

1 AMENDMENT TO HOUSE BILL 1776

2 AMENDMENT NO. _____. Amend House Bill 1776 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by
5 changing Section 8-505.1 as follows:

6 (220 ILCS 5/8-505.1)

7 Sec. 8-505.1. Non-emergency vegetation management
8 activities.

9 (a) Except as provided in subsections (b), (c), and (d),
10 in conducting its non-emergency vegetation management
11 activities, an electric public utility shall:

12 (1) Follow the most current tree care and
13 maintenance standard practices guidelines set forth in
14 ANSI A300 published by the American National Standards
15 Institute International-Society-of-Arboriculture and the
16 most current applicable Occupational Safety and Health
17 Administration regulations regarding worker safety or
18 American-National-Standards-Institute-standards.

19 (2) Provide direct notice of vegetation management
20 activities no less than at-least 21 days nor more than 90
21 days before the activities begin beginning--these
22 activities.

1 (A) If the vegetation management activities
 2 will occur in an incorporated municipality, the
 3 notice must be given to the mayor or his or her
 4 designee.

5 (B) If the vegetation management activities
 6 will occur in an unincorporated area, the notice
 7 must be given to the chairman of the county board or
 8 his or her designee.

9 (C) Affected customers shall be notified
 10 directly.

11 (D) Affected property owners shall be notified
 12 by a published notice in a newspaper or newspapers
 13 in general circulation and widely distributed within
 14 the entire area in which the vegetation management
 15 activities noticed will occur.

16 (E) Circuit maps or a description by common
 17 address of the area to be affected by vegetation
 18 management activities must accompany any the notice
 19 to a mayor or his or her designee or to a chairman
 20 of a county board or his or her designee.

21 ~~Notification may be discontinued upon the~~
 22 ~~request of the governing body of the municipality or~~
 23 ~~county. Requests for the termination of notices~~
 24 ~~shall be in writing.~~

25 ~~(3) Directly notify affected customers no fewer~~
 26 ~~than 7 days before the activity is scheduled to begin.~~

27 (3) (4) The electric public utility giving the
 28 direct and published notices required in subsection
 29 (a)(2) shall provide notified customers and property
 30 owners with (i) a statement of the vegetation management
 31 activities planned, (ii) the address of a website and a
 32 toll-free telephone number at which a written disclosure
 33 of all dispute resolution opportunities and processes,
 34 rights, and remedies provided by the electric public

1 utility may be obtained, (iii) a statement that the
 2 customer and the property owner may appeal the planned
 3 vegetation management activities through the electric
 4 public utility and the Illinois Commerce Commission, (iv)
 5 a toll-free telephone number through which communication
 6 may be had with a representative of the electric public
 7 utility to--call regarding the vegetation management
 8 activities, and (v) the telephone number of the Consumer
 9 Affairs Officer of the Illinois Commerce Commission. The
 10 notice shall also include a statement that circuit maps
 11 and common addresses of the area to be affected by the
 12 vegetation management activities are on file with the
 13 office of the mayor of an affected municipality or his or
 14 her designee and the office of the county board chairman
 15 of an affected county or his or her designee.

16 The Commission shall have sole authority to investigate,
 17 and issue, and hear complaints against the utility under this
 18 subsection (a).

19 (b) A public utility shall not be required to comply
 20 with the requirements of subsection (d) or of paragraphs (2),
 21 and (3),--and-(4) of subsection (a) when ~~(i)~~ it is taking
 22 actions directly related to an emergency to restore reliable
 23 service after interruptions of service. ~~(ii)~~

24 (c) A public utility shall not be required to comply
 25 with the requirements of subsection (a) or (d) if there is a
 26 franchise, contract, or written agreement between the public
 27 utility and the municipality or county mandating specific
 28 vegetation management practices. If the franchise, contract,
 29 or written agreement between the public utility and the
 30 municipality or county establishes requirements for notice to
 31 the municipality, county, customers, and property owners,
 32 those notice requirements shall control over the notice
 33 requirements of paragraphs (2) and (3) of subsection (a). If
 34 the franchise, contract, or written agreement between the

1 public utility and the municipality or county does not
 2 establish notice requirements, the notice requirements
 3 contained in paragraphs (2) and (3) of subsection (a) shall
 4 control; ~~or (iii) there is a mutual agreement between the~~
 5 ~~municipality or county and the public utility to waive the~~
 6 ~~requirements of paragraph (2), (3), or (4) of subsection (a),~~
 7 ~~to the extent of the waiver agreement.~~

8 (d) (e) If (i) no franchise, contract, or written
 9 agreement between a utility and a municipality mandates a
 10 specific vegetation management practice, (ii) no applicable
 11 tariff governing non-emergency vegetation management
 12 practices has been approved by the Commission, and (iii) the
 13 municipality enacts an ordinance establishing standards for
 14 non-emergency vegetation management practices that are
 15 contrary to more restrictive than the standards established
 16 by this Section and the vegetation management activities of
 17 the electric public utility cost substantially more, as a
 18 direct consequence, then the electric public utility may,
 19 before vegetation management activities begin, apply to the
 20 municipality for an agreement to pay the additional cost
 21 ~~recovered from the municipality the difference between the~~
 22 ~~costs of complying with the standards established under the~~
 23 ~~municipality's ordinance and the costs of complying with the~~
 24 ~~standards established by this Section. Before beginning any~~
 25 ~~non-emergency vegetation management activities in a~~
 26 ~~municipality that has enacted an ordinance establishing~~
 27 ~~standards for vegetation management practices that are more~~
 28 ~~restrictive than the standards established by this Section,~~
 29 ~~an electric public utility shall provide to the municipality~~
 30 ~~a good faith estimate of the costs of complying with the more~~
 31 ~~restrictive municipal standards for vegetation management~~
 32 ~~practices. When an application for an agreement is made to~~
 33 the municipality, no vegetation management activities shall
 34 begin until the municipality responds to the application by

1 agreement or rejection or dispute resolution proceedings are
2 completed. The application shall be supported by a detailed
3 specification of the difference between the standards
4 established by this Section and the contrary standards
5 established by the municipal ordinances and by a good faith
6 bid or proposal obtained from a utility contractor or
7 contractors quantifying the additional cost for performing
8 the specification. When the municipality receives the
9 specification and the utility contractor's bid or proposal,
10 the municipality shall agree, reject, or initiate dispute
11 resolution proceedings regarding the application within 90
12 days after the application's receipt. If the municipality
13 does not act within 90 days or informs the utility that it
14 will not agree, the electric public utility may proceed and
15 need not comply with the contrary ordinance standard. When
16 there is a dispute regarding (i) the accuracy of the
17 specification, (ii) whether there is a conflict with the
18 standards established by this Section, or (iii) any aspect of
19 the bid or proposal process, the Illinois Commerce Commission
20 shall hear and resolve the disputed matter or matters, with
21 the electric public utility having the burden of proof. A
22 municipality may have a person trained in tree care and
23 maintenance generally monitor and discuss with the vegetation
24 management supervisory personnel of the electric public
25 utility the performance of the public utility's vegetation
26 management activities without any claim for costs hereunder
27 by the public utility arising therefrom.

28 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 class of customers or a property
31 owner or class of property owners under this Act ~~nor~~
32 ~~invalidate any tariff approved or rule promulgated by the~~
33 ~~Commission.~~ This Section does not alter the jurisdiction of
34 the Illinois Commerce Commission in any manner except to

1 obligate the Commission to investigate, issue, and hear
2 complaints against an electric public utility as provided in
3 subsection (a)(3) and to hear and resolve disputed matters
4 brought to it as provided in this subsection. Vegetation
5 management activities by an electric public utility shall not
6 alter, trespass upon, or limit the rights of any property
7 owner.

8 (Source: P.A. 91-902, eff. 7-6-00.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."