



Sen. Cristina Castro

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LRB103 30855 JDS 61099 a

1 AMENDMENT TO HOUSE BILL 3351

2 AMENDMENT NO. _____. Amend House Bill 3351 by replacing
3 everything after the enacting clause with the following:

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.

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

5 (2) The Illinois Power Agency Renewable Energy
6 Resources Fund shall also be used to create the Illinois
7 Solar for All Program, which provides incentives for
8 low-income distributed generation and community solar
9 projects, and other associated approved expenditures. The
10 objectives of the Illinois Solar for All Program are to
11 bring photovoltaics to low-income communities in this
12 State in a manner that maximizes the development of new
13 photovoltaic generating facilities, to create a long-term,
14 low-income solar marketplace throughout this State, to
15 integrate, through interaction with stakeholders, with
16 existing energy efficiency initiatives, and to minimize
17 administrative costs. The Illinois Solar for All Program
18 shall be implemented in a manner that seeks to minimize
19 administrative costs, and maximize efficiencies and
20 synergies available through coordination with similar
21 initiatives, including the Adjustable Block program
22 described in subparagraphs (K) through (M) of paragraph
23 (1) of subsection (c) of Section 1-75, energy efficiency
24 programs, job training programs, and community action
25 agencies. The Agency shall strive to ensure that renewable
26 energy credits procured through the Illinois Solar for All

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

20 The Illinois Solar for All Program shall include the
21 program offerings described in subparagraphs (A) through
22 (E) of this paragraph (2), which the Agency shall
23 implement through contracts with third-party providers
24 and, subject to appropriation, pay the approximate amounts
25 identified using monies available in the Illinois Power
26 Agency Renewable Energy Resources Fund. Each contract that

1 provides for the installation of solar facilities shall
2 provide that the solar facilities will produce energy and
3 economic benefits, at a level determined by the Agency to
4 be reasonable, for the participating low income customers.
5 The monies available in the Illinois Power Agency
6 Renewable Energy Resources Fund and not otherwise
7 committed to contracts executed under subsection (i) of
8 this Section, as well as, in the case of the programs
9 described under subparagraphs (A) through (E) of this
10 paragraph (2), funding authorized pursuant to subparagraph
11 (O) of paragraph (1) of subsection (c) of Section 1-75 of
12 this Act, shall initially be allocated among the programs
13 described in this paragraph (2), as follows: 35% of these
14 funds shall be allocated to programs described in
15 subparagraphs (A) and (E) of this paragraph (2), 40% of
16 these funds shall be allocated to programs described in
17 subparagraph (B) of this paragraph (2), and 25% of these
18 funds shall be allocated to programs described in
19 subparagraph (C) of this paragraph (2). The allocation of
20 funds among subparagraphs (A), (B), (C), and (E) of this
21 paragraph (2) may be changed if the Agency, after
22 receiving input through a stakeholder process, determines
23 incentives in subparagraphs (A), (B), (C), or (E) of this
24 paragraph (2) have not been adequately subscribed to fully
25 utilize available Illinois Solar for All Program funds.

26 Contracts that will be paid with funds in the Illinois

1 Power Agency Renewable Energy Resources Fund shall be
2 executed by the Agency. Contracts that will be paid with
3 funds collected by an electric utility shall be executed
4 by the electric utility.

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

1 The Agency shall make every effort to ensure that
2 small and emerging businesses, particularly those located
3 in low-income and environmental justice communities, are
4 able to participate in the Illinois Solar for All Program.
5 These efforts may include, but shall not be limited to,
6 proactive support from the program administrator,
7 different or preferred access to subprograms and
8 administrator-identified customers or grassroots
9 education provider-identified customers, and different
10 incentive levels. The Agency shall report on progress and
11 barriers to participation of small and emerging businesses
12 in the Illinois Solar for All Program at least once a year.
13 The report shall be made available on the Agency's website
14 and, in years when the Agency is updating its long-term
15 renewable resources procurement plan, included in that
16 Plan.

17 (A) Low-income single-family and small multifamily
18 solar incentive. This program will provide incentives
19 to low-income customers, either directly or through
20 solar providers, to increase the participation of
21 low-income households in photovoltaic on-site
22 distributed generation at residential buildings
23 containing one to 4 units. Companies participating in
24 this program that install solar panels shall commit to
25 hiring job trainees for a portion of their low-income
26 installations, and an administrator shall facilitate

1 partnering the companies that install solar panels
2 with entities that provide solar panel installation
3 job training. It is a goal of this program that a
4 minimum of 25% of the incentives for this program be
5 allocated to projects located within environmental
6 justice communities. Contracts entered into under this
7 paragraph may be entered into with an entity that will
8 develop and administer the program and shall also
9 include contracts for renewable energy credits from
10 the photovoltaic distributed generation that is the
11 subject of the program, as set forth in the long-term
12 renewable resources procurement plan. Additionally:

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

1 project ownership by communities, as promoting
2 energy sovereignty. Incentives for projects that
3 promote energy sovereignty may be higher than
4 incentives for equivalent projects that do not
5 promote energy sovereignty under this same
6 program.

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

1 outreach to companies participating in one program
2 but not the other. The Agency shall report on
3 efforts made to encourage this cross-participation
4 in its long-term renewable resources procurement
5 plan.

6 (B) Low-Income Community Solar Project Initiative.
7 Incentives shall be offered to low-income customers,
8 either directly or through developers, to increase the
9 participation of low-income subscribers of community
10 solar projects. The developer of each project shall
11 identify its partnership with community stakeholders
12 regarding the location, development, and participation
13 in the project, provided that nothing shall preclude a
14 project from including an anchor tenant that does not
15 qualify as low-income. Companies participating in this
16 program that develop or install solar projects shall
17 commit to hiring job trainees for a portion of their
18 low-income installations, and an administrator shall
19 facilitate partnering the companies that install solar
20 projects with entities that provide solar installation
21 and related job training. It is a goal of this program
22 that a minimum of 25% of the incentives for this
23 program be allocated to community photovoltaic
24 projects in environmental justice communities. The
25 Agency shall reserve a portion of this program for
26 projects that promote energy sovereignty through

1 ownership of projects by low-income households,
2 not-for-profit organizations providing services to
3 low-income households, affordable housing owners, or
4 community-based limited liability companies providing
5 services to low-income households. Projects that
6 feature energy ownership should ensure that local
7 people have control of the project and reap benefits
8 from the project over and above energy bill savings.
9 The Agency may consider the inclusion of projects that
10 promote ownership over time or that involve partial
11 project ownership by communities, as promoting energy
12 sovereignty. Incentives for projects that promote
13 energy sovereignty may be higher than incentives for
14 equivalent projects that do not promote energy
15 sovereignty under this same program. Contracts entered
16 into under this paragraph may be entered into with
17 developers and shall also include contracts for
18 renewable energy credits related to the program.

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

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

20 (D) (Blank).

21 (E) Low-income large multifamily solar incentive.
22 This program shall provide incentives to low-income
23 customers, either directly or through solar providers,
24 to increase the participation of low-income households
25 in photovoltaic on-site distributed generation at
26 residential buildings with 5 or more units. Companies

1 participating in this program that develop or install
2 solar projects shall commit to hiring job trainees for
3 a portion of their low-income installations, and an
4 administrator shall facilitate partnering the
5 companies that install solar projects with entities
6 that provide solar installation and related job
7 training. It is a goal of this program that a minimum
8 of 25% of the incentives for this program be allocated
9 to projects located within environmental justice
10 communities. The Agency shall reserve a portion of
11 this program for projects that promote energy
12 sovereignty through ownership of projects by
13 low-income households, not-for-profit organizations
14 providing services to low-income households,
15 affordable housing owners, or community-based limited
16 liability companies providing services to low-income
17 households. Projects that feature energy ownership
18 should ensure that local people have control of the
19 project and reap benefits from the project over and
20 above energy bill savings. The Agency may consider the
21 inclusion of projects that promote ownership over time
22 or that involve partial project ownership by
23 communities, as promoting energy sovereignty.
24 Incentives for projects that promote energy
25 sovereignty may be higher than incentives for
26 equivalent projects that do not promote energy

1 sovereignty under this same program.

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

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

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

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

1 capital necessary to successfully access targeted market
2 segments. The Agency or contracting electric utility shall
3 retire any renewable energy credits purchased under this
4 program and the credits shall count towards the obligation
5 under subsection (c) of Section 1-75 of this Act for the
6 electric utility to which the project is interconnected,
7 if applicable.

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

19 (4) The Agency shall, consistent with the requirements
20 of this subsection (b), propose the Illinois Solar for All
21 Program terms, conditions, and requirements, including the
22 prices to be paid for renewable energy credits, and which
23 prices may be determined through a formula, through the
24 development, review, and approval of the Agency's
25 long-term renewable resources procurement plan described
26 in subsection (c) of Section 1-75 of this Act and Section

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

22 (5) The Agency shall issue a request for
23 qualifications for a third-party program administrator or
24 administrators to administer all or a portion of the
25 Illinois Solar for All Program. The third-party program
26 administrator shall be chosen through a competitive bid

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

22 The third-party administrator's responsibilities
23 shall also include facilitating placement for graduates of
24 Illinois-based renewable energy-specific job training
25 programs, including the Clean Jobs Workforce Network
26 Program and the Illinois Climate Works Preapprenticeship

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

15 (6) The long-term renewable resources procurement plan
16 shall also provide for an independent evaluation of the
17 Illinois Solar for All Program. At least every 2 years,
18 the Agency shall select an independent evaluator to review
19 and report on the Illinois Solar for All Program and the
20 performance of the third-party program administrator of
21 the Illinois Solar for All Program. The evaluation shall
22 be based on objective criteria developed through a public
23 stakeholder process. The process shall include feedback
24 and participation from Illinois Solar for All Program
25 stakeholders, including participants and organizations in
26 environmental justice and historically underserved

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

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

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

19 As used in this subsection (b), "low-income households"
20 means persons and families whose income does not exceed 80% of
21 area median income, adjusted for family size and revised every
22 5 years.

23 For the purposes of this subsection (b), the Agency shall
24 define "environmental justice community" based on the
25 methodologies and findings established by the Agency and the
26 Administrator for the Illinois Solar for All Program in its

1 initial long-term renewable resources procurement plan and as
2 updated by the Agency and the Administrator for the Illinois
3 Solar for All Program as part of the long-term renewable
4 resources procurement plan update.

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

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

20 (b-15) The prevailing wage requirements set forth in the
21 Prevailing Wage Act apply to each project that is undertaken
22 pursuant to one or more of the programs of incentives and
23 initiatives described in subsection (b) of this Section and
24 for which a project application is submitted to the program
25 after the effective date of this amendatory Act of the 103rd
26 General Assembly, except (i) projects that serve single-family

1 or multi-family residential buildings and (ii) projects with
2 an aggregate capacity of less than 100 kilowatts that serve
3 houses of worship. The Agency shall require verification that
4 all construction performed on a project by the renewable
5 energy credit delivery contract holder, its contractors, or
6 its subcontractors relating to the construction of the
7 facility is performed by workers receiving an amount for that
8 work that is greater than or equal to the general prevailing
9 rate of wages as that term is defined in the Prevailing Wage
10 Act, and the Agency may adjust renewable energy credit prices
11 to account for increased labor costs.

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

15 (c) (Blank).

16 (d) (Blank).

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

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

25 (g) All disbursements from the Illinois Power Agency
26 Renewable Energy Resources Fund shall be made only upon

1 warrants of the Comptroller drawn upon the Treasurer as
2 custodian of the Fund upon vouchers signed by the Director or
3 by the person or persons designated by the Director for that
4 purpose. The Comptroller is authorized to draw the warrant
5 upon vouchers so signed. The Treasurer shall accept all
6 warrants so signed and shall be released from liability for
7 all payments made on those warrants.

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

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

20 (i) Supplemental procurement process.

21 (1) Within 90 days after the effective date of this
22 amendatory Act of the 98th General Assembly, the Agency
23 shall develop a one-time supplemental procurement plan
24 limited to the procurement of renewable energy credits, if
25 available, from new or existing photovoltaics, including,
26 but not limited to, distributed photovoltaic generation.

1 Nothing in this subsection (i) requires procurement of
2 wind generation through the supplemental procurement.

3 Renewable energy credits procured from new
4 photovoltaics, including, but not limited to, distributed
5 photovoltaic generation, under this subsection (i) must be
6 procured from devices installed by a qualified person. In
7 its supplemental procurement plan, the Agency shall
8 establish contractually enforceable mechanisms for
9 ensuring that the installation of new photovoltaics is
10 performed by a qualified person.

11 For the purposes of this paragraph (1), "qualified
12 person" means a person who performs installations of
13 photovoltaics, including, but not limited to, distributed
14 photovoltaic generation, and who: (A) has completed an
15 apprenticeship as a journeyman electrician from a United
16 States Department of Labor registered electrical
17 apprenticeship and training program and received a
18 certification of satisfactory completion; or (B) does not
19 currently meet the criteria under clause (A) of this
20 paragraph (1), but is enrolled in a United States
21 Department of Labor registered electrical apprenticeship
22 program, provided that the person is directly supervised
23 by a person who meets the criteria under clause (A) of this
24 paragraph (1); or (C) has obtained one of the following
25 credentials in addition to attesting to satisfactory
26 completion of at least 5 years or 8,000 hours of

1 documented hands-on electrical experience: (i) a North
2 American Board of Certified Energy Practitioners (NABCEP)
3 Installer Certificate for Solar PV; (ii) an Underwriters
4 Laboratories (UL) PV Systems Installer Certificate; (iii)
5 an Electronics Technicians Association, International
6 (ETAI) Level 3 PV Installer Certificate; or (iv) an
7 Associate in Applied Science degree from an Illinois
8 Community College Board approved community college program
9 in renewable energy or a distributed generation
10 technology.

11 For the purposes of this paragraph (1), "directly
12 supervised" means that there is a qualified person who
13 meets the qualifications under clause (A) of this
14 paragraph (1) and who is available for supervision and
15 consultation regarding the work performed by persons under
16 clause (B) of this paragraph (1), including a final
17 inspection of the installation work that has been directly
18 supervised to ensure safety and conformity with applicable
19 codes.

20 For the purposes of this paragraph (1), "install"
21 means the major activities and actions required to
22 connect, in accordance with applicable building and
23 electrical codes, the conductors, connectors, and all
24 associated fittings, devices, power outlets, or
25 apparatuses mounted at the premises that are directly
26 involved in delivering energy to the premises' electrical

1 wiring from the photovoltaics, including, but not limited
2 to, to distributed photovoltaic generation.

3 The renewable energy credits procured pursuant to the
4 supplemental procurement plan shall be procured using up
5 to \$30,000,000 from the Illinois Power Agency Renewable
6 Energy Resources Fund. The Agency shall not plan to use
7 funds from the Illinois Power Agency Renewable Energy
8 Resources Fund in excess of the monies on deposit in such
9 fund or projected to be deposited into such fund. The
10 supplemental procurement plan shall ensure adequate,
11 reliable, affordable, efficient, and environmentally
12 sustainable renewable energy resources (including credits)
13 at the lowest total cost over time, taking into account
14 any benefits of price stability.

15 To the extent available, 50% of the renewable energy
16 credits procured from distributed renewable energy
17 generation shall come from devices of less than 25
18 kilowatts in nameplate capacity. Procurement of renewable
19 energy credits from distributed renewable energy
20 generation devices shall be done through multi-year
21 contracts of no less than 5 years. The Agency shall create
22 credit requirements for counterparties. In order to
23 minimize the administrative burden on contracting
24 entities, the Agency shall solicit the use of third
25 parties to aggregate distributed renewable energy. These
26 third parties shall enter into and administer contracts

1 with individual distributed renewable energy generation
2 device owners. An individual distributed renewable energy
3 generation device owner shall have the ability to measure
4 the output of his or her distributed renewable energy
5 generation device.

6 In developing the supplemental procurement plan, the
7 Agency shall hold at least one workshop open to the public
8 within 90 days after the effective date of this amendatory
9 Act of the 98th General Assembly and shall consider any
10 comments made by stakeholders or the public. Upon
11 development of the supplemental procurement plan within
12 this 90-day period, copies of the supplemental procurement
13 plan shall be posted and made publicly available on the
14 Agency's and Commission's websites. All interested parties
15 shall have 14 days following the date of posting to
16 provide comment to the Agency on the supplemental
17 procurement plan. All comments submitted to the Agency
18 shall be specific, supported by data or other detailed
19 analyses, and, if objecting to all or a portion of the
20 supplemental procurement plan, accompanied by specific
21 alternative wording or proposals. All comments shall be
22 posted on the Agency's and Commission's websites. Within
23 14 days following the end of the 14-day review period, the
24 Agency shall revise the supplemental procurement plan as
25 necessary based on the comments received and file its
26 revised supplemental procurement plan with the Commission

1 for approval.

2 (2) Within 5 days after the filing of the supplemental
3 procurement plan at the Commission, any person objecting
4 to the supplemental procurement plan shall file an
5 objection with the Commission. Within 10 days after the
6 filing, the Commission shall determine whether a hearing
7 is necessary. The Commission shall enter its order
8 confirming or modifying the supplemental procurement plan
9 within 90 days after the filing of the supplemental
10 procurement plan by the Agency.

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

20 (4) The supplemental procurement process under this
21 subsection (i) shall include each of the following
22 components:

23 (A) Procurement administrator. The Agency may
24 retain a procurement administrator in the manner set
25 forth in item (2) of subsection (a) of Section 1-75 of
26 this Act to conduct the supplemental procurement or

1 may elect to use the same procurement administrator
2 administering the Agency's annual procurement under
3 Section 1-75.

4 (B) Procurement monitor. The procurement monitor
5 retained by the Commission pursuant to Section
6 16-111.5 of the Public Utilities Act shall:

7 (i) monitor interactions among the procurement
8 administrator and bidders and suppliers;

9 (ii) monitor and report to the Commission on
10 the progress of the supplemental procurement
11 process;

12 (iii) provide an independent confidential
13 report to the Commission regarding the results of
14 the procurement events;

15 (iv) assess compliance with the procurement
16 plan approved by the Commission for the
17 supplemental procurement process;

18 (v) preserve the confidentiality of supplier
19 and bidding information in a manner consistent
20 with all applicable laws, rules, regulations, and
21 tariffs;

22 (vi) provide expert advice to the Commission
23 and consult with the procurement administrator
24 regarding issues related to procurement process
25 design, rules, protocols, and policy-related
26 matters;

1 (vii) consult with the procurement
2 administrator regarding the development and use of
3 benchmark criteria, standard form contracts,
4 credit policies, and bid documents; and

5 (viii) perform, with respect to the
6 supplemental procurement process, any other
7 procurement monitor duties specifically delineated
8 within subsection (i) of this Section.

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

1 register bidders to participate in the procurement
2 event.

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

1 shall not be subject to negotiation by winning
2 bidders, and the bidders must agree to the terms of the
3 contract in advance so that winning bids are selected
4 solely on the basis of price.

5 (E) Requests for proposals; competitive
6 procurement process. The procurement administrator
7 shall design and issue requests for proposals to
8 supply renewable energy credits in accordance with the
9 supplemental procurement plan, as approved by the
10 Commission. The requests for proposals shall set forth
11 a procedure for sealed, binding commitment bidding
12 with pay-as-bid settlement, and provision for
13 selection of bids on the basis of price, provided,
14 however, that no bid shall be accepted if it exceeds
15 the benchmark developed pursuant to item (F) of this
16 paragraph (4).

17 (F) Benchmarks. Benchmarks for each product to be
18 procured shall be developed by the procurement
19 administrator in consultation with Commission staff,
20 the Agency, and the procurement monitor for use in
21 this supplemental procurement.

22 (G) A plan for implementing contingencies in the
23 event of supplier default, Commission rejection of
24 results, or any other cause.

25 (5) Within 2 business days after opening the sealed
26 bids, the procurement administrator shall submit a

1 confidential report to the Commission. The report shall
2 contain the results of the bidding for each of the
3 products along with the procurement administrator's
4 recommendation for the acceptance and rejection of bids
5 based on the price benchmark criteria and other factors
6 observed in the process. The procurement monitor also
7 shall submit a confidential report to the Commission
8 within 2 business days after opening the sealed bids. The
9 report shall contain the procurement monitor's assessment
10 of bidder behavior in the process as well as an assessment
11 of the procurement administrator's compliance with the
12 procurement process and rules. The Commission shall review
13 the confidential reports submitted by the procurement
14 administrator and procurement monitor and shall accept or
15 reject the recommendations of the procurement
16 administrator within 2 business days after receipt of the
17 reports.

18 (6) Within 3 business days after the Commission
19 decision approving the results of a procurement event, the
20 Agency shall enter into binding contractual arrangements
21 with the winning suppliers using the standard form
22 contracts.

23 (7) The names of the successful bidders and the
24 average of the winning bid prices for each contract type
25 and for each contract term shall be made available to the
26 public within 2 days after the supplemental procurement

1 event. The Commission, the procurement monitor, the
2 procurement administrator, the Agency, and all
3 participants in the procurement process shall maintain the
4 confidentiality of all other supplier and bidding
5 information in a manner consistent with all applicable
6 laws, rules, regulations, and tariffs. Confidential
7 information, including the confidential reports submitted
8 by the procurement administrator and procurement monitor
9 pursuant to this Section, shall not be made publicly
10 available and shall not be discoverable by any party in
11 any proceeding, absent a compelling demonstration of need,
12 nor shall those reports be admissible in any proceeding
13 other than one for law enforcement purposes.

14 (8) The supplemental procurement provided in this
15 subsection (i) shall not be subject to the requirements
16 and limitations of subsections (c) and (d) of this
17 Section.

18 (9) Expenses incurred in connection with the
19 procurement process held pursuant to this Section,
20 including, but not limited to, the cost of developing the
21 supplemental procurement plan, the procurement
22 administrator, procurement monitor, and the cost of the
23 retirement of renewable energy credits purchased pursuant
24 to the supplemental procurement shall be paid for from the
25 Illinois Power Agency Renewable Energy Resources Fund. The
26 Agency shall enter into an interagency agreement with the

1 Commission to reimburse the Commission for its costs
2 associated with the procurement monitor for the
3 supplemental procurement process.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law."