

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 307,000~~ customers of an
33 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. In the event that customers of an electric
8 utility are subjected to a continuous power interruption of
9 24 hours or more that results in the transmission of power at
10 less than 50% of the standard voltage or that results in the
11 total loss of power transmission, the utility shall be
12 responsible for compensating customers affected by that
13 interruption for 24 hours or more for all actual and
14 consequential damages suffered as a result of the power
15 interruption. The utility shall also reimburse the affected
16 municipality, county, or other unit of local government in
17 which an the interruption of 4 hours or more has taken place
18 for all emergency and contingency expenses incurred by the
19 unit of local government as a result of the interruption.
20 For purposes of this Section, a power interruption shall be
21 deemed continuous until power has been restored without
22 further interruption for a period of at least one hour. A
23 waiver of the requirements of this subsection may be granted
24 by the Commission in instances in which the utility can show
25 that the power interruption was a result of any one or more
26 of the following causes:

- 27 (1) Unpreventable damage due to weather events or
28 conditions.
- 29 (2) Customer tampering.
- 30 (3) Unpreventable damage due to civil or
31 international unrest or animals.
- 32 (4) Damage to utility equipment or other actions by
33 a party other than the utility, its employees, agents,
34 or contractors.

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

3 (f) In the event of a power surge or other fluctuation
4 that causes damage and affects ~~more than 30,000~~ customers,
5 the electric utility shall pay to affected customers the
6 replacement value of all goods damaged as a result of the
7 power surge or other fluctuation unless the utility can show
8 that the power surge or other fluctuation was due to one or
9 more of the following causes:

10 (1) Unpreventable damage due to weather events or
11 conditions.

12 (2) Customer tampering.

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

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

18 Loss of revenue and expenses incurred in complying with this
19 subsection may not be recovered from ratepayers. ~~Customers
20 with respect to whom a waiver has been granted by the
21 Commission pursuant to subparagraphs (1)-(4) of subsections
22 (e) and (f) shall not count toward the 30,000 customers
23 required therein.~~

24 (g) Whenever an electric utility must perform planned
25 or routine maintenance or repairs on its equipment that will
26 result in transmission of power at less than 50% of the
27 standard voltage, loss of power, or power fluctuation (as
28 defined in subsection (f)), the utility shall make
29 reasonable efforts to notify potentially affected customers
30 no less than 24 hours in advance of performance of the
31 repairs or maintenance.

32 (h) Remedies provided for under this Section may be
33 sought exclusively through the Illinois Commerce Commission
34 as provided under Section 10-109 of this Act. Damages

1 awarded under this Section for a power interruption shall be
2 limited to actual damages, ~~which shall not include~~
3 ~~consequential damages~~, and litigation costs. Damage awards
4 may not be paid out of utility rate funds.

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

8 (j) The Commission shall by rule require an electric
9 utility to maintain service records detailing information on
10 each instance of transmission of power at less than 50% of
11 the standard voltage, loss of power, or power fluctuation
12 (as defined in subsection (f)), that affects 10 or more
13 customers. Occurrences that are momentary shall not be
14 required to be recorded or reported. The service record
15 shall include, for each occurrence, the following
16 information:

- 17 (1) The date.
- 18 (2) The time of occurrence.
- 19 (3) The duration of the incident.
- 20 (4) The number of customers affected.
- 21 (5) A description of the cause.
- 22 (6) The geographic area affected.
- 23 (7) The specific equipment involved in the
24 fluctuation or interruption.
- 25 (8) A description of measures taken to restore
26 service.
- 27 (9) A description of measures taken to remedy the
28 cause of the power interruption or fluctuation.
- 29 (10) A description of measures taken to prevent
30 future occurrence.
- 31 (11) The amount of remuneration, if any, paid to
32 affected customers.
- 33 (12) A statement of whether the fixed charge was
34 waived for affected customers.

1 Copies of the records containing this information shall
2 be available for public inspection at the utility's offices,
3 and copies thereof may be obtained upon payment of a fee not
4 exceeding the reasonable cost of reproduction. A copy of
5 each record shall be filed with the Commission and shall be
6 available for public inspection. Copies of the records may
7 be obtained upon payment of a fee not exceeding the
8 reasonable cost of reproduction.

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.