

1 AN ACT relating to 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 Sections 8-205, 8-206, and 8-207 as follows:

6 (220 ILCS 5/8-205) (from Ch. 111 2/3, par. 8-205)

7 Sec. 8-205. Termination of heating services.

8 (a) Termination of gas and electric utility service to
9 all residential users, including all tenants of mastermetered
10 apartment buildings, for nonpayment of bills, where gas or
11 electricity is used as the only source of space heating or to
12 control or operate the only space heating equipment at the
13 residence is prohibited:

14 (1) on any day when the National Weather Service
15 forecast for the following 24 hours covering the area of
16 the utility in which the residence is located includes a
17 forecast that the temperature will be 32 degrees
18 Fahrenheit or below; ~~or~~

19 (2) on any day preceding a holiday or a weekend
20 when such a forecast indicated that the temperature will
21 be 32 degrees Fahrenheit or below during the holiday or
22 weekend; or

23 (3) during the months of November, December,
24 January, February, and March.

25 (b) This Section does not negate the obligation to pay
26 for the utility service provided.

27 (Source: P.A. 84-617.)

28 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

29 Sec. 8-206. Disconnection of heating service.

30 (a) Notwithstanding any other provision of this Act, no

1 electric or gas public utility shall disconnect service at
2 any time to any residential customer or mastermetered
3 apartment building, ~~for nonpayment of a bill or deposit~~ where
4 gas or electricity is used as the primary source of space
5 heating or is used to control or operate the primary source
6 of space heating equipment at the premises, for nonpayment of
7 a bill or deposit for service provided during the period of
8 time from November December 1 through and including March 31
9 of the immediately succeeding calendar year, unless:

10 (1) The utility (i) has offered the customer a
11 deferred payment arrangement allowing for payment of past
12 due amounts over a period of not less than 4 months not
13 to extend beyond the following November and the option to
14 enter into a levelized payment plan for the payment of
15 future bills. The maximum down payment requirements
16 shall not exceed 10% of the amount past due and owing at
17 the time of entering into the agreement; and (ii) has
18 provided the customer with the names, addresses and
19 telephone numbers of governmental and private agencies
20 which may provide assistance to customers of public
21 utilities in paying their utility bills; the utility
22 shall obtain the approval of an agency before placing the
23 name of that agency on any list which will be used to
24 provide such information to customers;

25 (2) The customer has refused or failed to enter
26 into a deferred payment arrangement as described in
27 paragraph (1) of this subsection (a); and

28 (3) All notice requirements as provided by law and
29 rules or regulations of the Commission have been met.

30 (b) Prior to termination of service for any residential
31 customer or mastermetered apartment building for nonpayment
32 of a bill or deposit for service provided during the period
33 from November December 1 through and including March 31 of
34 the immediately succeeding calendar year, all electric and

1 gas public utilities shall, in addition to all other notices:

2 (1) Notify the customer or an adult residing at the
3 customer's premises by telephone, a personal visit to the
4 customer's premises or by first class mail, informing the
5 customer that:

6 (i) the customer's account is in arrears and
7 the customer's service is subject to termination for
8 nonpayment of a bill;

9 (ii) the customer can avoid disconnection of
10 service by entering into a deferred payment
11 agreement to pay past due amounts over a period not
12 to extend beyond the following November and the
13 customer has the option to enter into a levelized
14 payment plan for the payment of future bills;

15 (iii) the customer may apply for any available
16 assistance to aid in the payment of utility bills
17 from any governmental or private agencies from the
18 list of such agencies provided to the customer by
19 the utility.

20 Provided, however, that a public utility shall be
21 required to make only one such contact with the customer with
22 respect to service provided during any such period from
23 November ~~December~~ 1 through and including March 31 of the
24 immediately succeeding calendar year.

25 (2) Each public utility shall maintain records
26 which shall include, but not necessarily be limited to,
27 the manner by which the customer was notified and the
28 time, date and manner by which any prior but unsuccessful
29 attempts to contact were made. These records shall also
30 describe the terms of the deferred payment arrangements
31 offered to the customer and those entered into by the
32 utility and customers. These records shall indicate the
33 total amount past due, the down payment, the amount
34 remaining to be paid and the number of months allowed to

1 pay the outstanding balance. No public utility shall be
2 required to retain records pertaining to unsuccessful
3 attempts to contact or deferred payment arrangements
4 rejected by the customer after such customer has entered
5 into a deferred payment arrangement with such utility.

6 (c) No public utility shall disconnect service for
7 nonpayment of a bill until the lapse of 6 business days after
8 making the notification required by paragraph (1) of
9 subsection (b) so as to allow the customer an opportunity to:

10 (1) Enter into a deferred payment arrangement and
11 the option to enter into a levelized payment plan for the
12 payment of future bills.

13 (2) Contact a governmental or private agency that
14 may provide assistance to customers for the payment of
15 public utility bills.

16 (d) Any residential customer who enters into a deferred
17 payment arrangement pursuant to this Act, and subsequently
18 ~~during--that--period--of--time--set--forth--in--subsection--(a)~~
19 becomes subject to termination, shall be given notice as
20 required by law and any rule or regulation of the Commission
21 prior to termination of service.

22 (e) During that time period set forth in subsection (a),
23 a utility shall not require a down payment for a deposit from
24 a residential customer in excess of 20% of the total deposit
25 requested. An additional 4 months shall be allowed to pay
26 the remainder of the deposit. This provision shall not apply
27 to mastermeters apartment buildings or other nonresidential
28 customers.

29 ~~During--that--period--of--time--set--forth--in--subsection~~
30 ~~(a);~~ No utility may refuse to offer a deferred payment
31 agreement to a residential customer who has defaulted on such
32 an agreement within the past 12 months. However, no utility
33 shall be required to enter into more than one deferred
34 payment arrangement under this Section with any residential

1 customer or mastermetered apartment building during--the
 2 period-from-December-1-through-and-including-March-31-of--the
 3 immediately-succeeding-calendar-year.

4 (g) In order to enable customers to take advantage of
 5 energy assistance programs, customers who can demonstrate
 6 that their applications for a local, state or federal energy
 7 assistance program have been approved may request that the
 8 amount they will be entitled to receive as a regular energy
 9 assistance payment be deducted and set aside from the amount
 10 past due on which they make deferred payment arrangements.
 11 Payment on the set-aside amount shall be credited when the
 12 energy assistance voucher or check is received, according to
 13 the utility's common business practice.

14 (h) In no event shall any utility send a final notice to
 15 any customer who has entered into a current deferred payment
 16 agreement and has not defaulted on that deferred payment
 17 agreement, unless the final notice pertains to a deposit
 18 request.

19 (i) Each utility shall include with each disconnection
 20 notice sent with respect to nonpayment of a bill or deposit
 21 for service provided during the period from November for
 22 December 1 through and including March 31 of the immediately
 23 succeeding calendar year to a residential customer an insert
 24 explaining the above provisions and providing a telephone
 25 number of the utility company which the consumer may call to
 26 receive further information.

27 (j) Each utility shall file with the Commission prior to
 28 November ~~December~~ 1 of each year a plan detailing the
 29 implementation of this Section. This plan shall contain, but
 30 not be limited to:

31 (1) a description of the methods to be used to
 32 notify residential customers as required in this Section,
 33 including the forms of written and oral notices which
 34 shall be required to include all the information

1 contained in subsection (b) of this Section.

2 (2) a listing of the names, addresses and telephone
3 numbers of governmental and private agencies which may
4 provide assistance to residential customers in paying
5 their utility bills;

6 (3) the program of employee education and
7 information which shall be used by the company in the
8 implementation of this Section.

9 (4) a description of methods to be utilized to
10 inform residential customers of those governmental and
11 private agencies and current and planned methods of
12 cooperation with those agencies to identify the customers
13 who qualify for assistance in paying their utility bills.

14 A utility which has a plan on file with the Commission
15 need not resubmit a new plan each year. However, any
16 alteration of the plan on file must be submitted and approved
17 prior to November ~~December~~ 1 of any year.

18 All plans are subject to review and approval by the
19 Commission. The Commission may direct a utility to alter its
20 plan to comply with the requirements of this Section.

21 (Source: P.A. 84-617.)

22 (220 ILCS 5/8-207) (from Ch. 111 2/3, par. 8-207)

23 Sec. 8-207. Any former residential customer whose gas or
24 electric service was used to provide or control the primary
25 source of space heating in the dwelling and whose service is
26 disconnected for nonpayment of a bill or a deposit for
27 service provided during the period from November ~~December~~ 1
28 of the prior winter's heating season through April 1 of the
29 current heating season shall be eligible for reconnection and
30 a deferred payment arrangement under the provisions of this
31 Section, subject to the following limitations:

32 A utility shall not be required to reconnect service to,
33 and enter into a deferred payment arrangement with, a former

1 customer under the provisions of this Section (1) except
2 between November 1 and April 1 of the current heating season
3 for former customers who do not have applications pending for
4 the program described in Section 6 of the Energy Assistance
5 Act of 1989, and except between October 1 and April 1 of the
6 current heating season for all former customers who do have
7 applications pending for the program described in Section 6
8 of the Energy Assistance Act of 1989 and who provide proof of
9 application to the utility, (2) in 2 consecutive years, (3)
10 unless that former customer has paid at least 33 1/3% of the
11 amount billed for utility service rendered by that utility
12 subsequent to December 1 of the prior year, or (4) in any
13 instance where the utility can show there has been tampering
14 with the utility's wires, pipes, meters (including locking
15 devices), or other service equipment and further shows that
16 the former customer enjoyed the benefit of utility service
17 obtained in the aforesaid manner.

18 The terms and conditions of any deferred payment
19 arrangements established by the utility and a former customer
20 shall take into consideration the following factors, based
21 upon information available from current utility records or
22 provided by the former customer:

- 23 (1) the amount past due;
- 24 (2) the former customer's ability to pay;
- 25 (3) the former customer's payment history;
- 26 (4) the reasons for the accumulation of the past
27 due amounts; and
- 28 (5) any other relevant factors relating to the
29 former customer's circumstances.

30 After the former customer's eligibility has been
31 established in accordance with the first paragraph of this
32 Section and, upon the establishment of a deferred payment
33 agreement, the former customer shall pay 1/3 of the amount
34 past due (including reconnecting charge, if any) and 1/3 of

1 any deposit required by the utility.

2 Upon the payment of 1/3 of the amount past due and 1/3 of
3 any deposit required by the utility, the former customer's
4 service shall be reconnected as soon as possible. The
5 company and the former customer shall agree to a payment
6 schedule for the remaining balances which will reasonably
7 allow the former customer to make the payments on the
8 remainder of the deposit and the past due balance while
9 paying current bills during the winter heating season.
10 However, the utility is not obliged to make payment
11 arrangements extending beyond the following November. The
12 utility shall allow the former customer a minimum of 4 months
13 in which to retire the past due balance and 3 months in which
14 to pay the remainder of the deposit. The former customer
15 shall also be informed that payment on the amounts past due
16 and the deposit, if any, plus the current bills must be paid
17 by the due date or the customer may face termination of
18 service pursuant to this Section and Section 8-206.

19 The Commission shall develop rules to govern the
20 reconnection of a former customer who demonstrates a
21 financial inability to meet the requirement of 1/3 of the
22 amount past due and 1/3 of any deposit requested by the
23 utility. The Commission's rules shall establish a means by
24 which the former customer's utility service may be
25 reconnected through the payment of a reasonable amount and
26 upon entering into a deferred payment agreement.

27 Any payment agreement made shall be in writing, with a
28 copy provided to the former customer. The renegotiation and
29 reinstatement of a customer and the establishment of a budget
30 payment plan shall be pursuant to rules established by the
31 Commission.

32 Not later than September 15 of each year, every gas and
33 electric utility shall conduct a survey of all former
34 residential customers whose gas or electric service was used

1 to provide or control the primary source of space heating in
2 the dwelling and whose gas or electric service was terminated
3 for nonpayment of a bill or deposit from December 1 of the
4 previous year to September 15 of that year and where service
5 at that premises has not been restored. Not later than
6 October 1 of each year the utility shall notify each of these
7 former customers that the gas or electric service will be
8 restored by the company for the coming heating season if the
9 former customer contacts the utility and makes arrangements
10 with the utility for reconnection of service under the
11 conditions set forth in this Section. A utility shall notify
12 the former customer or an adult member of the household by
13 personal visit, telephone contact or mailing of a letter by
14 first class mail to the last known address of that former
15 customer. The utility shall keep records which would
16 indicate the date, form and the results of such contact.

17 Each gas and electric utility which has former customers
18 affected by this Section shall file reports with the
19 Commission providing such information as the Commission may
20 deem appropriate. The Commission shall notify each gas and
21 electric utility prior to August 1 of each year concerning
22 the information which is to be included in the report for
23 that year.

24 In no event shall any actions taken by a utility in
25 compliance with this Section be deemed to abrogate or in any
26 way interfere with the utility's rights to pursue the normal
27 collection processes otherwise available to it.

28 The Commission shall promulgate rules to implement this
29 Section.

30 (Source: P.A. 86-782; 87-469.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.