

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 Sections 16-102, 16-116, 16-124, and 16-128 and  
6 adding Sections 16-115C, 16-115D, and 16-115E as follows:

7 (220 ILCS 5/16-102)

8 Sec. 16-102. Definitions. For the purposes of this  
9 Article the following terms shall be defined as set forth in  
10 this Section.

11 "Alternative retail electric supplier" means every  
12 person, cooperative, corporation, municipal corporation,  
13 company, association, joint stock company or association,  
14 firm, partnership, individual, or other entity, their  
15 lessees, trustees, or receivers appointed by any court  
16 whatsoever, that offers electric power or energy for sale,  
17 lease or in exchange for other value received to one or more  
18 retail customers, or that engages in the delivery or  
19 furnishing of electric power or energy to such retail  
20 customers, and shall include, without limitation, resellers,  
21 aggregators and power marketers, but shall not include (i)  
22 electric utilities (or any agent of the electric utility to  
23 the extent the electric utility provides tariffed services to  
24 retail customers through that agent), (ii) any electric  
25 cooperative or municipal system as defined in Section 17-100  
26 to the extent that the electric cooperative or municipal  
27 system is serving retail customers within any area in which  
28 it is or would be entitled to provide service under the law  
29 in effect immediately prior to the effective date of this  
30 amendatory Act of 1997, (iii) a public utility that is owned  
31 and operated by any public institution of higher education of

1 this State, or a public utility that is owned by such public  
2 institution of higher education and operated by any of its  
3 lessees or operating agents, within any area in which it is  
4 or would be entitled to provide service under the law in  
5 effect immediately prior to the effective date of this  
6 amendatory Act of 1997, (iv) a retail customer to the extent  
7 that customer obtains its electric power and energy from that  
8 customer's own cogeneration or self-generation facilities,  
9 (v) an entity that owns, operates, sells, or arranges for the  
10 installation of a customer's own cogeneration or  
11 self-generation facilities, but only to the extent the entity  
12 is engaged in owning, selling or arranging for the  
13 installation of such facility, or operating the facility on  
14 behalf of such customer, provided however that any such third  
15 party owner or operator of a facility built after January 1,  
16 1999, complies with the labor provisions of Section 16-128(a)  
17 as though such third party were an alternative retail  
18 electric supplier, or (vi) an industrial or manufacturing  
19 customer that owns its own distribution facilities, to the  
20 extent that the customer provides service from that  
21 distribution system to a third-party contractor located on  
22 the customer's premises that is integrally and predominantly  
23 engaged in the customer's industrial or manufacturing  
24 process; provided, that if the industrial or manufacturing  
25 customer has elected delivery services, the customer shall  
26 pay transition charges applicable to the electric power and  
27 energy consumed by the third-party contractor unless such  
28 charges are otherwise paid by the third party contractor,  
29 which shall be calculated based on the usage of, and the base  
30 rates or the contract rates applicable to, the third-party  
31 contractor in accordance with Section 16-102.

32 "Base rates" means the rates for those tariffed services  
33 that the electric utility is required to offer pursuant to  
34 subsection (a) of Section 16-103 and that were identified in

1 a rate order for collection of the electric utility's base  
2 rate revenue requirement, excluding (i) separate automatic  
3 rate adjustment riders then in effect, (ii) special or  
4 negotiated contract rates, (iii) delivery services tariffs  
5 filed pursuant to Section 16-108, (iv) real-time pricing, or  
6 (v) tariffs that were in effect prior to October 1, 1996 and  
7 that based charges for services on an index or average of  
8 other utilities' charges, but including (vi) any subsequent  
9 redesign of such rates for tariffed services that is  
10 authorized by the Commission after notice and hearing.

11 "Competitive service" includes (i) any service that has  
12 been declared to be competitive pursuant to Section 16-113 of  
13 this Act, (ii) contract service, and (iii) services, other  
14 than tariffed services, that are related to, but not  
15 necessary for, the provision of electric power and energy or  
16 delivery services.

17 "Contract service" means (1) services, including the  
18 provision of electric power and energy or other services,  
19 that are provided by mutual agreement between an electric  
20 utility and a retail customer that is located in the electric  
21 utility's service area, provided that, delivery services  
22 shall not be a contract service until such services are  
23 declared competitive pursuant to Section 16-113; and also  
24 means (2) the provision of electric power and energy and the  
25 provision of the services set forth in the definition of  
26 "provider of unbundled delivery services" in this Section by  
27 an electric utility to retail customers outside the electric  
28 utility's service area pursuant to Section 16-116. Provided,  
29 however, contract service does not include electric utility  
30 services provided pursuant to (i) contracts that retail  
31 customers are required to execute as a condition of receiving  
32 tariffed services, or (ii) special or negotiated rate  
33 contracts for electric utility services that were entered  
34 into between an electric utility and a retail customer prior

1 to the effective date of this amendatory Act of 1997 and  
2 filed with the Commission.

3 "Delivery services" means those services provided by the  
4 electric utility that are necessary in order for the  
5 transmission and distribution systems to function so that  
6 retail customers located in the electric utility's service  
7 area can receive electric power and energy from suppliers  
8 other than the electric utility, and shall include, without  
9 limitation, standard metering and billing services.

10 "Electric utility" means a public utility, as defined in  
11 Section 3-105 of this Act, that has a franchise, license,  
12 permit or right to furnish or sell electricity to retail  
13 customers within a service area.

14 "Mandatory transition period" means the period from the  
15 effective date of this amendatory Act of 1997 through January  
16 1, 2005.

17 "Provider of unbundled delivery services" means every  
18 person, cooperative, corporation, municipal corporation,  
19 company, association, joint stock company or association,  
20 firm, partnership, individual, or other entity, their  
21 lessees, trustees, or receivers appointed by any court  
22 whatsoever, that offers to a retail customer for sale, lease,  
23 or other value received any metering service other than that  
24 excluded by clause (iv) of this definition or unbundled  
25 delivery services (other than those delivery services  
26 regulated by the Federal Energy Regulatory Commission) that  
27 is specified in a Commission order requiring an electric  
28 utility to unbundle its delivery services under Section  
29 16-108 or 16-109, but the term "provider of unbundled  
30 delivery services" shall not include (i) an electric utility  
31 (or any agent of the electric utility to the extent the  
32 electric utility provides tariffed services to retail  
33 customers through that agent) within the utility's service  
34 area, (ii) any electric cooperative or municipal system as

1 defined in Section 17-100 to the extent that the electric  
2 cooperative or municipal system is serving retail customers  
3 within any area in which it is or would be entitled to  
4 provide service under the law in effect immediately prior to  
5 December 16, 1997, (iii) a public utility that is owned and  
6 operated by any public institution of higher education of  
7 this State, or a public utility that is owned by such public  
8 institution of higher education and operated by any of its  
9 lessees or operating agents, within any area in which it is  
10 or would be entitled to provide service under the law in  
11 effect immediately prior to December 16, 1997, or (iv) a  
12 provider of meter services that installs, provides, or  
13 maintains equipment on the premises of a retail customer  
14 under circumstances in which no entity other than the retail  
15 customer relies on the accuracy, safety, or proper  
16 installation and maintenance of the equipment.

17 "Municipal system" shall have the meaning set forth in  
18 Section 17-100.

19 "Real-time pricing" means charges for delivered electric  
20 power and energy that vary on an hour-to-hour basis for  
21 nonresidential retail customers and that vary on a periodic  
22 basis during the day for residential retail customers.

23 "Retail customer" means a single entity using electric  
24 power or energy at a single premises and that (A) either (i)  
25 is receiving or is eligible to receive tariffed services from  
26 an electric utility, or (ii) that is served by a municipal  
27 system or electric cooperative within any area in which the  
28 municipal system or electric cooperative is or would be  
29 entitled to provide service under the law in effect  
30 immediately prior to the effective date of this amendatory  
31 Act of 1997, or (B) an entity which on the effective date of  
32 this Act was receiving electric service from a public utility  
33 and (i) was engaged in the practice of resale and  
34 redistribution of such electricity within a building prior to

1 January 2, 1957, or (ii) was providing lighting services to  
2 tenants in a multi-occupancy building, but only to the extent  
3 such resale, redistribution or lighting service is authorized  
4 by the electric utility's tariffs that were on file with the  
5 Commission on the effective date of this Act.

6 "Service area" means (i) the geographic area within which  
7 an electric utility was lawfully entitled to provide electric  
8 power and energy to retail customers as of the effective date  
9 of this amendatory Act of 1997, and includes (ii) the  
10 location of any retail customer to which the electric utility  
11 was lawfully providing electric utility services on such  
12 effective date.

13 "Small commercial retail customer" means those  
14 nonresidential retail customers of an electric utility  
15 consuming 15,000 kilowatt-hours or less of electricity  
16 annually in its service area.

17 "Tariffed service" means services provided to retail  
18 customers by an electric utility as defined by its rates on  
19 file with the Commission pursuant to the provisions of  
20 Article IX of this Act, but shall not include competitive  
21 services.

22 "Transition charge" means a charge expressed in cents per  
23 kilowatt-hour that is calculated for a customer or class of  
24 customers as follows for each year in which an electric  
25 utility is entitled to recover transition charges as provided  
26 in Section 16-108:

27 (1) the amount of revenue that an electric utility  
28 would receive from the retail customer or customers if it  
29 were serving such customers' electric power and energy  
30 requirements as a tariffed service based on (A) all of  
31 the customers' actual usage during the 3 years ending 90  
32 days prior to the date on which such customers were first  
33 eligible for delivery services pursuant to Section  
34 16-104, and (B) on (i) the base rates in effect on

1       October 1, 1996 (adjusted for the reductions required by  
2       subsection (b) of Section 16-111, for any reduction  
3       resulting from a rate decrease under Section 16-101(b),  
4       for any restatement of base rates made in conjunction  
5       with an elimination of the fuel adjustment clause  
6       pursuant to subsection (b), (d), or (f) of Section 9-220  
7       and for any removal of decommissioning costs from base  
8       rates pursuant to Section 16-114) and any separate  
9       automatic rate adjustment riders (other than a  
10       decommissioning rate as defined in Section 16-114) under  
11       which the customers were receiving or, had they been  
12       customers, would have received electric power and energy  
13       from the electric utility during the year immediately  
14       preceding the date on which such customers were first  
15       eligible for delivery service pursuant to Section 16-104,  
16       or (ii) to the extent applicable, any contract rates,  
17       including contracts or rates for consolidated or  
18       aggregated billing, under which such customers were  
19       receiving electric power and energy from the electric  
20       utility during such year;

21               (2) less the amount of revenue, other than revenue  
22       from transition charges and decommissioning rates, that  
23       the electric utility would receive from such retail  
24       customers for delivery services provided by the electric  
25       utility, assuming such customers were taking delivery  
26       services for all of their usage, based on the delivery  
27       services tariffs in effect during the year for which the  
28       transition charge is being calculated and on the usage  
29       identified in paragraph (1);

30               (3) less the market value for the electric power  
31       and energy that the electric utility would have used to  
32       supply all of such customers' electric power and energy  
33       requirements, as a tariffed service, based on the usage  
34       identified in paragraph (1), with such market value

1 determined in accordance with Section 16-112 of this Act;

2 (4) less the following amount which represents the  
3 amount to be attributed to new revenue sources and cost  
4 reductions by the electric utility through the end of the  
5 period for which transition costs are recovered pursuant  
6 to Section 16-108, referred to in this Article XVI as a  
7 "mitigation factor":

8 (A) for nonresidential retail customers, an  
9 amount equal to the greater of (i) 0.5 cents per  
10 kilowatt-hour during the period October 1, 1999  
11 through December 31, 2004, 0.6 cents per  
12 kilowatt-hour in calendar year 2005, and 0.9 cents  
13 per kilowatt-hour in calendar year 2006, multiplied  
14 in each year by the usage identified in paragraph  
15 (1), or (ii) an amount equal to the following  
16 percentages of the amount produced by applying the  
17 applicable base rates (adjusted as described in  
18 subparagraph (1)(B)) or contract rate to the usage  
19 identified in paragraph (1): 8% for the period  
20 October 1, 1999 through December 31, 2002, 10% in  
21 calendar years 2003 and 2004, 11% in calendar year  
22 2005 and 12% in calendar year 2006; and

23 (B) for residential retail customers, an  
24 amount equal to the following percentages of the  
25 amount produced by applying the base rates in effect  
26 on October 1, 1996 (adjusted as described in  
27 subparagraph (1)(B)) to the usage identified in  
28 paragraph (1): (i) 6% from May 1, 2002 through  
29 December 31, 2002, (ii) 7% in calendar years 2003  
30 and 2004, (iii) 8% in calendar year 2005, and (iv)  
31 10% in calendar year 2006;

32 (5) divided by the usage of such customers  
33 identified in paragraph (1),  
34 provided that the transition charge shall never be less than



1 zero.

2 "Unbundled service" means a component or constituent part  
3 of a tariffed service which the electric utility subsequently  
4 offers separately to its customers.

5 (Source: P.A. 90-561, eff. 12-16-97; 91-50, eff. 6-30-99.)

6 (220 ILCS 5/16-115C new)

7 Sec. 16-115C. Obligations and certification of providers  
8 of unbundled delivery services.

9 (a) Any provider of unbundled delivery services must  
10 obtain a certificate of service authority from the Commission  
11 in accordance with this Section before providing the services  
12 identified in the definition of "provider of unbundled  
13 delivery services" in Section 16-102.

14 (b) A provider of unbundled delivery services seeking a  
15 certificate of service authority shall file with the  
16 Commission a verified application containing information  
17 showing that the applicant meets the requirements of this  
18 Section. The provider of unbundled delivery services shall  
19 publish notice of its application in the official State  
20 newspaper within 10 days following the date of its filing.  
21 No later than 45 days after the application is properly filed  
22 with the Commission, and such notice is published, the  
23 Commission shall issue its order granting or denying the  
24 application.

25 (c) The Commission shall grant the application for a  
26 certificate of service authority if it makes the findings set  
27 forth in this subsection based on the verified application  
28 and such other information as the applicant may submit:

29 (1) that the applicant possesses sufficient  
30 technical, financial, and managerial resources and  
31 abilities to provide the service for which it seeks a  
32 certificate of service authority. In determining the  
33 level of technical, financial, and managerial resources

1 and abilities which the applicant must demonstrate, the  
2 Commission shall consider the characteristics, including  
3 the size and financial sophistication, of the customers  
4 that the applicant seeks to serve;

5 (2) that the applicant will comply with all  
6 applicable federal, State, regional, and industry rules,  
7 policies, practices, and procedures for the use,  
8 operation, and maintenance of the safety, integrity, and  
9 reliability of the inter-connected electric delivery  
10 system;

11 (3) that the applicant will only provide service to  
12 retail customers in an electric utility's service area  
13 that are taking delivery services under this Act;

14 (4) that the applicant will comply with such  
15 informational, testing, accuracy, and reporting  
16 requirements as the Commission may by rule establish;

17 (5) that the applicant will comply with the  
18 provisions of Section 16-128 of this Act; and

19 (6) that the applicant will comply with all other  
20 applicable laws and rules.

21 (d) The Commission shall have the authority to  
22 promulgate rules to carry out the provisions of this Section.

23 (220 ILCS 5/16-115D new)

24 Sec. 16-115D. Obligations of providers of unbundled  
25 delivery services.

26 (a) A provider of unbundled delivery services shall:

27 (1) comply with the requirements imposed on public  
28 utilities by Sections 8-201 through 8-207, 8-301, 8-302,  
29 8-303, 8-305, 8-505, and 8-507 of this Act, to the extent  
30 that these Sections have application to the services  
31 being offered by the provider of unbundled delivery  
32 services; and

33 (2) continue to comply with the requirements for

1 certification stated in subsection (c) of Section  
2 16-115C.

3 (b) A provider of unbundled delivery services shall  
4 obtain verifiable authorization from a customer, in a form or  
5 manner approved by the Commission in the manner provided by  
6 Section 2EE of the Consumer Fraud and Deceptive Business  
7 Practices Act, before the customer is switched from another  
8 provider.

9 (220 ILCS 5/16-115E new)

10 Sec. 16-115E. Commission oversight of services provided  
11 by providers of unbundled delivery services.

12 (a) The Commission shall have jurisdiction in accordance  
13 with the provisions of Article X of this Act to entertain and  
14 dispose of any complaint against any provider of unbundled  
15 delivery services alleging (i) that the provider of unbundled  
16 delivery services has violated or is in nonconformance with  
17 any applicable provisions of Section 16-115C through Section  
18 16-115D; (ii) that a provider of unbundled delivery services  
19 servng retail customers having maximum demands of less than  
20 one megawatt has failed to provide service in accordance with  
21 the terms of its contract or contracts with such customer or  
22 customers; (iii) that the provider of unbundled delivery  
23 services has violated or is in non-conformance with the  
24 delivery services tariff of, or any of its agreements  
25 relating to delivery services with, the electric utility,  
26 municipal system, or electric cooperative providing delivery  
27 services; or (iv) that the provider of unbundled delivery  
28 services has violated or failed to comply with the  
29 requirements of Sections 8-201 through 8-207, 8-301, 8-302,  
30 8-303, 8-305, 8-505, or 8-507 of this Act as made applicable  
31 to providers of unbundled delivery services.

32 (b) The Commission shall have authority, after notice  
33 and hearing held on complaint or on the Commission's own

1 motion:

2 (1) to order a provider of unbundled delivery  
3 services to cease and desist, or correct, any violation  
4 of or non-conformance with the provisions of Section  
5 16-115C or Section 16-115D;

6 (2) to impose financial penalties for violations of  
7 or non-conformances with the provisions of Section  
8 16-115C or Section 16-115D, not to exceed (i) \$10,000 per  
9 occurrence or (ii) \$30,000 per day for those violations  
10 or non-conformances which continue after the Commission  
11 issues a cease-and-desist order; and

12 (3) to alter, modify, revoke, or suspend the  
13 certificate of service authority of a provider of  
14 unbundled delivery services for substantial or repeated  
15 violations of or non-conformances with the provisions of  
16 Section 16-115C or Section 16-115D.

17 (220 ILCS 5/16-116)

18 Sec. 16-116. Commission oversight of electric utilities  
19 serving retail customers outside their service areas or  
20 providing competitive, non-tariffed services.

21 (a) An electric utility that has a tariff on file for  
22 delivery services may, without regard to any otherwise  
23 applicable tariffs on file, provide electric power and energy  
24 or services as described in the definition of "provider of  
25 unbundled delivery services" in Section 16-102 to one or more  
26 retail customers located outside its service area, but only  
27 to the extent (i) such retail customer (A) is eligible for  
28 delivery services under any delivery services tariff filed  
29 with the Commission by the electric utility in whose service  
30 area the retail customer is located and (B) has either  
31 elected to take such delivery services or has paid or  
32 contracted to pay the charges specified in Sections 16-108  
33 and 16-114, or (ii) if such retail customer is served by a

1 municipal system or electric cooperative, the customer is  
2 eligible for delivery services under the terms and conditions  
3 for such service established by the municipal system or  
4 electric cooperative serving that customer.

5 (b) An electric utility may offer any competitive  
6 service to any customer or group of customers without filing  
7 contracts with or seeking approval of the Commission,  
8 notwithstanding any rule or regulation that would require  
9 such approval. The Commission shall not increase or decrease  
10 the prices, and may not alter or add to the terms and  
11 conditions for the utility's competitive services, from those  
12 agreed to by the electric utility and the customer or  
13 customers. Non-tariffed, competitive services shall not be  
14 subject to the provisions of the Electric Supplier Act or to  
15 Articles V, VII, VIII or IX of the Act, except to the extent  
16 that any provisions of such Articles are made applicable to  
17 alternative retail electric suppliers pursuant to Sections  
18 16-115 and 16-115A, but shall be subject to the provisions of  
19 subsections (b) through (g) of Section 16-115A, and Section  
20 16-115B to the same extent such provisions are applicable to  
21 the services provided by alternative retail electric  
22 suppliers. Non-tariffed, competitive services related to the  
23 provision of meter services and unbundled delivery services  
24 shall not be subject to the provisions of the Electric  
25 Supplier Act or to Articles V, VII, VIII, or IX of this Act,  
26 except to the extent that any provisions of such Articles are  
27 made applicable to providers of unbundled delivery services  
28 pursuant to Sections 16-115C and 16-115D, but shall be  
29 subject to the provisions of Section 16-115D and Section  
30 16-115E.

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

32 (220 ILCS 5/16-124)

33 Sec. 16-124. Metering for residential and small

1 commercial retail customers. An electric utility shall not  
 2 require a residential or small commercial retail customer to  
 3 take additional metering or metering capability as a  
 4 condition of taking delivery services unless the Commission  
 5 finds, after notice and hearing, that additional metering or  
 6 metering capability is required to meet reliability  
 7 requirements. Alternative retail electric suppliers serving  
 8 such customers may provide such additional metering or  
 9 metering capability at their own expense or for value  
 10 received if the alternative retail electric supplier has  
 11 obtained a certificate of service authority under Section  
 12 16-115C, or take such additional metering or metering  
 13 capability as a tariffed service from the utility in whose  
 14 service area such customers take service as--a-tariffed  
 15 service, or take such additional metering service or metering  
 16 capability from an electric utility other than the utility in  
 17 whose service area such customers take service, or from a  
 18 provider of unbundled delivery services. Any additional  
 19 metering requirements shall be imposed in a nondiscriminatory  
 20 manner. Nothing in this subsection shall be construed to  
 21 prevent the normal maintenance, replacement or upgrade of  
 22 meters as required to comply with Commission rules.

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

24 (220 ILCS 5/16-128)

25 Sec. 16-128. Provisions related to utility employees  
 26 during the mandatory transition period.

27 (a) The General Assembly finds:

28 (1) The reliability and safety of the electric  
 29 system has depended on a workforce of skilled and  
 30 dedicated employees, equipped with technical training and  
 31 experience.

32 (2) The integrity and reliability of the system has  
 33 also depended on the industry's commitment to invest in

1 regular inspection and maintenance, to assure that it can  
2 withstand the demands of heavy service requirements and  
3 emergency situations.

4 (3) It is in the State's interest to protect the  
5 interests of utility employees who have dedicated  
6 themselves to assuring reliable service to the citizens  
7 of this State, and who might otherwise be economically  
8 displaced in a restructured industry.

9 The General Assembly further finds that it is necessary  
10 to assure that employees operating in the deregulated  
11 industry have the requisite skills, knowledge, and competence  
12 to provide reliable and safe electrical service and therefore  
13 that alternative retail electric suppliers shall be required  
14 to demonstrate the competence of their employees to work in  
15 the industry.

16 The knowledge, skill, and competence levels to be  
17 demonstrated shall be consistent with those generally  
18 required of or by the electric utilities in this State with  
19 respect to their employees.

20 Adequate demonstration of requisite knowledge, skill and  
21 competence shall include such factors as completion by the  
22 employee of an accredited or otherwise recognized  
23 apprenticeship program for the particular craft, trade or  
24 skill, or specified years of employment with an electric  
25 utility performing a particular work function.

26 To implement this requirement, the Commission, in  
27 determining that an applicant meets the standards for  
28 certification as an alternative retail electric supplier or  
29 provider of unbundled delivery services, shall require the  
30 applicant to demonstrate (i) that the applicant is licensed  
31 to do business, and bonded, in the State of Illinois; and  
32 (ii) that the employees of the applicant that will be  
33 installing, operating, and maintaining generation,  
34 transmission, ~~or~~ distribution, or metering facilities within

1 this State, or any entity with which the applicant has  
2 contracted to perform those functions within this State, have  
3 the requisite knowledge, skills, and competence to perform  
4 those functions in a safe and responsible manner in order to  
5 provide safe and reliable service, in accordance with the  
6 criteria stated above.

7 (b) The General Assembly finds, based on experience in  
8 other industries that have undergone similar transitions,  
9 that the introduction of competition into the State's  
10 electric utility industry may result in workforce reductions  
11 by electric utilities which may adversely affect persons who  
12 have been employed by this State's electric utilities in  
13 functions important to the public convenience and welfare.  
14 The General Assembly further finds that the impacts on  
15 employees and their communities of any necessary reductions  
16 in the utility workforce directly caused by this  
17 restructuring of the electric industry shall be mitigated to  
18 the extent practicable through such means as offers of  
19 voluntary severance, retraining, early retirement,  
20 outplacement and related benefits. Therefore, before any such  
21 reduction in the workforce during the transition period, an  
22 electric utility shall present to its employees or their  
23 representatives a workforce reduction plan outlining the  
24 means by which the electric utility intends to mitigate the  
25 impact of such workforce reduction on its employees.

26 (c) In the event of a sale, purchase, or any other  
27 transfer of ownership during the mandatory transition period  
28 of one or more Illinois divisions or business units, and/or  
29 generating stations or generating units, of an electric  
30 utility, the electric utility's contract and/or agreements  
31 with the acquiring entity or persons shall require that the  
32 entity or persons hire a sufficient number of non-supervisory  
33 employees to operate and maintain the station, division or  
34 unit by initially making offers of employment to the



1 non-supervisory workforce of the electric utility's division,  
2 business unit, generating station and/or generating unit at  
3 no less than the wage rates, and substantially equivalent  
4 fringe benefits and terms and conditions of employment that  
5 are in effect at the time of transfer of ownership of said  
6 division, business unit, generating station, and/or  
7 generating units; and said wage rates and substantially  
8 equivalent fringe benefits and terms and conditions of  
9 employment shall continue for at least 30 months from the  
10 time of said transfer of ownership unless the parties  
11 mutually agree to different terms and conditions of  
12 employment within that 30-month period. The utility shall  
13 offer a transition plan to those employees who are not  
14 offered jobs by the acquiring entity because that entity has  
15 a need for fewer workers. If there is litigation concerning  
16 the sale, or other transfer of ownership of the electric  
17 utility's divisions, business units, generating station, or  
18 generating units, the 30-month period will begin on the date  
19 the acquiring entity or persons take control or management of  
20 the divisions, business units, generating station or  
21 generating units of the electric utility.

22 (d) If a utility transfers ownership during the  
23 mandatory transition period of one or more Illinois  
24 divisions, business units, generating stations or generating  
25 units of an electric utility to a majority-owned subsidiary,  
26 that subsidiary shall continue to employ the utility's  
27 employees who were employed by the utility at such division,  
28 business unit or generating station at the time of the  
29 transfer under the same terms and conditions of employment as  
30 those employees enjoyed at the time of the transfer. If  
31 ownership of the subsidiary is subsequently sold or  
32 transferred to a third party during the transition period,  
33 the transition provisions outlined in subsection (c) shall  
34 apply.

1           (e) The plant transfer provisions set forth above shall  
2 not apply to any generating station which was the subject of  
3 a sales agreement entered into before January 1, 1997.

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

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