

1 AN ACT concerning public utilities.

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

4 Section 5. The Public Utilities Act is amended by
5 changing Section 16-125 as follows:

6 (220 ILCS 5/16-125)

7 Sec. 16-125. Transmission and distribution reliability
8 requirements.

9 (a) To assure the reliable delivery of electricity to
10 all customers in this State and the effective implementation
11 of the provisions of this Article, the Commission shall,
12 within 180 days of the effective date of this Article, adopt
13 rules and regulations for assessing and assuring the
14 reliability of the transmission and distribution systems and
15 facilities that are under the Commission's jurisdiction.

16 (b) These rules and regulations shall require each
17 electric utility or alternative retail electric supplier
18 owning, controlling, or operating transmission and
19 distribution facilities and equipment subject to the
20 Commission's jurisdiction, referred to in this Section as
21 "jurisdictional entities", to adopt and implement procedures
22 for restoring transmission and distribution services to
23 customers after transmission or distribution outages on a
24 nondiscriminatory basis without regard to whether a customer
25 has chosen the electric utility, an affiliate of the electric
26 utility, or another entity as its provider of electric power
27 and energy. These rules and regulations shall also, at a
28 minimum, specifically require each jurisdictional entity to
29 submit annually to the Commission.

30 (1) the number and duration of planned and
31 unplanned outages during the prior year and their impacts

1 on customers;

2 (2) outages that were controllable and outages that
3 were exacerbated in scope or duration by the condition of
4 facilities, equipment or premises or by the actions or
5 inactions of operating personnel or agents;

6 (3) customer service interruptions that were due
7 solely to the actions or inactions of an alternative
8 retail electric supplier or a public utility in supplying
9 power or energy;

10 (4) a detailed report of the age, current
11 condition, reliability and performance of the
12 jurisdictional entity's existing transmission and
13 distribution facilities, which shall include, without
14 limitation, the following data:

15 (i) a summary of the jurisdictional entity's
16 outages and voltage variances reportable under the
17 Commission's rules;

18 (ii) the jurisdictional entity's expenditures
19 for transmission construction and maintenance, the
20 ratio of those expenditures to the jurisdictional
21 entity's transmission investment, and the average
22 remaining depreciation lives of the entity's
23 transmission facilities, expressed as a percentage
24 of total depreciation lives;

25 (iii) the jurisdictional entity's expenditures
26 for distribution construction and maintenance, the
27 ratio of those expenditures to the jurisdictional
28 entity's distribution investment, and the average
29 remaining depreciation lives of the entity's
30 distribution facilities, expressed as a percentage
31 of total depreciation lives;

32 (iv) a customer satisfaction survey covering,
33 among other areas identified in Commission rules,
34 reliability, customer service, and understandability

1 of the jurisdictional entity's services and prices;
2 and

3 (v) the corresponding information, in the same
4 format, for the previous 3 years, if available;

5 (5) a plan for future investment and reliability
6 improvements for the jurisdictional entity's transmission
7 and distribution facilities that will ensure continued
8 reliable delivery of energy to customers and provide the
9 delivery reliability needed for fair and open
10 competition; and

11 (6) a report of the jurisdictional entity's
12 implementation of its plan filed pursuant to subparagraph
13 (5) for the previous reporting period.

14 (c) The Commission rules shall set forth the criteria
15 that will be used to assess each jurisdictional entity's
16 annual report and evaluate its reliability performance. Such
17 criteria must take into account, at a minimum: the items
18 required to be reported in subsection (b); the relevant
19 characteristics of the area served; the age and condition of
20 the system's equipment and facilities; good engineering
21 practices; the costs of potential actions; and the benefits
22 of avoiding the risks of service disruption.

23 (d) At least every 3 years, beginning in the year the
24 Commission issues the rules required by subsection (a) or the
25 following year if the rules are issued after June 1, the
26 Commission shall assess the annual report of each
27 jurisdictional entity and evaluate its reliability
28 performance. The Commission's evaluation shall include
29 specific identification of, and recommendations concerning,
30 any potential reliability problems that it has identified as
31 a result of its evaluation.

32 (e) In the event that more than 1,000 30,000 customers
33 of an electric utility are subjected to a continuous power
34 interruption of 4 hours or more that results in the

1 transmission of power at less than 50% of the standard
2 voltage, or that results in the total loss of power
3 transmission, the utility shall be responsible for
4 compensating customers affected by that interruption for 4
5 hours or more for all actual damages, which shall not include
6 consequential damages, suffered as a result of the power
7 interruption. The utility shall also reimburse the affected
8 municipality, county, or other unit of local government in
9 which the power interruption has taken place for all
10 emergency and contingency expenses incurred by the unit of
11 local government as a result of the interruption. A waiver
12 of the requirements of this subsection may be granted by the
13 Commission in instances in which the utility can show that
14 the power interruption was a result of any one or more of the
15 following causes:

16 (1) Unpreventable damage due to weather events or
17 conditions.

18 (2) Customer tampering.

19 (3) Unpreventable damage due to civil or
20 international unrest or animals.

21 (4) Damage to utility equipment or other actions by
22 a party other than the utility, its employees, agents, or
23 contractors.

24 Loss of revenue and expenses incurred in complying with this
25 subsection may not be recovered from ratepayers.

26 (f) In the event of a power surge or other fluctuation
27 that causes damage and affects more than 1,000 30,000
28 customers, the electric utility shall pay to affected
29 customers the replacement value of all goods damaged as a
30 result of the power surge or other fluctuation unless the
31 utility can show that the power surge or other fluctuation
32 was due to one or more of the following causes:

33 (1) Unpreventable damage due to weather events or
34 conditions.

1 (2) Customer tampering.

2 (3) Unpreventable damage due to civil or
3 international unrest or animals.

4 (4) Damage to utility equipment or other actions by
5 a party other than the utility, its employees, agents, or
6 contractors.

7 Loss of revenue and expenses incurred in complying with this
8 subsection may not be recovered from ratepayers. Customers
9 with respect to whom a waiver has been granted by the
10 Commission pursuant to subparagraphs (1)-(4) of subsections
11 (e) and (f) shall not count toward the 1,000 30,000 customers
12 required therein.

13 (g) Whenever an electric utility must perform planned or
14 routine maintenance or repairs on its equipment that will
15 result in transmission of power at less than 50% of the
16 standard voltage, loss of power, or power fluctuation (as
17 defined in subsection (f)), the utility shall make reasonable
18 efforts to notify potentially affected customers no less than
19 24 hours in advance of performance of the repairs or
20 maintenance.

21 (h) Remedies provided for under this Section may be
22 sought exclusively through the Illinois Commerce Commission
23 as provided under Section 10-109 of this Act. Damages
24 awarded under this Section for a power interruption shall be
25 limited to actual damages, which shall not include
26 consequential damages, and litigation costs. Damage awards
27 may not be paid out of utility rate funds.

28 (i) The provisions of this Section shall not in any way
29 diminish or replace other civil or administrative remedies
30 available to a customer or a class of customers.

31 (j) The Commission shall by rule require an electric
32 utility to maintain service records detailing information on
33 each instance of transmission of power at less than 50% of
34 the standard voltage, loss of power, or power fluctuation (as

1 defined in subsection (f)), that affects 10 or more
2 customers. Occurrences that are momentary shall not be
3 required to be recorded or reported. The service record
4 shall include, for each occurrence, the following
5 information:

6 (1) The date.

7 (2) The time of occurrence.

8 (3) The duration of the incident.

9 (4) The number of customers affected.

10 (5) A description of the cause.

11 (6) The geographic area affected.

12 (7) The specific equipment involved in the
13 fluctuation or interruption.

14 (8) A description of measures taken to restore
15 service.

16 (9) A description of measures taken to remedy the
17 cause of the power interruption or fluctuation.

18 (10) A description of measures taken to prevent
19 future occurrence.

20 (11) The amount of remuneration, if any, paid to
21 affected customers.

22 (12) A statement of whether the fixed charge was
23 waived for affected customers.

24 Copies of the records containing this information shall
25 be available for public inspection at the utility's offices,
26 and copies thereof may be obtained upon payment of a fee not
27 exceeding the reasonable cost of reproduction. A copy of
28 each record shall be filed with the Commission and shall be
29 available for public inspection. Copies of the records may
30 be obtained upon payment of a fee not exceeding the
31 reasonable cost of reproduction.

32 (k) The requirements of subsections (e) through (j) of
33 this Section shall apply only to an electric public utility
34 having 1,000,000 or more customers.

1 (Source: P.A. 90-561, eff. 12-16-97.)

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.