth. Specifically, eligible community means the~~
8 ~~following areas:~~

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

14 ~~(2) areas where residents have been historically~~
15 ~~subject to disproportionate burdens of pollution,~~
16 ~~including pollution from the energy sector, as established~~
17 ~~by environmental justice communities as defined by the~~
18 ~~Illinois Power Agency pursuant to the Illinois Power~~
19 ~~Agency Act, excluding any racial or ethnic indicators.~~

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

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

1 ~~(2) persons whose primary residence is in a~~
2 ~~municipality, or a county with a population under 100,000,~~
3 ~~where the closure of an electric generating unit or mine~~
4 ~~has been publicly announced or the electric generating~~
5 ~~unit or mine is in the process of closing or closed within~~
6 ~~the last 5 years;~~

7 ~~(3) persons who are graduates of or currently enrolled~~
8 ~~in the foster care system; or~~

9 ~~(4) persons who were formerly incarcerated.~~

10 ~~"Existing emissions" means:~~

11 ~~(1) for CO₂e, the total average tons per year of CO₂e~~
12 ~~emitted by the EGU or large GHG emitting unit either in~~
13 ~~the years 2018 through 2020 or, if the unit was not yet in~~
14 ~~operation by January 1, 2018, in the first 3 full years of~~
15 ~~that unit's operation; and~~

16 ~~(2) for any copollutant, the total average~~
17 ~~tons per year of that copollutant emitted by the EGU or~~
18 ~~large GHG emitting unit either in the years 2018 through~~
19 ~~2020 or, if the unit was not yet in operation by January 1,~~
20 ~~2018, in the first 3 full years of that unit's operation.~~

21 ~~"Green hydrogen" means a power plant technology in which~~
22 ~~an EGU creates electric power exclusively from electrolytic~~
23 ~~hydrogen, in a manner that produces zero carbon and~~
24 ~~copollutant emissions, using hydrogen fuel that is~~
25 ~~electrolyzed using a 100% renewable zero carbon emission~~
26 ~~energy source.~~

1 ~~"Large greenhouse gas emitting unit" or "large~~
2 ~~GHG emitting unit" means a unit that is an electric generating~~
3 ~~unit or other fossil fuel fired unit that itself has a~~
4 ~~nameplate capacity or serves a generator that has a nameplate~~
5 ~~capacity greater than 25 MWe and that produces electricity,~~
6 ~~including, but not limited to, coal fired, coal derived,~~
7 ~~oil fired, natural gas fired, and cogeneration units.~~

8 ~~"NO_x emission rate" means the plant annual NO_x total output~~
9 ~~emission rate as measured by the United States Environmental~~
10 ~~Protection Agency in its Emissions & Generation Resource~~
11 ~~Integrated Database (eGrid), or its successor, in the most~~
12 ~~recent year for which data is available.~~

13 ~~"Public greenhouse gas emitting units" or "public~~
14 ~~GHG emitting unit" means large greenhouse gas emitting units,~~
15 ~~including EGUs, that are wholly owned, directly or indirectly,~~
16 ~~by one or more municipalities, municipal corporations, joint~~
17 ~~municipal electric power agencies, electric cooperatives, or~~
18 ~~other governmental or nonprofit entities, whether organized~~
19 ~~and created under the laws of Illinois or another state.~~

20 ~~"SO₂ emission rate" means the "plant annual SO₂ total~~
21 ~~output emission rate" as measured by the United States~~
22 ~~Environmental Protection Agency in its Emissions & Generation~~
23 ~~Resource Integrated Database (eGrid), or its successor, in the~~
24 ~~most recent year for which data is available.~~

25 ~~(g) All EGUs and large greenhouse gas emitting units that~~
26 ~~use coal or oil as a fuel and are not public GHG emitting units~~

1 ~~shall permanently reduce all CO₂e and copollutant emissions to~~
2 ~~zero no later than January 1, 2030.~~

3 ~~(h) All EGUs and large greenhouse gas emitting units that~~
4 ~~use coal as a fuel and are public GHG emitting units shall~~
5 ~~permanently reduce CO₂e emissions to zero no later than~~
6 ~~December 31, 2045. Any source or plant with such units must~~
7 ~~also reduce their CO₂e emissions by 45% from existing~~
8 ~~emissions by no later than January 1, 2035. If the emissions~~
9 ~~reduction requirement is not achieved by December 31, 2035,~~
10 ~~the plant shall retire one or more units or otherwise reduce~~
11 ~~its CO₂e emissions by 45% from existing emissions by June 30,~~
12 ~~2038.~~

13 ~~(i) All EGUs and large greenhouse gas emitting units that~~
14 ~~use gas as a fuel and are not public GHG emitting units shall~~
15 ~~permanently reduce all CO₂e and copollutant emissions to zero,~~
16 ~~including through unit retirement or the use of 100% green~~
17 ~~hydrogen or other similar technology that is commercially~~
18 ~~proven to achieve zero carbon emissions, according to the~~
19 ~~following:~~

20 ~~(1) No later than January 1, 2030: all EGUs and large~~
21 ~~greenhouse gas emitting units that have a NO_x emissions~~
22 ~~rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of~~
23 ~~greater than 0.006 lb/MWh, and are located in or within 3~~
24 ~~miles of an environmental justice community designated as~~
25 ~~of January 1, 2021 or an equity investment eligible~~
26 ~~community.~~

1 ~~(2) No later than January 1, 2040: all EGUs and large~~
2 ~~greenhouse gas emitting units that have a NO_x emission~~
3 ~~rate of greater than 0.12 lbs/MWh or a SO₂ emission rate~~
4 ~~greater than 0.006 lb/MWh, and are not located in or~~
5 ~~within 3 miles of an environmental justice community~~
6 ~~designated as of January 1, 2021 or an equity investment~~
7 ~~eligible community. After January 1, 2035, each such EGU~~
8 ~~and large greenhouse gas emitting unit shall reduce its~~
9 ~~CO₂e emissions by at least 50% from its existing emissions~~
10 ~~for CO₂e, and shall be limited in operation to, on average,~~
11 ~~6 hours or less per day, measured over a calendar year, and~~
12 ~~shall not run for more than 24 consecutive hours except in~~
13 ~~emergency conditions, as designated by a Regional~~
14 ~~Transmission Organization or Independent System Operator.~~

15 ~~(3) No later than January 1, 2035: all EGUs and large~~
16 ~~greenhouse gas emitting units that began operation prior~~
17 ~~to the effective date of this amendatory Act of the 102nd~~
18 ~~General Assembly and have a NO_x emission rate of less than~~
19 ~~or equal to 0.12 lb/MWh and a SO₂ emission rate less than~~
20 ~~or equal to 0.006 lb/MWh, and are located in or within 3~~
21 ~~miles of an environmental justice community designated as~~
22 ~~of January 1, 2021 or an equity investment eligible~~
23 ~~community. Each such EGU and large greenhouse gas emitting~~
24 ~~unit shall reduce its CO₂e emissions by at least 50% from~~
25 ~~its existing emissions for CO₂e no later than January 1,~~
26 ~~2030.~~

1 ~~(4) No later than January 1, 2040: All remaining EGUs~~
2 ~~and large greenhouse gas emitting units that have a heat~~
3 ~~rate greater than or equal to 7000 BTU/kWh. Each such EGU~~
4 ~~and Large greenhouse gas emitting unit shall reduce its~~
5 ~~CO₂e emissions by at least 50% from its existing emissions~~
6 ~~for CO₂e no later than January 1, 2035.~~

7 ~~(5) No later than January 1, 2045: all remaining EGUs~~
8 ~~and large greenhouse gas emitting units.~~

9 ~~(j) All EGUs and large greenhouse gas emitting units that~~
10 ~~use gas as a fuel and are public GHG emitting units shall~~
11 ~~permanently reduce all CO₂e and copollutant emissions to zero,~~
12 ~~including through unit retirement or the use of 100% green~~
13 ~~hydrogen or other similar technology that is commercially~~
14 ~~proven to achieve zero carbon emissions by January 1, 2045.~~

15 ~~(k) All EGUs and large greenhouse gas emitting units that~~
16 ~~utilize combined heat and power or cogeneration technology~~
17 ~~shall permanently reduce all CO₂e and copollutant emissions to~~
18 ~~zero, including through unit retirement or the use of 100%~~
19 ~~green hydrogen or other similar technology that is~~
20 ~~commercially proven to achieve zero carbon emissions by~~
21 ~~January 1, 2045.~~

22 ~~(k-5) No EGU or large greenhouse gas emitting unit that~~
23 ~~uses gas as a fuel and is not a public GHG emitting unit may~~
24 ~~emit, in any 12-month period, CO₂e or copollutants in excess of~~
25 ~~that unit's existing emissions for those pollutants.~~

26 ~~(l) Notwithstanding subsections (g) through (k-5), large~~

1 ~~GHG emitting units including EGUs may temporarily continue~~
2 ~~emitting greenhouse gases after any applicable deadline~~
3 ~~specified in any of subsections (g) through (k-5) if it has~~
4 ~~been determined, as described in paragraphs (1) and (2) of~~
5 ~~this subsection, that ongoing operation of the EGU is~~
6 ~~necessary to maintain power grid supply and reliability or~~
7 ~~ongoing operation of large GHG emitting unit that is not an~~
8 ~~EGU is necessary to serve as an emergency backup to~~
9 ~~operations. Up to and including the occurrence of an emission~~
10 ~~reduction deadline under subsection (i), all EGUs and large~~
11 ~~GHG emitting units must comply with the following terms:~~

12 ~~(1) if an EGU or large GHG emitting unit that is a~~
13 ~~participant in a regional transmission organization~~
14 ~~intends to retire, it must submit documentation to the~~
15 ~~appropriate regional transmission organization by the~~
16 ~~appropriate deadline that meets all applicable regulatory~~
17 ~~requirements necessary to obtain approval to permanently~~
18 ~~cease operating the large GHG emitting unit;~~

19 ~~(2) if any EGU or large GHG emitting unit that is a~~
20 ~~participant in a regional transmission organization~~
21 ~~receives notice that the regional transmission~~
22 ~~organization has determined that continued operation of~~
23 ~~the unit is required, the unit may continue operating~~
24 ~~until the issue identified by the regional transmission~~
25 ~~organization is resolved. The owner or operator of the~~
26 ~~unit must cooperate with the regional transmission~~

1 ~~organization in resolving the issue and must reduce its~~
2 ~~emissions to zero, consistent with the requirements under~~
3 ~~subsection (g), (h), (i), (j), (k), or (k-5), as~~
4 ~~applicable, as soon as practicable when the issue~~
5 ~~identified by the regional transmission organization is~~
6 ~~resolved; and~~

7 ~~(3) any large GHG emitting unit that is not a~~
8 ~~participant in a regional transmission organization shall~~
9 ~~be allowed to continue emitting greenhouse gases after the~~
10 ~~zero emission date specified in subsection (g), (h), (i),~~
11 ~~(j), (k), or (k-5), as applicable, in the capacity of an~~
12 ~~emergency backup unit if approved by the Illinois Commerce~~
13 ~~Commission.~~

14 ~~(m) No variance, adjusted standard, or other regulatory~~
15 ~~relief otherwise available in this Act may be granted to the~~
16 ~~emissions reduction and elimination obligations in this~~
17 ~~Section.~~

18 ~~(n) By June 30 of each year, beginning in 2025, the Agency~~
19 ~~shall prepare and publish on its website a report setting~~
20 ~~forth the actual greenhouse gas emissions from individual~~
21 ~~units and the aggregate statewide emissions from all units for~~
22 ~~the prior year.~~

23 ~~(o) Every 5 years beginning in 2025, the Environmental~~
24 ~~Protection Agency, Illinois Power Agency, and Illinois~~
25 ~~Commerce Commission shall jointly prepare, and release~~
26 ~~publicly, a report to the General Assembly that examines the~~

1 ~~State's current progress toward its renewable energy resource~~
2 ~~development goals, the status of CO₂e and copollutant~~
3 ~~emissions reductions, the current status and progress toward~~
4 ~~developing and implementing green hydrogen technologies, the~~
5 ~~current and projected status of electric resource adequacy and~~
6 ~~reliability throughout the State for the period beginning 5~~
7 ~~years ahead, and proposed solutions for any findings. The~~
8 ~~Environmental Protection Agency, Illinois Power Agency, and~~
9 ~~Illinois Commerce Commission shall consult PJM~~
10 ~~Interconnection, LLC and Midcontinent Independent System~~
11 ~~Operator, Inc., or their respective successor organizations~~
12 ~~regarding forecasted resource adequacy and reliability needs,~~
13 ~~anticipated new generation interconnection, new transmission~~
14 ~~development or upgrades, and any announced large GHG emitting~~
15 ~~unit closure dates and include this information in the report.~~
16 ~~The report shall be released publicly by no later than~~
17 ~~December 15 of the year it is prepared. If the Environmental~~
18 ~~Protection Agency, Illinois Power Agency, and Illinois~~
19 ~~Commerce Commission jointly conclude in the report that the~~
20 ~~data from the regional grid operators, the pace of renewable~~
21 ~~energy development, the pace of development of energy storage~~
22 ~~and demand response utilization, transmission capacity, and~~
23 ~~the CO₂e and copollutant emissions reductions required by~~
24 ~~subsection (i) or (k-5) reasonably demonstrate that a resource~~
25 ~~adequacy shortfall will occur, including whether there will be~~
26 ~~sufficient in state capacity to meet the zonal requirements of~~

1 ~~MISO Zone 4 or the PJM ComEd Zone, per the requirements of the~~
2 ~~regional transmission organizations, or that the regional~~
3 ~~transmission operators determine that a reliability violation~~
4 ~~will occur during the time frame the study is evaluating, then~~
5 ~~the Illinois Power Agency, in conjunction with the~~
6 ~~Environmental Protection Agency shall develop a plan to reduce~~
7 ~~or delay CO₂e and copollutant emissions reductions~~
8 ~~requirements only to the extent and for the duration necessary~~
9 ~~to meet the resource adequacy and reliability needs of the~~
10 ~~State, including allowing any plants whose emission reduction~~
11 ~~deadline has been identified in the plan as creating a~~
12 ~~reliability concern to continue operating, including operating~~
13 ~~with reduced emissions or as emergency backup where~~
14 ~~appropriate. The plan shall also consider the use of renewable~~
15 ~~energy, energy storage, demand response, transmission~~
16 ~~development, or other strategies to resolve the identified~~
17 ~~resource adequacy shortfall or reliability violation.~~

18 ~~(1) In developing the plan, the Environmental~~
19 ~~Protection Agency and the Illinois Power Agency shall hold~~
20 ~~at least one workshop open to, and accessible at a time and~~
21 ~~place convenient to, the public and shall consider any~~
22 ~~comments made by stakeholders or the public. Upon~~
23 ~~development of the plan, copies of the plan shall be~~
24 ~~posted and made publicly available on the Environmental~~
25 ~~Protection Agency's, the Illinois Power Agency's, and the~~
26 ~~Illinois Commerce Commission's websites. All interested~~

1 ~~parties shall have 60 days following the date of posting~~
2 ~~to provide comment to the Environmental Protection Agency~~
3 ~~and the Illinois Power Agency on the plan. All comments~~
4 ~~submitted to the Environmental Protection Agency and the~~
5 ~~Illinois Power Agency shall be encouraged to be specific,~~
6 ~~supported by data or other detailed analyses, and, if~~
7 ~~objecting to all or a portion of the plan, accompanied by~~
8 ~~specific alternative wording or proposals. All comments~~
9 ~~shall be posted on the Environmental Protection Agency's,~~
10 ~~the Illinois Power Agency's, and the Illinois Commerce~~
11 ~~Commission's websites. Within 30 days following the end of~~
12 ~~the 60 day review period, the Environmental Protection~~
13 ~~Agency and the Illinois Power Agency shall revise the plan~~
14 ~~as necessary based on the comments received and file its~~
15 ~~revised plan with the Illinois Commerce Commission for~~
16 ~~approval.~~

17 ~~(2) Within 60 days after the filing of the revised~~
18 ~~plan at the Illinois Commerce Commission, any person~~
19 ~~objecting to the plan shall file an objection with the~~
20 ~~Illinois Commerce Commission. Within 30 days after the~~
21 ~~expiration of the comment period, the Illinois Commerce~~
22 ~~Commission shall determine whether an evidentiary hearing~~
23 ~~is necessary. The Illinois Commerce Commission shall also~~
24 ~~host 3 public hearings within 90 days after the plan is~~
25 ~~filed. Following the evidentiary and public hearings, the~~
26 ~~Illinois Commerce Commission shall enter its order~~

1 ~~approving or approving with modifications the reliability~~
2 ~~mitigation plan within 180 days.~~

3 ~~(3) The Illinois Commerce Commission shall only~~
4 ~~approve the plan if the Illinois Commerce Commission~~
5 ~~determines that it will resolve the resource adequacy or~~
6 ~~reliability deficiency identified in the reliability~~
7 ~~mitigation plan at the least amount of CO₂e and copollutant~~
8 ~~emissions, taking into consideration the emissions impacts~~
9 ~~on environmental justice communities, and that it will~~
10 ~~ensure adequate, reliable, affordable, efficient, and~~
11 ~~environmentally sustainable electric service at the lowest~~
12 ~~total cost over time, taking into account the impact of~~
13 ~~increases in emissions.~~

14 ~~(4) If the resource adequacy or reliability deficiency~~
15 ~~identified in the reliability mitigation plan is resolved~~
16 ~~or reduced, the Environmental Protection Agency and the~~
17 ~~Illinois Power Agency may file an amended plan adjusting~~
18 ~~the reduction or delay in CO₂e and copollutant emission~~
19 ~~reduction requirements identified in the plan.~~

20 (Source: P.A. 97-95, eff. 7-12-11; 102-662, eff. 9-15-21.)

21 (415 ILCS 5/22.59)

22 Sec. 22.59. CCR surface impoundments.

23 (a) The General Assembly finds that:

24 (1) the State of Illinois has a long-standing policy
25 to restore, protect, and enhance the environment,

1 including the purity of the air, land, and waters,
2 including groundwaters, of this State;

3 (2) a clean environment is essential to the growth and
4 well-being of this State;

5 (3) CCR generated by the electric generating industry
6 has caused groundwater contamination and other forms of
7 pollution at active and inactive plants throughout this
8 State;

9 (4) environmental laws should be supplemented to
10 ensure consistent, responsible regulation of all existing
11 CCR surface impoundments; and

12 (5) meaningful participation of State residents,
13 especially vulnerable populations who may be affected by
14 regulatory actions, is critical to ensure that
15 environmental justice considerations are incorporated in
16 the development of, decision-making related to, and
17 implementation of environmental laws and rulemaking that
18 protects and improves the well-being of communities in
19 this State that bear disproportionate burdens imposed by
20 environmental pollution.

21 Therefore, the purpose of this Section is to promote a
22 healthful environment, including clean water, air, and land,
23 meaningful public involvement, and the responsible disposal
24 and storage of coal combustion residuals, so as to protect
25 public health and to prevent pollution of the environment of
26 this State.

1 The provisions of this Section shall be liberally
2 construed to carry out the purposes of this Section.

3 (b) No person shall:

4 (1) cause or allow the discharge of any contaminants
5 from a CCR surface impoundment into the environment so as
6 to cause, directly or indirectly, a violation of this
7 Section or any regulations or standards adopted by the
8 Board under this Section, either alone or in combination
9 with contaminants from other sources;

10 (2) construct, install, modify, operate, or close any
11 CCR surface impoundment without a permit granted by the
12 Agency, or so as to violate any conditions imposed by such
13 permit, any provision of this Section or any regulations
14 or standards adopted by the Board under this Section; or

15 (3) cause or allow, directly or indirectly, the
16 discharge, deposit, injection, dumping, spilling, leaking,
17 or placing of any CCR upon the land in a place and manner
18 so as to cause or tend to cause a violation this Section or
19 any regulations or standards adopted by the Board under
20 this Section.

21 (c) For purposes of this Section, a permit issued by the
22 Administrator of the United States Environmental Protection
23 Agency under Section 4005 of the federal Resource Conservation
24 and Recovery Act, shall be deemed to be a permit under this
25 Section and subsection (y) of Section 39.

26 (d) Before commencing closure of a CCR surface

1 impoundment, in accordance with Board rules, the owner of a
2 CCR surface impoundment must submit to the Agency for approval
3 a closure alternatives analysis that analyzes all closure
4 methods being considered and that otherwise satisfies all
5 closure requirements adopted by the Board under this Act.
6 Complete removal of CCR, as specified by the Board's rules,
7 from the CCR surface impoundment must be considered and
8 analyzed. Section 3.405 does not apply to the Board's rules
9 specifying complete removal of CCR. The selected closure
10 method must ensure compliance with regulations adopted by the
11 Board pursuant to this Section.

12 (e) Owners or operators of CCR surface impoundments who
13 have submitted a closure plan to the Agency before May 1, 2019,
14 and who have completed closure prior to 24 months after July
15 30, 2019 (the effective date of Public Act 101-171) shall not
16 be required to obtain a construction permit for the surface
17 impoundment closure under this Section.

18 (f) Except for the State, its agencies and institutions, a
19 unit of local government, or not-for-profit electric
20 cooperative as defined in Section 3.4 of the Electric Supplier
21 Act, any person who owns or operates a CCR surface impoundment
22 in this State shall post with the Agency a performance bond or
23 other security for the purpose of: (i) ensuring closure of the
24 CCR surface impoundment and post-closure care in accordance
25 with this Act and its rules; and (ii) insuring remediation of
26 releases from the CCR surface impoundment. The only acceptable

1 forms of financial assurance are: a trust fund, a surety bond
2 guaranteeing payment, a surety bond guaranteeing performance,
3 or an irrevocable letter of credit.

4 (1) The cost estimate for the post-closure care of a
5 CCR surface impoundment shall be calculated using a
6 30-year post-closure care period or such longer period as
7 may be approved by the Agency under Board or federal
8 rules.

9 (2) The Agency is authorized to enter into such
10 contracts and agreements as it may deem necessary to carry
11 out the purposes of this Section. Neither the State, nor
12 the Director, nor any State employee shall be liable for
13 any damages or injuries arising out of or resulting from
14 any action taken under this Section.

15 (3) The Agency shall have the authority to approve or
16 disapprove any performance bond or other security posted
17 under this subsection. Any person whose performance bond
18 or other security is disapproved by the Agency may contest
19 the disapproval as a permit denial appeal pursuant to
20 Section 40.

21 (g) The Board shall adopt rules establishing construction
22 permit requirements, operating permit requirements, design
23 standards, reporting, financial assurance, and closure and
24 post-closure care requirements for CCR surface impoundments.
25 Not later than 8 months after July 30, 2019 (the effective date
26 of Public Act 101-171) the Agency shall propose, and not later

1 than one year after receipt of the Agency's proposal the Board
2 shall adopt, rules under this Section. ~~The Board shall not be~~
3 ~~deemed in noncompliance with the rulemaking deadline due to~~
4 ~~delays in adopting rules as a result of the Joint Commission on~~
5 ~~Administrative Rules oversight process.~~ The rules must, at a
6 minimum:

7 (1) be at least as protective and comprehensive as the
8 federal regulations or amendments thereto promulgated by
9 the Administrator of the United States Environmental
10 Protection Agency in Subpart D of 40 CFR 257 governing CCR
11 surface impoundments;

12 (2) specify the minimum contents of CCR surface
13 impoundment construction and operating permit
14 applications, including the closure alternatives analysis
15 required under subsection (d);

16 (3) specify which types of permits include
17 requirements for closure, post-closure, remediation and
18 all other requirements applicable to CCR surface
19 impoundments;

20 (4) specify when permit applications for existing CCR
21 surface impoundments must be submitted, taking into
22 consideration whether the CCR surface impoundment must
23 close under the RCRA;

24 (5) specify standards for review and approval by the
25 Agency of CCR surface impoundment permit applications;

26 (6) specify meaningful public participation procedures

1 for the issuance of CCR surface impoundment construction
2 and operating permits, including, but not limited to,
3 public notice of the submission of permit applications, an
4 opportunity for the submission of public comments, an
5 opportunity for a public hearing prior to permit issuance,
6 and a summary and response of the comments prepared by the
7 Agency;

8 (7) prescribe the type and amount of the performance
9 bonds or other securities required under subsection (f),
10 and the conditions under which the State is entitled to
11 collect moneys from such performance bonds or other
12 securities;

13 (8) specify a procedure to identify areas of
14 environmental justice concern in relation to CCR surface
15 impoundments;

16 (9) specify a method to prioritize CCR surface
17 impoundments required to close under RCRA if not otherwise
18 specified by the United States Environmental Protection
19 Agency, so that the CCR surface impoundments with the
20 highest risk to public health and the environment, and
21 areas of environmental justice concern are given first
22 priority;

23 (10) define when complete removal of CCR is achieved
24 and specify the standards for responsible removal of CCR
25 from CCR surface impoundments, including, but not limited
26 to, dust controls and the protection of adjacent surface

1 water and groundwater; and

2 (11) describe the process and standards for
3 identifying a specific alternative source of groundwater
4 pollution when the owner or operator of the CCR surface
5 impoundment believes that groundwater contamination on the
6 site is not from the CCR surface impoundment.

7 (h) Any owner of a CCR surface impoundment that generates
8 CCR and sells or otherwise provides coal combustion byproducts
9 pursuant to Section 3.135 shall, every 12 months, post on its
10 publicly available website a report specifying the volume or
11 weight of CCR, in cubic yards or tons, that it sold or provided
12 during the past 12 months.

13 (i) The owner of a CCR surface impoundment shall post all
14 closure plans, permit applications, and supporting
15 documentation, as well as any Agency approval of the plans or
16 applications on its publicly available website.

17 (j) The owner or operator of a CCR surface impoundment
18 shall pay the following fees:

19 (1) An initial fee to the Agency within 6 months after
20 July 30, 2019 (the effective date of Public Act 101-171)
21 of:

22 \$50,000 for each closed CCR surface impoundment;

23 and

24 \$75,000 for each CCR surface impoundment that have
25 not completed closure.

26 (2) Annual fees to the Agency, beginning on July 1,

1 2020, of:

2 \$25,000 for each CCR surface impoundment that has
3 not completed closure; and

4 \$15,000 for each CCR surface impoundment that has
5 completed closure, but has not completed post-closure
6 care.

7 (k) All fees collected by the Agency under subsection (j)
8 shall be deposited into the Environmental Protection Permit
9 and Inspection Fund.

10 (l) The Coal Combustion Residual Surface Impoundment
11 Financial Assurance Fund is created as a special fund in the
12 State treasury. Any moneys forfeited to the State of Illinois
13 from any performance bond or other security required under
14 this Section shall be placed in the Coal Combustion Residual
15 Surface Impoundment Financial Assurance Fund and shall, upon
16 approval by the Governor and the Director, be used by the
17 Agency for the purposes for which such performance bond or
18 other security was issued. The Coal Combustion Residual
19 Surface Impoundment Financial Assurance Fund is not subject to
20 the provisions of subsection (c) of Section 5 of the State
21 Finance Act.

22 (m) The provisions of this Section shall apply, without
23 limitation, to all existing CCR surface impoundments and any
24 CCR surface impoundments constructed after July 30, 2019 (the
25 effective date of Public Act 101-171), except to the extent
26 prohibited by the Illinois or United States Constitutions.

1 (Source: P.A. 101-171, eff. 7-30-19; revised 10-22-19;
2 102-662, eff. 9-15-21.)

3 Section 90-56. The Alternate Fuels Act is amended by
4 changing Sections 1, 5, 10, 15, 35, 40, and 45 as follows:

5 (415 ILCS 120/1)

6 Sec. 1. Short title. This Act may be cited as the Alternate
7 Fuels ~~Electric Vehicle Rebate~~ Act.

8 (Source: P.A. 89-410; 102-662, eff. 9-15-21.)

9 (415 ILCS 120/5)

10 Sec. 5. Purpose. The General Assembly declares that it is
11 the public policy of the State to promote and encourage the use
12 of alternate fuel in ~~electric~~ vehicles as a means to improve
13 air quality ~~and reduce the risks from global warming~~ in the
14 State and to meet the requirements of the federal Clean Air Act
15 Amendments of 1990 and the federal Energy Policy Act of 1992.
16 The General Assembly further declares that the State can play
17 a leadership role in the development ~~increasing usage~~ of
18 vehicles powered by alternate fuels, as well as in the
19 establishment of the necessary infrastructure to support this
20 emerging technology ~~electricity~~.

21 (Source: P.A. 89-410; 102-662, eff. 9-15-21.)

22 (415 ILCS 120/10)

1 Sec. 10. Definitions. As used in this Act:

2 "Agency" means the Environmental Protection Agency.

3 "Alternate fuel" means liquid petroleum gas, natural gas,
4 E85 blend fuel, fuel composed of a minimum 80% ethanol, 80%
5 bio-based methanol, fuels that are at least 80% derived from
6 biomass, hydrogen fuel, or electricity, excluding on-board
7 electric generation.

8 "Alternate fuel vehicle" means any vehicle that is
9 operated in Illinois and is capable of using an alternate
10 fuel.

11 "Biodiesel fuel" means a renewable fuel conforming to the
12 industry standard ASTM-D6751 and registered with the U.S.
13 Environmental Protection Agency.

14 "Car sharing organization" means an organization whose
15 primary business is a membership-based service that allows
16 members to drive cars by the hour in order to extend the public
17 transit system, reduce personal car ownership, save consumers
18 money, increase the use of alternative transportation, and
19 improve environmental sustainability.

20 "Conventional", when used to modify the word "vehicle",
21 "engine", or "fuel", means gasoline or diesel or any
22 reformulations of those fuels.

23 "Covered Area" means the counties of Cook, DuPage, Kane,
24 Lake, McHenry, and Will, ~~the townships of Aux Sable and Goose~~
25 ~~Lake in Grundy County, and the township of Oswego in Kendall~~
26 ~~County~~ and those portions of Grundy County and Kendall County

1 that are included in the following ZIP code areas, as
2 designated by the U.S. Postal Service on the effective date of
3 this amendatory Act of 1998: 60416, 60444, 60447, 60450,
4 60481, 60538, and 60543.

5 "Director" means the Director of the Environmental
6 Protection Agency.

7 "Domestic renewable fuel" means a fuel, produced in the
8 United States, composed of a minimum 80% ethanol, 80%
9 bio-based methanol, or 20% biodiesel fuel.

10 "E85 blend fuel" means fuel that contains 85% ethanol and
11 15% gasoline.

12 ~~"Electric vehicle" means a vehicle that is exclusively~~
13 ~~powered by and refueled by electricity, must be plugged in to~~
14 ~~charge, and is licensed to drive on public roadways. "Electric~~
15 ~~Vehicle" does not include electric motorcycles, or hybrid~~
16 ~~electric vehicles and extended range electric vehicles that~~
17 ~~are also equipped with conventional fueled propulsion or~~
18 ~~auxiliary engines.~~

19 ~~"Environmental justice community" has the same meaning,~~
20 ~~based on existing methodologies and findings, used and as may~~
21 ~~be updated by the Illinois Power Agency and its Program~~
22 ~~Administrator of the Illinois Solar for All Program.~~

23 ~~"Low income" means persons and families whose income does~~
24 ~~not exceed 80% of the State median income for the current State~~
25 ~~fiscal year, as established by the United States Department of~~
26 ~~Health and Human Services. licensed to drive on public~~

1 roadways, is predominantly powered by, and primarily refueled
2 with, electricity, and does not have restrictions confining it
3 to operate on only certain types of streets or roads.

4 "GVWR" means Gross Vehicle Weight Rating.

5 "Location" means (i) a parcel of real property or (ii)
6 multiple, contiguous parcels of real property that are
7 separated by private roadways, public roadways, or private or
8 public rights-of-way and are owned, operated, leased, or under
9 common control of one party.

10 "Original equipment manufacturer" or "OEM" means a
11 manufacturer of alternate fuel vehicles or a manufacturer or
12 remanufacturer of alternate fuel engines used in vehicles
13 greater than 8500 pounds GVWR.

14 "Rental vehicle" means any motor vehicle that is owned or
15 controlled primarily for the purpose of short-term leasing or
16 rental pursuant to a contract.

17 (Source: P.A. 97-90, eff. 7-11-11; 102-662, eff. 9-15-21.)

18 (415 ILCS 120/15)

19 Sec. 15. Rulemaking. The Agency shall promulgate rules ~~as~~
20 ~~necessary~~ and dedicate sufficient resources to implement the
21 purposes of Section 30 ~~27~~ of this Act. Such rules shall be
22 consistent with the ~~applicable~~ provisions of the Clean Air Act
23 Amendments of 1990 and any regulations promulgated pursuant
24 thereto. The Secretary of State may promulgate rules to
25 implement Section 35 of this Act. The Department of Commerce

1 and Economic Opportunity may promulgate rules to implement
2 Section 25 of this Act.

3 (Source: P.A. 94-793, eff. 5-19-06; 102-662, eff. 9-15-21.)

4 (415 ILCS 120/35)

5 Sec. 35. User fees.

6 (a) The Office of the Secretary of State shall collect
7 annual user fees from any individual, partnership,
8 association, corporation, or agency of the United States
9 government that registers any combination of 10 or more of the
10 following types of motor vehicles in the Covered Area: (1)
11 vehicles of the First Division, as defined in the Illinois
12 Vehicle Code; (2) vehicles of the Second Division registered
13 under the B, C, D, F, H, MD, MF, MG, MH and MJ plate
14 categories, as defined in the Illinois Vehicle Code; and (3)
15 commuter vans and livery vehicles as defined in the Illinois
16 Vehicle Code. This Section does not apply to vehicles
17 registered under the International Registration Plan under
18 Section 3-402.1 of the Illinois Vehicle Code. The user fee
19 shall be \$20 for each vehicle registered in the Covered Area
20 for each fiscal year. The Office of the Secretary of State
21 shall collect the \$20 when a vehicle's registration fee is
22 paid.

23 (b) Owners of State, county, and local government
24 vehicles, rental vehicles, antique vehicles, expanded-use
25 antique vehicles, electric vehicles, and motorcycles are

1 exempt from paying the user fees on such vehicles.

2 (c) The Office of the Secretary of State shall deposit the
3 user fees collected into the Alternate Fuels ~~Electric Vehicle~~
4 ~~Rebate~~ Fund.

5 (Source: P.A. 101-505, eff. 1-1-20; 102-662, eff. 9-15-21.)

6 (415 ILCS 120/40)

7 Sec. 40. Appropriations from the Alternate Fuels ~~Electric~~
8 ~~Vehicle Rebate~~ Fund.

9 (a) User Fees Funds. The Agency shall estimate the amount
10 of user fees expected to be collected under Section 35 of this
11 Act for each fiscal year. User fee funds shall be deposited
12 into and distributed from the Alternate Fuels Fund in the
13 following manner:

14 (1) In each of fiscal years 1999, 2000, 2001, 2002,
15 and 2003, an amount not to exceed \$200,000, and beginning
16 in fiscal year 2004 an annual amount not to exceed
17 \$225,000, may be appropriated to the Agency from the
18 Alternate Fuels Fund to pay its costs of administering the
19 programs authorized by Section ~~27~~ 30 of this Act. Up to
20 \$200,000 may be appropriated to the Office of the
21 Secretary of State in each of fiscal years 1999, 2000,
22 2001, 2002, and 2003 from the Alternate Fuels Fund to pay
23 the Secretary of State's costs of administering the
24 programs authorized under this Act. Beginning in fiscal
25 year 2004 and in each fiscal year thereafter, an amount

1 not to exceed \$225,000 may be appropriated to the
2 Secretary of State from the Alternate Fuels Fund to pay
3 the Secretary of State's costs of administering the
4 programs authorized under this Act.

5 (2) In fiscal ~~year 2022 and each fiscal year~~
6 ~~thereafter~~ years 1999, 2000, 2001, and 2002, after
7 appropriation of the amounts authorized by item (1) of
8 subsection (a) of this Section, the remaining moneys
9 estimated to be collected during each fiscal year shall be
10 appropriated as follows: 80% of the remaining moneys shall
11 be appropriated to fund the programs authorized by Section
12 30, and 20% shall be appropriated to fund the programs
13 authorized by Section 25. In fiscal year 2004 and each
14 fiscal year thereafter, after appropriation of the amounts
15 authorized by item (1) of subsection (a) of this Section,
16 the remaining moneys estimated to be collected during each
17 fiscal year shall be appropriated as follows: 70% of the
18 remaining moneys shall be appropriated to fund the
19 programs authorized by Section 30 and 30% shall be
20 appropriated to fund the programs authorized by Section
21 31.

22 (3) (Blank).

23 (4) Moneys appropriated to fund the programs
24 authorized in Sections 25 and 30 shall be expended only
25 after they have been collected and deposited into the
26 Alternate Fuels Fund.

1 (b) General Revenue Fund Appropriations. General Revenue
2 Fund amounts appropriated to and deposited into the ~~Electric~~
3 ~~Vehicle Rebate~~ Alternate Fuels Fund shall be distributed from
4 the ~~Electric Vehicle Rebate~~ Alternate Fuels Fund ~~to fund the~~
5 ~~program authorized in Section 27.~~ in the following manner:

6 (1) In each of fiscal years 2003 and 2004, an amount
7 not to exceed \$50,000 may be appropriated to the
8 Department of Commerce and Community Affairs (now
9 Department of Commerce and Economic Opportunity) from the
10 Alternate Fuels Fund to pay its costs of administering the
11 programs authorized by Sections 31 and 32.

12 (2) In each of fiscal years 2003 and 2004, an amount
13 not to exceed \$50,000 may be appropriated to the
14 Department of Commerce and Community Affairs (now
15 Department of Commerce and Economic Opportunity) to fund
16 the programs authorized by Section 32.

17 (3) In each of fiscal years 2003 and 2004, after
18 appropriation of the amounts authorized in items (1) and
19 (2) of subsection (b) of this Section, the remaining
20 moneys received from the General Revenue Fund shall be
21 appropriated as follows: 52.632% of the remaining moneys
22 shall be appropriated to fund the programs authorized by
23 Sections 25 and 30 and 47.368% of the remaining moneys
24 shall be appropriated to fund the programs authorized by
25 Section 31. The moneys appropriated to fund the programs
26 authorized by Sections 25 and 30 shall be used as follows:

1 20% shall be used to fund the programs authorized by
2 Section 25, and 80% shall be used to fund the programs
3 authorized by Section 30.

4 Moneys appropriated to fund the programs authorized in
5 Section 31 shall be expended only after they have been
6 deposited into the Alternate Fuels Fund.

7 (Source: P.A. 93-32, eff. 7-1-03; 94-793, eff. 5-19-06;
8 102-662, eff. 9-15-21.)

9 (415 ILCS 120/45)

10 Sec. 45. Alternate Fuels ~~Electric Vehicle Rebate~~ Fund;
11 creation; deposit of user fees. A separate fund in the State
12 Treasury called the Alternate Fuels ~~Electric Vehicle Rebate~~
13 Fund is created, into which shall be transferred the user fees
14 as provided in Section 35 and any other revenues, deposits,
15 State appropriations, contributions, grants, gifts, bequests,
16 legacies of money and securities, or transfers as provided by
17 law from, without limitation, governmental entities, private
18 sources, foundations, trade associations, industry
19 organizations, and not-for-profit organizations.

20 (Source: P.A. 92-858, eff. 1-3-03; 102-662, eff. 9-15-21.)

21 Section 90-59. The Illinois Vehicle Code is amended by
22 changing Section 13C-10 as follows:

23 (625 ILCS 5/13C-10)

1 Sec. 13C-10. Program.

2 (a) The Agency shall establish a program to begin February
3 1, 2007, to reduce the emission of pollutants by motor
4 vehicles. This program shall be a replacement for and
5 continuation of the program established under the Vehicle
6 Emissions Inspection Law of 1995, Chapter 13B of this Code.

7 At a minimum, this program shall provide for all of the
8 following:

9 (1) The inspection of certain motor vehicles every 2
10 years, as required under Section 13C-15.

11 (2) The establishment and operation of official
12 inspection stations.

13 (3) The designation of official test equipment and
14 testing procedures.

15 (4) The training and supervision of inspectors and
16 other personnel.

17 (5) Procedures to assure the correct operation,
18 maintenance, and calibration of test equipment.

19 (6) Procedures for certifying test results and for
20 reporting and maintaining relevant data and records.

21 (7) The funding of alternate fuel ~~electric vehicle~~
22 rebates and grants as authorized by Section 30 of the
23 Alternate Fuels ~~the Electric Vehicle Rebate Act~~ Act.

24 (b) The Agency shall provide for the operation of a
25 sufficient number of official inspection stations to prevent
26 undue difficulty for motorists to obtain the inspections

1 required under this Chapter. In the event that the Agency
2 operates inspection stations or contracts with one or more
3 parties to operate inspection stations on its behalf, the
4 Agency shall endeavor to: (i) locate the stations so that the
5 owners of vehicles subject to inspection reside within 12
6 miles of an official inspection station; and (ii) have
7 sufficient inspection capacity at the stations so that the
8 usual wait before the start of an inspection does not exceed 15
9 minutes.

10 (Source: P.A. 98-24, eff. 6-19-13; 102-662, eff. 9-15-21.)

11 Section 90-60. The Illinois Worker Adjustment and
12 Retraining Notification Act is amended by changing Section 10
13 as follows:

14 (820 ILCS 65/10)

15 Sec. 10. Notice.

16 (a) An employer may not order a mass layoff, relocation,
17 or employment loss unless, 60 days before the order takes
18 effect, the employer gives written notice of the order to the
19 following:

20 (1) affected employees and representatives of affected
21 employees; and

22 (2) the Department of Commerce and Economic
23 Opportunity and the chief elected official of each
24 municipal and county government within which the

1 employment loss, relocation, or mass layoff occurs.

2 ~~(a-5) An owner of an investor-owned electric generating~~
3 ~~plant or coal mining operation may not order a mass layoff,~~
4 ~~relocation, or employment loss unless, 2 years before the~~
5 ~~order takes effect, the employer gives written notice of the~~
6 ~~order to the following:~~

7 ~~(1) affected employees and representatives of affected~~
8 ~~employees; and~~

9 ~~(2) the Department of Commerce and Economic~~
10 ~~Opportunity and the chief elected official of each~~
11 ~~municipal and county government within which the~~
12 ~~employment loss, relocation, or mass layoff occurs.~~

13 (b) An employer required to give notice of any mass
14 layoff, relocation, or employment loss under this Act shall
15 include in its notice the elements required by the federal
16 Worker Adjustment and Retraining Notification Act (29 U.S.C.
17 2101 et seq.).

18 (c) Notwithstanding the requirements of subsection (a), an
19 employer is not required to provide notice if a mass layoff,
20 relocation, or employment loss is necessitated by a physical
21 calamity or an act of terrorism or war.

22 (d) The mailing of notice to an employee's last known
23 address or inclusion of notice in the employee's paycheck
24 shall be considered acceptable methods for fulfillment of the
25 employer's obligation to give notice to each affected employee
26 under this Act.

1 (e) In the case of a sale of part or all of an employer's
2 business, the seller shall be responsible for providing notice
3 for any plant closing or mass layoff in accordance with this
4 Section, up to and including the effective date of the sale.
5 After the effective date of the sale of part or all of an
6 employer's business, the purchaser shall be responsible for
7 providing notice for any plant closing or mass layoff in
8 accordance with this Section. Notwithstanding any other
9 provision of this Act, any person who is an employee of the
10 seller (other than a part-time employee) as of the effective
11 date of the sale shall be considered an employee of the
12 purchaser immediately after the effective date of the sale.

13 (f) An employer which is receiving State or local economic
14 development incentives for doing or continuing to do business
15 in this State may be required to provide additional notice
16 pursuant to Section 15 of the Business Economic Support Act.

17 (g) The rights and remedies provided to employees by this
18 Act are in addition to, and not in lieu of, any other
19 contractual or statutory rights and remedies of the employees,
20 and are not intended to alter or affect such rights and
21 remedies, except that the period of notification required by
22 this Act shall run concurrently with any period of
23 notification required by contract or by any other law.

24 (h) It is the sense of the General Assembly that an
25 employer who is not required to comply with the notice
26 requirements of this Section should, to the extent possible,

1 provide notice to its employees about a proposal to close a
2 plant or permanently reduce its workforce.

3 (Source: P.A. 93-915, eff. 1-1-05; 102-662, eff. 9-15-21.)

4 (5 ILCS 100/5-45.9 rep.)

5 Section 90-65. The Illinois Administrative Procedure Act
6 is amended by repealing Section 5-45.9.

7 (5 ILCS 420/1-121 rep.)

8 Section 90-70. The Illinois Governmental Ethics Act is
9 amended by repealing Section 1-121.

10 (20 ILCS 605/605-1075 rep.)

11 Section 90-75. The Department of Commerce and Economic
12 Opportunity Law of the Civil Administrative Code of Illinois
13 is amended by repealing Section 605-1075.

14 (20 ILCS 627/40 rep.)

15 (20 ILCS 627/45 rep.)

16 (20 ILCS 627/55 rep.)

17 (20 ILCS 627/60 rep.)

18 Section 90-80. The Electric Vehicle Act is amended by
19 repealing Sections 40, 45, 55, and 60.

20 (20 ILCS 1505/1505-220 rep.)

21 Section 90-85. The Department of Labor Law of the Civil

1 Administrative Code of Illinois is amended by repealing
2 Section 1505-220.

3 (20 ILCS 3125/55 rep.)

4 Section 90-90. The Energy Efficient Building Act is
5 amended by repealing Section 55.

6 (20 ILCS 3855/1-128 rep.)

7 Section 90-95. The Illinois Power Agency Act is amended by
8 repealing Section 1-128.

9 (30 ILCS 105/5.935 rep.)

10 (30 ILCS 105/5.936 rep.)

11 (30 ILCS 105/5.937 rep.)

12 Section 90-100. The State Finance Act is amended by
13 repealing Sections 5.935, 5.936, and 5.937.

14 (220 ILCS 5/4-604 rep.)

15 (220 ILCS 5/4-604.5 rep.)

16 (220 ILCS 5/4-605 rep.)

17 (220 ILCS 5/8-201.7 rep.)

18 (220 ILCS 5/8-201.8 rep.)

19 (220 ILCS 5/8-201.9 rep.)

20 (220 ILCS 5/8-201.10 rep.)

21 (220 ILCS 5/8-218 rep.)

22 (220 ILCS 5/8-402.2 rep.)

- 1 (220 ILCS 5/8-512 rep.)
2 (220 ILCS 5/9-228 rep.)
3 (220 ILCS 5/16-105.5 rep.)
4 (220 ILCS 5/16-105.6 rep.)
5 (220 ILCS 5/16-105.7 rep.)
6 (220 ILCS 5/16-105.10 rep.)
7 (220 ILCS 5/16-105.17 rep.)
8 (220 ILCS 5/16-108.18 rep.)
9 (220 ILCS 5/16-108.19 rep.)
10 (220 ILCS 5/16-108.20 rep.)
11 (220 ILCS 5/16-108.21 rep.)
12 (220 ILCS 5/16-108.25 rep.)
13 (220 ILCS 5/16-108.30 rep.)
14 (220 ILCS 5/16-111.10 rep.)
15 (220 ILCS 5/16-135 rep.)
16 (220 ILCS 5/17-900 rep.)

17 Section 90-105. The Public Utilities Act is amended by
18 repealing Sections 4-604, 4-604.5, 4-605, 8-201.7, 8-201.8,
19 8-201.9, 8-201.10, 8-218, 8-402.2, 8-512, 9-228, 16-105.5,
20 16-105.6, 16-105.7, 16-105.10, 16-105.17, 16-108.18,
21 16-108.19, 16-108.20, 16-108.21, 16-108.25, 16-108.30,
22 16-111.10, 16-135, and 17-900.

23 (415 ILCS 5/3.131 rep.)

24 (415 ILCS 5/9.18 rep.)

25 Section 90-110. The Environmental Protection Act is

1 amended by repealing Sections 3.131 and 9.18.

2 (415 ILCS 120/27 rep.)

3 Section 90-115. The Electric Vehicle Rebate Act is amended
4 by repealing Section 27.

5 Article 95. Reenactments

6 Section 95-5. Sections 20, 22, 24, 30, 31, and 32 of the
7 Electrical Vehicle Rebate Act are reenacted as follows:

8 (415 ILCS 120/20)

9 Sec. 20. Rules. Rules implementing Section 30 of this Act
10 shall include, but are not limited to, calculation of fuel
11 cost differential rebates and designation of acceptable
12 conversion and OEM technologies.

13 In designating acceptable conversion or OEM technologies,
14 the Agency shall favor, when available, technology that is in
15 compliance with the federal Clean Air Act Amendments of 1990
16 and applicable implementing federal regulations. Conversion
17 and OEM technologies that demonstrate emission reduction
18 capabilities that meet or exceed emission standards applicable
19 for the vehicle's model year and weight class shall be
20 acceptable. Standards requiring proper installation of
21 approved conversion technologies shall be included in the
22 recommended rules.

1 Notwithstanding the above, engines used in alternate fuel
2 vehicles greater than 8500 pounds GVWR, whether new or
3 remanufactured, shall meet the appropriate United States
4 Environmental Protection Agency emissions standards at the
5 time of manufacture, and if converted, shall meet the
6 standards in effect at the time of conversion.

7 (Source: P.A. 90-726, eff. 8-7-98; 91-798, eff. 7-9-00.)

8 (415 ILCS 120/22)

9 Sec. 22. Flexible fuel vehicle database. The Secretary of
10 State shall, to the extent that the necessary information is
11 obtainable from automobile manufacturers, compile a database
12 of the flexible fuel vehicles in the State by zip code area.
13 The database shall be created based upon the make, model, and
14 vehicle identification number of registered vehicles. The
15 database shall include only the number of vehicles by zip code
16 and shall be completed and made available to the public in both
17 print and electronic format by January 1, 2005. For the
18 purposes of this Section, "flexible fuel vehicle" means a
19 vehicle that is capable of running on E85 blend fuel.

20 (Source: P.A. 93-913, eff. 8-12-04.)

21 (415 ILCS 120/24)

22 Sec. 24. Flexible fuel vehicle notification.

23 (a) Beginning July 1, 2010 and through June 30, 2014, the
24 Secretary of State must notify each owner of a first division

1 licensed motor vehicle that many motor vehicles are capable of
2 using E85 blended fuel. This notice must be included on the
3 motor vehicle sticker renewal form mailed to the owner by the
4 Office of the Secretary of State.

5 (b) The notice must include the following text:

6 E85 blended fuel reduces reliance on foreign oil and
7 supports Illinois agriculture.

8 (Source: P.A. 96-510, eff. 8-14-09; 96-1000, eff. 7-2-10.)

9 (415 ILCS 120/30)

10 Sec. 30. Rebate and grant program.

11 (a) Beginning January 1, 1997, and as long as funds are
12 available, each owner of an alternate fuel vehicle shall be
13 eligible to apply for a rebate. Beginning July 1, 2005, each
14 owner of a vehicle using domestic renewable fuel is eligible
15 to apply for a fuel cost differential rebate under item (3) of
16 this subsection. The Agency shall cause rebates to be issued
17 under the provisions of this Act. An owner may apply for only
18 one of 3 types of rebates with regard to an individual
19 alternate fuel vehicle: (i) a conversion cost rebate, (ii) an
20 OEM differential cost rebate, or (iii) a fuel cost
21 differential rebate. Only one rebate may be issued with regard
22 to a particular alternate fuel vehicle during the life of that
23 vehicle. A rebate shall not exceed \$4,000 per vehicle. Over
24 the life of this rebate program, an owner of an alternate fuel
25 vehicle or a vehicle using domestic renewable fuel may not

1 receive rebates for more than 150 vehicles per location or for
2 300 vehicles in total.

3 (1) A conversion cost rebate may be issued to an owner
4 or his or her designee in order to reduce the cost of
5 converting a conventional vehicle or a hybrid vehicle to
6 an alternate fuel vehicle. Conversion of a conventional
7 vehicle or a hybrid vehicle to alternate fuel capability
8 must take place in Illinois for the owner to be eligible
9 for the conversion cost rebate. Amounts spent by
10 applicants within a calendar year may be claimed on a
11 rebate application submitted within 12 months after the
12 month in which the conversion of the vehicle took place.
13 Approved conversion cost rebates applied for during or
14 after calendar year 1997 shall be 80% of all approved
15 conversion costs claimed and documented. Approval of
16 conversion cost rebates may continue after calendar year
17 2002, if funds are still available. An applicant may
18 include on an application submitted in 1997 all amounts
19 spent within that calendar year on the conversion, even if
20 the expenditure occurred before promulgation of the Agency
21 rules.

22 (2) An OEM differential cost rebate may be issued to
23 an owner or his or her designee in order to reduce the cost
24 differential between a conventional vehicle or engine and
25 the same vehicle or engine, produced by an original
26 equipment manufacturer, that has the capability to use

1 alternate fuels.

2 A new OEM vehicle or engine must be purchased in
3 Illinois and must either be an alternate fuel vehicle or
4 used in an alternate fuel vehicle, respectively, for the
5 owner to be eligible for an OEM differential cost rebate.
6 Large vehicles, over 8,500 pounds gross vehicle weight,
7 purchased outside Illinois are eligible for an OEM
8 differential cost rebate if the same or a comparable
9 vehicle is not available for purchase in Illinois. Amounts
10 spent by applicants within a calendar year may be claimed
11 on a rebate application submitted within 12 months after
12 the month in which the new OEM vehicle or engine was
13 purchased.

14 Approved OEM differential cost rebates applied for
15 during or after calendar year 1997 shall be 80% of all
16 approved cost differential claimed and documented.
17 Approval of OEM differential cost rebates may continue
18 after calendar year 2002, if funds are still available. An
19 applicant may include on an application submitted in 1997
20 all amounts spent within that calendar year on OEM
21 equipment, even if the expenditure occurred before
22 promulgation of the Agency rules.

23 (3) A fuel cost differential rebate may be issued to
24 an owner or his or her designee in order to reduce the cost
25 differential between conventional fuels and domestic
26 renewable fuels or alternate fuels purchased to operate an

1 alternate fuel vehicle. The fuel cost differential shall
2 be based on a 3-year life cycle cost analysis developed by
3 the Agency by rulemaking. The rebate shall apply to and be
4 payable during a consecutive 3-year period commencing on
5 the date the application is approved by the Agency.
6 Approved fuel cost differential rebates may be applied for
7 during or after calendar year 1997 and approved rebates
8 shall be 80% of the cost differential for a consecutive
9 3-year period. Approval of fuel cost differential rebates
10 may continue after calendar year 2002 if funds are still
11 available.

12 Twenty-five percent of the amount that is appropriated
13 under Section 40 to be used to fund programs authorized by
14 this Section during calendar year 2001 shall be designated
15 to fund fuel cost differential rebates. If the total
16 dollar amount of approved fuel cost differential rebate
17 applications as of July 1, 2001 is less than the amount
18 designated for that calendar year, the balance of
19 designated funds shall be immediately available to fund
20 any rebate authorized by this Section and approved in the
21 calendar year.

22 An approved fuel cost differential rebate shall be
23 paid to an owner in 3 annual installments on or about the
24 anniversary date of the approval of the application.
25 Owners receiving a fuel cost differential rebate shall be
26 required to demonstrate, through recordkeeping, the use of

1 domestic renewable fuels during the 3-year period
2 commencing on the date the application is approved by the
3 Agency. If the vehicle ceases to be registered to the
4 original applicant owner, a prorated installment shall be
5 paid to that owner or the owner's designee and the
6 remainder of the rebate shall be canceled.

7 (b) Vehicles owned by the federal government or vehicles
8 registered in a state outside Illinois are not eligible for
9 rebates.

10 (c) Through fiscal year 2013, the Agency may make grants
11 to one or more car sharing organizations located and operating
12 in Illinois for the purchase of new electric vehicles from an
13 Illinois car dealership. A grant may not exceed 25% of the
14 total project cost, including vehicles and supporting
15 infrastructure.

16 (1) Once in each fiscal year, a car sharing
17 organization may submit a grant proposal to the Agency.
18 The information in the proposal shall, at a minimum,
19 consist of the following:

20 (A) the name, address, and locations of the car
21 sharing organization and its operations within
22 Illinois;

23 (B) a description of the car sharing organization,
24 including the number and types of vehicles currently
25 in the fleet and how the vehicles are strategically
26 located to maximize their usage along with a summary

1 of the demographic populations being served;

2 (C) a summary of average miles per year driven by
3 the vehicles currently in the fleet;

4 (D) a narrative description of the project,
5 including the overall plans of the organization in
6 acquiring electric vehicles, the makes and models and
7 the number of electric vehicles that will be acquired
8 by the funding, estimated purchase costs for each
9 vehicle, how the vehicles will be refueled, and
10 whether the refueling locations are available to the
11 public or other entities, are private facilities
12 solely used by the organization, or a combination of
13 both; and

14 (E) a detailed project budget, including the costs
15 of vehicles and supporting infrastructure.

16 (2) The Agency may award grants and set grant amounts,
17 provided that the total amount of the grants does not
18 exceed the Agency's estimate of the amount of the annual
19 appropriation remaining after all rebates have been
20 submitted and processed.

21 (3) In deciding whether to award a grant, the Agency
22 shall consider the overall level of environmental benefits
23 to be realized by the proposed project.

24 (4) Grant funds may only be used for purchasing
25 electric vehicles, and shall not exceed 25% of the actual
26 project expenditures. A vehicle purchased using grant

1 funds is not eligible for any rebate authorized by this
2 Section. The grant shall provide funding only for the base
3 Manufacturer's Suggested Retail Price (MSRP) of the
4 vehicle and its electric motors and drivetrain system as
5 depicted on the window sticker or similar documents, and
6 is not to include add-on options such as cabin-related
7 product or component upgrades and extended warranties.

8 (5) Within one year after the date of the grant award,
9 the grantee shall submit a final report to the Agency. If
10 there are grant funds unspent at that time, the remaining
11 money shall be returned to the Agency. The report shall
12 include the following information:

13 (A) the make, model, and model year of each
14 vehicle;

15 (B) the dates of vehicle purchases;

16 (C) the vehicle identification number (VIN);

17 (D) the license plate number and the state of
18 registration;

19 (E) a copy of each vehicle's window sticker or
20 similar document showing the base MSRP and all
21 options;

22 (F) proof of payment and purchase invoices for the
23 vehicles showing the Illinois car dealership where the
24 vehicles were purchased; and

25 (G) a complete financial report for the project.

26 (6) Vehicles purchased with grant funds must remain

1 registered and in service with the grantee in Illinois for
2 a minimum of 5 years after purchase. If a vehicle is sold
3 or otherwise taken out of service in Illinois earlier than
4 that time, then the grantee shall refund to the Agency a
5 prorated amount of the grant funds used to purchase that
6 vehicle, except if a vehicle is replaced with a comparable
7 vehicle or can no longer be safely operated due to an
8 accident or other damage.

9 (Source: P.A. 96-537, eff. 8-14-09; 96-1278, eff. 7-26-10;
10 97-90, eff. 7-11-11.)

11 (415 ILCS 120/31)

12 Sec. 31. Alternate Fuel Infrastructure Program. Subject to
13 appropriation, the Department of Commerce and Community
14 Affairs (now Department of Commerce and Economic Opportunity)
15 shall establish a grant program to provide funding for the
16 building of E85 blend, propane, at least 20% biodiesel blended
17 fuel, and compressed natural gas (CNG) fueling facilities,
18 including private on-site fueling facilities, to be built
19 within the covered area or in Illinois metropolitan areas over
20 100,000 in population. The Department of Commerce and Economic
21 Opportunity shall be responsible for reviewing the proposals
22 and awarding the grants.

23 (Source: P.A. 94-62, eff. 6-20-05.)

24 (415 ILCS 120/32)

1 Sec. 32. Clean Fuel Education Program. Subject to
2 appropriation, the Department of Commerce and Economic
3 Opportunity, in cooperation with the Agency and Chicago Area
4 Clean Cities, shall administer the Clean Fuel Education
5 Program, the purpose of which is to educate fleet
6 administrators and Illinois' citizens about the benefits of
7 using alternate fuels. The program shall include a media
8 campaign.

9 (Source: P.A. 94-793, eff. 5-19-06.)

10 Article 99. Miscellaneous Provisions; Effective Date

11 Section 99-95. No acceleration or delay. Where this Act
12 makes changes in a statute that is represented in this Act by
13 text that is not yet or no longer in effect (for example, a
14 Section represented by multiple versions), the use of that
15 text does not accelerate or delay the taking effect of (i) the
16 changes made by this Act or (ii) provisions derived from any
17 other Public Act.

18 Section 99-97. Severability. The provisions of this Act
19 are severable under Section 1.31 of the Statute on Statutes.

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

1	INDEX	
2	Statutes amended in order of appearance	
3	20 ILCS 3501/801-1	
4	20 ILCS 3501/801-5	
5	20 ILCS 3501/801-10	
6	20 ILCS 3501/801-40	
7	20 ILCS 730/Act rep.	
8	20 ILCS 3501/Art. 850 rep.	
9	20 ILCS 735/Act rep.	
10	50 ILCS 65/Act rep.	
11	805 ILCS 155/Act rep.	
12	5 ILCS 420/4A-102	from Ch. 127, par. 604A-102
13	5 ILCS 420/4A-103	from Ch. 127, par. 604A-103
14	5 ILCS 430/5-50	
15	20 ILCS 627/15	
16	20 ILCS 655/5.5	from Ch. 67 1/2, par. 609.1
17	20 ILCS 1505/1505-215	
18	20 ILCS 3125/10	
19	20 ILCS 3125/15	
20	20 ILCS 3125/20	
21	20 ILCS 3125/30	
22	20 ILCS 3125/40	
23	20 ILCS 3125/45	
24	20 ILCS 3855/1-5	
25	20 ILCS 3855/1-10	

1	20 ILCS 3855/1-20	
2	20 ILCS 3855/1-35	
3	20 ILCS 3855/1-56	
4	20 ILCS 3855/1-70	
5	20 ILCS 3855/1-75	
6	20 ILCS 3855/1-92	
7	20 ILCS 3855/1-125	
8	30 ILCS 105/5.427	
9	30 ILCS 500/1-10	
10	30 ILCS 575/4f	
11	30 ILCS 575/7	from Ch. 127, par. 132.607
12	35 ILCS 200/1-130	
13	35 ILCS 200/10-5	
14	35 ILCS 200/10-610	
15	105 ILCS 5/10-22.11	from Ch. 122, par. 10-22.11
16	220 ILCS 5/5-117	
17	220 ILCS 5/8-103B	
18	220 ILCS 5/8-406	from Ch. 111 2/3, par. 8-406
19	220 ILCS 5/9-229	
20	220 ILCS 5/9-241	from Ch. 111 2/3, par. 9-241
21	220 ILCS 5/16-107.5	
22	220 ILCS 5/16-107.6	
23	220 ILCS 5/16-108	
24	220 ILCS 5/16-111.5	
25	220 ILCS 5/16-127	
26	415 ILCS 5/9.15	

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2 415 ILCS 120/1
3 415 ILCS 120/5
4 415 ILCS 120/10
5 415 ILCS 120/15
6 415 ILCS 120/35
7 415 ILCS 120/40
8 415 ILCS 120/45
9 625 ILCS 5/13C-10
10 820 ILCS 65/10
11 5 ILCS 100/5-45.9 rep.
12 5 ILCS 420/1-121 rep.
13 20 ILCS 605/605-1075 rep.
14 20 ILCS 627/40 rep.
15 20 ILCS 627/45 rep.
16 20 ILCS 627/55 rep.
17 20 ILCS 627/60 rep.
18 20 ILCS 1505/1505-220 rep.
19 20 ILCS 3125/55 rep.
20 20 ILCS 3855/1-128 rep.
21 30 ILCS 105/5.935 rep.
22 30 ILCS 105/5.936 rep.
23 30 ILCS 105/5.937 rep.
24 220 ILCS 5/4-604 rep.
25 220 ILCS 5/4-604.5 rep.
26 220 ILCS 5/4-605 rep.

- 1 220 ILCS 5/8-201.7 rep.
- 2 220 ILCS 5/8-201.8 rep.
- 3 220 ILCS 5/8-201.9 rep.
- 4 220 ILCS 5/8-201.10 rep.
- 5 220 ILCS 5/8-218 rep.
- 6 220 ILCS 5/8-402.2 rep.
- 7 220 ILCS 5/8-512 rep.
- 8 220 ILCS 5/9-228 rep.
- 9 220 ILCS 5/16-105.5 rep.
- 10 220 ILCS 5/16-105.6 rep.
- 11 220 ILCS 5/16-105.7 rep.
- 12 220 ILCS 5/16-105.10 rep.
- 13 220 ILCS 5/16-105.17 rep.
- 14 220 ILCS 5/16-108.18 rep.
- 15 220 ILCS 5/16-108.19 rep.
- 16 220 ILCS 5/16-108.20 rep.
- 17 220 ILCS 5/16-108.21 rep.
- 18 220 ILCS 5/16-108.25 rep.
- 19 220 ILCS 5/16-108.30 rep.
- 20 220 ILCS 5/16-111.10 rep.
- 21 220 ILCS 5/16-135 rep.
- 22 220 ILCS 5/17-900 rep.
- 23 415 ILCS 5/3.131 rep.
- 24 415 ILCS 5/9.18 rep.
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HB2178

- 679 -

LRB103 26898 AMQ 53262 b

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