

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Power Agency Act is amended by
5 changing Section 1-56 as follows:

6 (20 ILCS 3855/1-56)

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

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

11 (b) The Illinois Power Agency Renewable Energy Resources
12 Fund shall be administered by the Agency as described in this
13 subsection (b), provided that the changes to this subsection
14 (b) made by this amendatory Act of the 99th General Assembly
15 shall not interfere with existing contracts under this
16 Section.

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

21 (2) The Illinois Power Agency Renewable Energy
22 Resources Fund shall also be used to create the Illinois
23 Solar for All Program, which provides incentives for

1 low-income distributed generation and community solar
2 projects, and other associated approved expenditures. The
3 objectives of the Illinois Solar for All Program are to
4 bring photovoltaics to low-income communities in this
5 State in a manner that maximizes the development of new
6 photovoltaic generating facilities, to create a long-term,
7 low-income solar marketplace throughout this State, to
8 integrate, through interaction with stakeholders, with
9 existing energy efficiency initiatives, and to minimize
10 administrative costs. The Illinois Solar for All Program
11 shall be implemented in a manner that seeks to minimize
12 administrative costs, and maximize efficiencies and
13 synergies available through coordination with similar
14 initiatives, including the Adjustable Block program
15 described in subparagraphs (K) through (M) of paragraph
16 (1) of subsection (c) of Section 1-75, energy efficiency
17 programs, job training programs, and community action
18 agencies. The Agency shall strive to ensure that renewable
19 energy credits procured through the Illinois Solar for All
20 Program and each of its subprograms are purchased from
21 projects across the breadth of low-income and
22 environmental justice communities in Illinois, including
23 both urban and rural communities, are not concentrated in
24 a few communities, and do not exclude particular
25 low-income or environmental justice communities. The
26 Agency shall include a description of its proposed

1 approach to the design, administration, implementation and
2 evaluation of the Illinois Solar for All Program, as part
3 of the long-term renewable resources procurement plan
4 authorized by subsection (c) of Section 1-75 of this Act,
5 and the program shall be designed to grow the low-income
6 solar market. The Agency or utility, as applicable, shall
7 purchase renewable energy credits from the (i)
8 photovoltaic distributed renewable energy generation
9 projects and (ii) community solar projects that are
10 procured under procurement processes authorized by the
11 long-term renewable resources procurement plans approved
12 by the Commission.

13 The Illinois Solar for All Program shall include the
14 program offerings described in subparagraphs (A) through
15 (E) of this paragraph (2), which the Agency shall
16 implement through contracts with third-party providers
17 and, subject to appropriation, pay the approximate amounts
18 identified using monies available in the Illinois Power
19 Agency Renewable Energy Resources Fund. Each contract that
20 provides for the installation of solar facilities shall
21 provide that the solar facilities will produce energy and
22 economic benefits, at a level determined by the Agency to
23 be reasonable, for the participating low income customers.
24 The monies available in the Illinois Power Agency
25 Renewable Energy Resources Fund and not otherwise
26 committed to contracts executed under subsection (i) of

1 this Section, as well as, in the case of the programs
2 described under subparagraphs (A) through (E) of this
3 paragraph (2), funding authorized pursuant to subparagraph
4 (O) of paragraph (1) of subsection (c) of Section 1-75 of
5 this Act, shall initially be allocated among the programs
6 described in this paragraph (2), as follows: 35% of these
7 funds shall be allocated to programs described in
8 subparagraphs (A) and (E) of this paragraph (2), 40% of
9 these funds shall be allocated to programs described in
10 subparagraph (B) of this paragraph (2), and 25% of these
11 funds shall be allocated to programs described in
12 subparagraph (C) of this paragraph (2). The allocation of
13 funds among subparagraphs (A), (B), (C), and (E) of this
14 paragraph (2) may be changed if the Agency, after
15 receiving input through a stakeholder process, determines
16 incentives in subparagraphs (A), (B), (C), or (E) of this
17 paragraph (2) have not been adequately subscribed to fully
18 utilize available Illinois Solar for All Program funds.

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 coordinate with the job training programs described
18 in paragraph (1) of subsection (a) of Section 16-108.12 of
19 the Public Utilities Act and in the Energy Transition Act.

20 The Agency shall make every effort to ensure that
21 small and emerging businesses, particularly those located
22 in low-income and environmental justice communities, are
23 able to participate in the Illinois Solar for All Program.
24 These efforts may include, but shall not be limited to,
25 proactive support from the program administrator,
26 different or preferred access to subprograms and

1 administrator-identified customers or grassroots
2 education provider-identified customers, and different
3 incentive levels. The Agency shall report on progress and
4 barriers to participation of small and emerging businesses
5 in the Illinois Solar for All Program at least once a year.
6 The report shall be made available on the Agency's website
7 and, in years when the Agency is updating its long-term
8 renewable resources procurement plan, included in that
9 Plan.

10 (A) Low-income single-family and small multifamily
11 solar incentive. This program will provide incentives
12 to low-income customers, either directly or through
13 solar providers, to increase the participation of
14 low-income households in photovoltaic on-site
15 distributed generation at residential buildings
16 containing one to 4 units. Companies participating in
17 this program that install solar panels shall commit to
18 hiring job trainees for a portion of their low-income
19 installations, and an administrator shall facilitate
20 partnering the companies that install solar panels
21 with entities that provide solar panel installation
22 job training. It is a goal of this program that a
23 minimum of 25% of the incentives for this program be
24 allocated to projects located within environmental
25 justice communities. Contracts entered into under this
26 paragraph may be entered into with an entity that will

1 develop and administer the program and shall also
2 include contracts for renewable energy credits from
3 the photovoltaic distributed generation that is the
4 subject of the program, as set forth in the long-term
5 renewable resources procurement plan. Additionally:

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

26 (ii) Through its long-term renewable resources

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

25 (B) Low-Income Community Solar Project Initiative.
26 Incentives shall be offered to low-income customers,

1 either directly or through developers, to increase the
2 participation of low-income subscribers of community
3 solar projects. The developer of each project shall
4 identify its partnership with community stakeholders
5 regarding the location, development, and participation
6 in the project, provided that nothing shall preclude a
7 project from including an anchor tenant that does not
8 qualify as low-income. Companies participating in this
9 program that develop or install solar projects shall
10 commit to hiring job trainees for a portion of their
11 low-income installations, and an administrator shall
12 facilitate partnering the companies that install solar
13 projects with entities that provide solar installation
14 and related job training. It is a goal of this program
15 that a minimum of 25% of the incentives for this
16 program be allocated to community photovoltaic
17 projects in environmental justice communities. The
18 Agency shall reserve a portion of this program for
19 projects that promote energy sovereignty through
20 ownership of projects by low-income households,
21 not-for-profit organizations providing services to
22 low-income households, affordable housing owners, or
23 community-based limited liability companies providing
24 services to low-income households. Projects that
25 feature energy ownership should ensure that local
26 people have control of the project and reap benefits

1 from the project over and above energy bill savings.
2 The Agency may consider the inclusion of projects that
3 promote ownership over time or that involve partial
4 project ownership by communities, as promoting energy
5 sovereignty. Incentives for projects that promote
6 energy sovereignty may be higher than incentives for
7 equivalent projects that do not promote energy
8 sovereignty under this same program. Contracts entered
9 into under this paragraph may be entered into with
10 developers and shall also include contracts for
11 renewable energy credits related to the program.

12 (C) Incentives for non-profits and public
13 facilities. Under this program funds shall be used to
14 support on-site photovoltaic distributed renewable
15 energy generation devices to serve the load associated
16 with not-for-profit customers and to support
17 photovoltaic distributed renewable energy generation
18 that uses photovoltaic technology to serve the load
19 associated with public sector customers taking service
20 at public buildings. Companies participating in this
21 program that develop or install solar projects shall
22 commit to hiring job trainees for a portion of their
23 low-income installations, and an administrator shall
24 facilitate partnering the companies that install solar
25 projects with entities that provide solar installation
26 and related job training. Through its long-term

1 renewable resources procurement plan, the Agency shall
2 consider additional program and contract requirements
3 to ensure faithful compliance by applicants benefiting
4 from preferences for projects designated to promote
5 energy sovereignty. It is a goal of this program that
6 at least 25% of the incentives for this program be
7 allocated to projects located in environmental justice
8 communities. Contracts entered into under this
9 paragraph may be entered into with an entity that will
10 develop and administer the program or with developers
11 and shall also include contracts for renewable energy
12 credits related to the program.

13 (D) (Blank).

14 (E) Low-income large multifamily solar incentive.
15 This program shall provide incentives to low-income
16 customers, either directly or through solar providers,
17 to increase the participation of low-income households
18 in photovoltaic on-site distributed generation at
19 residential buildings with 5 or more units. Companies
20 participating in this program that develop or install
21 solar projects shall commit to hiring job trainees for
22 a portion of their low-income installations, and an
23 administrator shall facilitate partnering the
24 companies that install solar projects with entities
25 that provide solar installation and related job
26 training. It is a goal of this program that a minimum

1 of 25% of the incentives for this program be allocated
2 to projects located within environmental justice
3 communities. The Agency shall reserve a portion of
4 this program for projects that promote energy
5 sovereignty through ownership of projects by
6 low-income households, not-for-profit organizations
7 providing services to low-income households,
8 affordable housing owners, or community-based limited
9 liability companies providing services to low-income
10 households. Projects that feature energy ownership
11 should ensure that local people have control of the
12 project and reap benefits from the project over and
13 above energy bill savings. The Agency may consider the
14 inclusion of projects that promote ownership over time
15 or that involve partial project ownership by
16 communities, as promoting energy sovereignty.
17 Incentives for projects that promote energy
18 sovereignty may be higher than incentives for
19 equivalent projects that do not promote energy
20 sovereignty under this same program.

21 The requirement that a qualified person, as defined in
22 paragraph (1) of subsection (i) of this Section, install
23 photovoltaic devices does not apply to the Illinois Solar
24 for All Program described in this subsection (b).

25 In addition to the programs outlined in paragraphs (A)
26 through (E), the Agency and other parties may propose

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

14 (3) Costs associated with the Illinois Solar for All
15 Program and its components described in paragraph (2) of
16 this subsection (b), including, but not limited to, costs
17 associated with procuring experts, consultants, and the
18 program administrator referenced in this subsection (b)
19 and related incremental costs, costs related to income
20 verification and facilitating customer participation in
21 the program, and costs related to the evaluation of the
22 Illinois Solar for All Program, may be paid for using
23 monies in the Illinois Power Agency Renewable Energy
24 Resources Fund, and funds allocated pursuant to
25 subparagraph (0) of paragraph (1) of subsection (c) of
26 Section 1-75, but the Agency or program administrator

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

1 The Agency shall direct that up to 5% of the funds
2 available under the Illinois Solar for All Program to
3 community-based groups and other qualifying organizations
4 to assist in community-driven education efforts related to
5 the Illinois Solar for All Program, including general
6 energy education, job training program outreach efforts,
7 and other activities deemed to be qualified by the Agency.
8 Grassroots education funding shall not be used to support
9 the marketing by solar project development firms and
10 organizations, unless such education provides equal
11 opportunities for all applicable firms and organizations.

12 (4) The Agency shall, consistent with the requirements
13 of this subsection (b), propose the Illinois Solar for All
14 Program terms, conditions, and requirements, including the
15 prices to be paid for renewable energy credits, and which
16 prices may be determined through a formula, through the
17 development, review, and approval of the Agency's
18 long-term renewable resources procurement plan described
19 in subsection (c) of Section 1-75 of this Act and Section
20 16-111.5 of the Public Utilities Act. In the course of the
21 Commission proceeding initiated to review and approve the
22 plan, including the Illinois Solar for All Program
23 proposed by the Agency, a party may propose an additional
24 low-income solar or solar incentive program, or
25 modifications to the programs proposed by the Agency, and
26 the Commission may approve an additional program, or

1 modifications to the Agency's proposed program, if the
2 additional or modified program more effectively maximizes
3 the benefits to low-income customers after taking into
4 account all relevant factors, including, but not limited
5 to, the extent to which a competitive market for
6 low-income solar has developed. Following the Commission's
7 approval of the Illinois Solar for All Program, the Agency
8 or a party may propose adjustments to the program terms,
9 conditions, and requirements, including the price offered
10 to new systems, to ensure the long-term viability and
11 success of the program. The Commission shall review and
12 approve any modifications to the program through the plan
13 revision process described in Section 16-111.5 of the
14 Public Utilities Act.

15 (5) The Agency shall issue a request for
16 qualifications for a third-party program administrator or
17 administrators to administer all or a portion of the
18 Illinois Solar for All Program. The third-party program
19 administrator shall be chosen through a competitive bid
20 process based on selection criteria and requirements
21 developed by the Agency, including, but not limited to,
22 experience in administering low-income energy programs and
23 overseeing statewide clean energy or energy efficiency
24 services. If the Agency retains a program administrator or
25 administrators to implement all or a portion of the
26 Illinois Solar for All Program, each administrator shall

1 periodically submit reports to the Agency and Commission
2 for each program that it administers, at appropriate
3 intervals to be identified by the Agency in its long-term
4 renewable resources procurement plan, provided that the
5 reporting interval is at least quarterly. The third-party
6 program administrator may be, but need not be, the same
7 administrator as for the Adjustable Block program
8 described in subparagraphs (K) through (M) of paragraph
9 (1) of subsection (c) of Section 1-75. The Agency, through
10 its long-term renewable resources procurement plan
11 approval process, shall also determine if individual
12 subprograms of the Illinois Solar for All Program are
13 better served by a different or separate Program
14 Administrator.

15 The third-party administrator's responsibilities
16 shall also include facilitating placement for graduates of
17 Illinois-based renewable energy-specific job training
18 programs, including the Clean Jobs Workforce Network
19 Program and the Illinois Climate Works Preapprenticeship
20 Program administered by the Department of Commerce and
21 Economic Opportunity and programs administered under
22 Section 16-108.12 of the Public Utilities Act. To increase
23 the uptake of trainees by participating firms, the
24 administrator shall also develop a web-based clearinghouse
25 for information available to both job training program
26 graduates and firms participating, directly or indirectly,

1 in Illinois solar incentive programs. The program
2 administrator shall also coordinate its activities with
3 entities implementing electric and natural gas
4 income-qualified energy efficiency programs, including
5 customer referrals to and from such programs, and connect
6 prospective low-income solar customers with any existing
7 deferred maintenance programs where applicable.

8 (6) The long-term renewable resources procurement plan
9 shall also provide for an independent evaluation of the
10 Illinois Solar for All Program. At least every 2 years,
11 the Agency shall select an independent evaluator to review
12 and report on the Illinois Solar for All Program and the
13 performance of the third-party program administrator of
14 the Illinois Solar for All Program. The evaluation shall
15 be based on objective criteria developed through a public
16 stakeholder process. The process shall include feedback
17 and participation from Illinois Solar for All Program
18 stakeholders, including participants and organizations in
19 environmental justice and historically underserved
20 communities. The report shall include a summary of the
21 evaluation of the Illinois Solar for All Program based on
22 the stakeholder developed objective criteria. The report
23 shall include the number of projects installed; the total
24 installed capacity in kilowatts; the average cost per
25 kilowatt of installed capacity to the extent reasonably
26 obtainable by the Agency; the number of jobs or job

1 opportunities created; economic, social, and environmental
2 benefits created; and the total administrative costs
3 expended by the Agency and program administrator to
4 implement and evaluate the program. The report shall be
5 delivered to the Commission and posted on the Agency's
6 website, and shall be used, as needed, to revise the
7 Illinois Solar for All Program. The Commission shall also
8 consider the results of the evaluation as part of its
9 review of the long-term renewable resources procurement
10 plan under subsection (c) of Section 1-75 of this Act.

11 (7) If additional funding for the programs described
12 in this subsection (b) is available under subsection (k)
13 of Section 16-108 of the Public Utilities Act, then the
14 Agency shall submit a procurement plan to the Commission
15 no later than September 1, 2018, that proposes how the
16 Agency will procure programs on behalf of the applicable
17 utility. After notice and hearing, the Commission shall
18 approve, or approve with modification, the plan no later
19 than November 1, 2018.

20 (8) As part of the development and update of the
21 long-term renewable resources procurement plan authorized
22 by subsection (c) of Section 1-75 of this Act, the Agency
23 shall plan for: (A) actions to refer customers from the
24 Illinois Solar for All Program to electric and natural gas
25 income-qualified energy efficiency programs, and vice
26 versa, with the goal of increasing participation in both

1 of these programs; (B) effective procedures for data
2 sharing, as needed, to effectuate referrals between the
3 Illinois Solar for All Program and both electric and
4 natural gas income-qualified energy efficiency programs,
5 including sharing customer information directly with the
6 utilities, as needed and appropriate; and (C) efforts to
7 identify any existing deferred maintenance programs for
8 which prospective Solar for All Program customers may be
9 eligible and connect prospective customers for whom
10 deferred maintenance is or may be a barrier to solar
11 installation to those programs.

12 As used in this subsection (b), "low-income households"
13 means persons and families whose income does not exceed 80% of
14 area median income, adjusted for family size and revised every
15 5 years.

16 For the purposes of this subsection (b), the Agency shall
17 define "environmental justice community" based on the
18 methodologies and findings established by the Agency and the
19 Administrator for the Illinois Solar for All Program in its
20 initial long-term renewable resources procurement plan and as
21 updated by the Agency and the Administrator for the Illinois
22 Solar for All Program as part of the long-term renewable
23 resources procurement plan update.

24 (b-5) After the receipt of all payments required by
25 Section 16-115D of the Public Utilities Act, no additional
26 funds shall be deposited into the Illinois Power Agency

1 Renewable Energy Resources Fund unless directed by order of
2 the Commission.

3 (b-10) After the receipt of all payments required by
4 Section 16-115D of the Public Utilities Act and payment in
5 full of all contracts executed by the Agency under subsections
6 (b) and (i) of this Section, if the balance of the Illinois
7 Power Agency Renewable Energy Resources Fund is under \$5,000,
8 then the Fund shall be inoperative and any remaining funds and
9 any funds submitted to the Fund after that date, shall be
10 transferred to the Supplemental Low-Income Energy Assistance
11 Fund for use in the Low-Income Home Energy Assistance Program,
12 as authorized by the Energy Assistance Act.

13 (b-15) The prevailing wage requirements set forth in the
14 Prevailing Wage Act apply to each project that is undertaken
15 pursuant to one or more of the programs of incentives and
16 initiatives described in subsection (b) of this Section and
17 for which a project application is submitted to the program
18 after the effective date of this amendatory Act of the 103rd
19 General Assembly, except (i) projects that serve single-family
20 or multi-family residential buildings and (ii) projects with
21 an aggregate capacity of less than 100 kilowatts that serve
22 houses of worship. The Agency shall require verification that
23 all construction performed on a project by the renewable
24 energy credit delivery contract holder, its contractors, or
25 its subcontractors relating to the construction of the
26 facility is performed by workers receiving an amount for that

1 work that is greater than or equal to the general prevailing
2 rate of wages as that term is defined in the Prevailing Wage
3 Act, and the Agency may adjust renewable energy credit prices
4 to account for increased labor costs.

5 In this subsection (b-15), "house of worship" has the
6 meaning given in subparagraph (Q) of paragraph (1) of
7 subsection (c) of Section 1-75.

8 (c) (Blank).

9 (d) (Blank).

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

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

18 (g) All disbursements from the Illinois Power Agency
19 Renewable Energy Resources Fund shall be made only upon
20 warrants of the Comptroller drawn upon the Treasurer as
21 custodian of the Fund upon vouchers signed by the Director or
22 by the person or persons designated by the Director for that
23 purpose. The Comptroller is authorized to draw the warrant
24 upon vouchers so signed. The Treasurer shall accept all
25 warrants so signed and shall be released from liability for
26 all payments made on those warrants.

1 (h) The Illinois Power Agency Renewable Energy Resources
2 Fund shall not be subject to sweeps, administrative charges,
3 or chargebacks, including, but not limited to, those
4 authorized under Section 8h of the State Finance Act, that
5 would in any way result in the transfer of any funds from this
6 Fund to any other fund of this State or in having any such
7 funds utilized for any purpose other than the express purposes
8 set forth in this Section.

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

13 (i) Supplemental procurement process.

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

22 Renewable energy credits procured from new
23 photovoltaics, including, but not limited to, distributed
24 photovoltaic generation, under this subsection (i) must be
25 procured from devices installed by a qualified person. In
26 its supplemental procurement plan, the Agency shall

1 establish contractually enforceable mechanisms for
2 ensuring that the installation of new photovoltaics is
3 performed by a qualified person.

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

1 Community College Board approved community college program
2 in renewable energy or a distributed generation
3 technology.

4 For the purposes of this paragraph (1), "directly
5 supervised" means that there is a qualified person who
6 meets the qualifications under clause (A) of this
7 paragraph (1) and who is available for supervision and
8 consultation regarding the work performed by persons under
9 clause (B) of this paragraph (1), including a final
10 inspection of the installation work that has been directly
11 supervised to ensure safety and conformity with applicable
12 codes.

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

22 The renewable energy credits procured pursuant to the
23 supplemental procurement plan shall be procured using up
24 to \$30,000,000 from the Illinois Power Agency Renewable
25 Energy Resources Fund. The Agency shall not plan to use
26 funds from the Illinois Power Agency Renewable Energy

1 Resources Fund in excess of the monies on deposit in such
2 fund or projected to be deposited into such fund. The
3 supplemental procurement plan shall ensure adequate,
4 reliable, affordable, efficient, and environmentally
5 sustainable renewable energy resources (including credits)
6 at the lowest total cost over time, taking into account
7 any benefits of price stability.

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

25 In developing the supplemental procurement plan, the
26 Agency shall hold at least one workshop open to the public

1 within 90 days after the effective date of this amendatory
2 Act of the 98th General Assembly and shall consider any
3 comments made by stakeholders or the public. Upon
4 development of the supplemental procurement plan within
5 this 90-day period, copies of the supplemental procurement
6 plan shall be posted and made publicly available on the
7 Agency's and Commission's websites. All interested parties
8 shall have 14 days following the date of posting to
9 provide comment to the Agency on the supplemental
10 procurement plan. All comments submitted to the Agency
11 shall be specific, supported by data or other detailed
12 analyses, and, if objecting to all or a portion of the
13 supplemental procurement plan, accompanied by specific
14 alternative wording or proposals. All comments shall be
15 posted on the Agency's and Commission's websites. Within
16 14 days following the end of the 14-day review period, the
17 Agency shall revise the supplemental procurement plan as
18 necessary based on the comments received and file its
19 revised supplemental procurement plan with the Commission
20 for approval.

21 (2) Within 5 days after the filing of the supplemental
22 procurement plan at the Commission, any person objecting
23 to the supplemental procurement plan shall file an
24 objection with the Commission. Within 10 days after the
25 filing, the Commission shall determine whether a hearing
26 is necessary. The Commission shall enter its order

1 confirming or modifying the supplemental procurement plan
2 within 90 days after the filing of the supplemental
3 procurement plan by the Agency.

4 (3) The Commission shall approve the supplemental
5 procurement plan of renewable energy credits to be
6 procured from new or existing photovoltaics, including,
7 but not limited to, distributed photovoltaic generation,
8 if the Commission determines that it will ensure adequate,
9 reliable, affordable, efficient, and environmentally
10 sustainable electric service in the form of renewable
11 energy credits at the lowest total cost over time, taking
12 into account any benefits of price stability.

13 (4) The supplemental procurement process under this
14 subsection (i) shall include each of the following
15 components:

16 (A) Procurement administrator. The Agency may
17 retain a procurement administrator in the manner set
18 forth in item (2) of subsection (a) of Section 1-75 of
19 this Act to conduct the supplemental procurement or
20 may elect to use the same procurement administrator
21 administering the Agency's annual procurement under
22 Section 1-75.

23 (B) Procurement monitor. The procurement monitor
24 retained by the Commission pursuant to Section
25 16-111.5 of the Public Utilities Act shall:

26 (i) monitor interactions among the procurement

1 administrator and bidders and suppliers;

2 (ii) monitor and report to the Commission on
3 the progress of the supplemental procurement
4 process;

5 (iii) provide an independent confidential
6 report to the Commission regarding the results of
7 the procurement events;

8 (iv) assess compliance with the procurement
9 plan approved by the Commission for the
10 supplemental procurement process;

11 (v) preserve the confidentiality of supplier
12 and bidding information in a manner consistent
13 with all applicable laws, rules, regulations, and
14 tariffs;

15 (vi) provide expert advice to the Commission
16 and consult with the procurement administrator
17 regarding issues related to procurement process
18 design, rules, protocols, and policy-related
19 matters;

20 (vii) consult with the procurement
21 administrator regarding the development and use of
22 benchmark criteria, standard form contracts,
23 credit policies, and bid documents; and

24 (viii) perform, with respect to the
25 supplemental procurement process, any other
26 procurement monitor duties specifically delineated

1 within subsection (i) of this Section.

2 (C) Solicitation, pre-qualification, and
3 registration of bidders. The procurement administrator
4 shall disseminate information to potential bidders to
5 promote a procurement event, notify potential bidders
6 that the procurement administrator may enter into a
7 post-bid price negotiation with bidders that meet the
8 applicable benchmarks, provide supply requirements,
9 and otherwise explain the competitive procurement
10 process. In addition to such other publication as the
11 procurement administrator determines is appropriate,
12 this information shall be posted on the Agency's and
13 the Commission's websites. The procurement
14 administrator shall also administer the
15 prequalification process, including evaluation of
16 credit worthiness, compliance with procurement rules,
17 and agreement to the standard form contract developed
18 pursuant to item (D) of this paragraph (4). The
19 procurement administrator shall then identify and
20 register bidders to participate in the procurement
21 event.

22 (D) Standard contract forms and credit terms and
23 instruments. The procurement administrator, in
24 consultation with the Agency, the Commission, and
25 other interested parties and subject to Commission
26 oversight, shall develop and provide standard contract

1 forms for the supplier contracts that meet generally
2 accepted industry practices as well as include any
3 applicable State of Illinois terms and conditions that
4 are required for contracts entered into by an agency
5 of the State of Illinois. Standard credit terms and
6 instruments that meet generally accepted industry
7 practices shall be similarly developed. Contracts for
8 new photovoltaics shall include a provision attesting
9 that the supplier will use a qualified person for the
10 installation of the device pursuant to paragraph (1)
11 of subsection (i) of this Section. The procurement
12 administrator shall make available to the Commission
13 all written comments it receives on the contract
14 forms, credit terms, or instruments. If the
15 procurement administrator cannot reach agreement with
16 the parties as to the contract terms and conditions,
17 the procurement administrator must notify the
18 Commission of any disputed terms and the Commission
19 shall resolve the dispute. The terms of the contracts
20 shall not be subject to negotiation by winning
21 bidders, and the bidders must agree to the terms of the
22 contract in advance so that winning bids are selected
23 solely on the basis of price.

24 (E) Requests for proposals; competitive
25 procurement process. The procurement administrator
26 shall design and issue requests for proposals to

1 supply renewable energy credits in accordance with the
2 supplemental procurement plan, as approved by the
3 Commission. The requests for proposals shall set forth
4 a procedure for sealed, binding commitment bidding
5 with pay-as-bid settlement, and provision for
6 selection of bids on the basis of price, provided,
7 however, that no bid shall be accepted if it exceeds
8 the benchmark developed pursuant to item (F) of this
9 paragraph (4).

10 (F) Benchmarks. Benchmarks for each product to be
11 procured shall be developed by the procurement
12 administrator in consultation with Commission staff,
13 the Agency, and the procurement monitor for use in
14 this supplemental procurement.

15 (G) A plan for implementing contingencies in the
16 event of supplier default, Commission rejection of
17 results, or any other cause.

18 (5) Within 2 business days after opening the sealed
19 bids, the procurement administrator shall submit a
20 confidential report to the Commission. The report shall
21 contain the results of the bidding for each of the
22 products along with the procurement administrator's
23 recommendation for the acceptance and rejection of bids
24 based on the price benchmark criteria and other factors
25 observed in the process. The procurement monitor also
26 shall submit a confidential report to the Commission

1 within 2 business days after opening the sealed bids. The
2 report shall contain the procurement monitor's assessment
3 of bidder behavior in the process as well as an assessment
4 of the procurement administrator's compliance with the
5 procurement process and rules. The Commission shall review
6 the confidential reports submitted by the procurement
7 administrator and procurement monitor and shall accept or
8 reject the recommendations of the procurement
9 administrator within 2 business days after receipt of the
10 reports.

11 (6) Within 3 business days after the Commission
12 decision approving the results of a procurement event, the
13 Agency shall enter into binding contractual arrangements
14 with the winning suppliers using the standard form
15 contracts.

16 (7) The names of the successful bidders and the
17 average of the winning bid prices for each contract type
18 and for each contract term shall be made available to the
19 public within 2 days after the supplemental procurement
20 event. The Commission, the procurement monitor, the
21 procurement administrator, the Agency, and all
22 participants in the procurement process shall maintain the
23 confidentiality of all other supplier and bidding
24 information in a manner consistent with all applicable
25 laws, rules, regulations, and tariffs. Confidential
26 information, including the confidential reports submitted

1 by the procurement administrator and procurement monitor
2 pursuant to this Section, shall not be made publicly
3 available and shall not be discoverable by any party in
4 any proceeding, absent a compelling demonstration of need,
5 nor shall those reports be admissible in any proceeding
6 other than one for law enforcement purposes.

7 (8) The supplemental procurement provided in this
8 subsection (i) shall not be subject to the requirements
9 and limitations of subsections (c) and (d) of this
10 Section.

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

23 (Source: P.A. 102-662, eff. 9-15-21.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.