

1 providers of any 2 services described in subsection (b) to
2 prevent undue discrimination and promote efficient
3 competition. Provided, however, that a proposed rule shall
4 not be published prior to May 15, 1999.

5 (b) The Commission shall also have the authority to
6 investigate the need for, and adopt rules requiring,
7 functional separation between the generation services and the
8 delivery services of those electric utilities whose principal
9 service area is in Illinois as necessary to meet the
10 objective of creating efficient competition between suppliers
11 of generating services and sellers of such services at retail
12 and wholesale. After January 1, 2003, the Commission shall
13 also have the authority to investigate the need for, and
14 adopt rules requiring, functional separation between an
15 electric utility's competitive and non-competitive services.

16 (b-5) If there is a change in ownership of a majority of
17 the voting capital stock of an electric utility or the
18 ownership or control of any entity that owns or controls a
19 majority of the voting capital stock of an electric utility,
20 the electric utility shall have the right to file with the
21 Commission a new plan. The newly filed plan shall supersede
22 any plan previously approved by the Commission pursuant to
23 this Section for that electric utility, subject to Commission
24 approval. This subsection only applies to the extent that the
25 Commission rules for the functional separation of delivery
26 services and generation services provide an electric utility
27 with the ability to select from 2 or more options to comply
28 with this Section. The electric utility may file its revised
29 plan with the Commission up to one calendar year after the
30 conclusion of the sale, purchase, or any other transfer of
31 ownership described in this subsection. In all other
32 respects, an electric utility must comply with the Commission
33 rules in effect under this Section. The Commission may
34 promulgate rules to implement this subsection. This

1 subsection shall have no legal effect after January 1, 2005.

2 (c) In establishing or considering the need for rules
3 under subsections (a) and (b), the Commission shall take into
4 account the effects on the cost and reliability of service
5 and the obligation of the utility to provide bundled service
6 under this Act. The Commission shall adopt rules that are a
7 cost effective means to ensure compliance with this Section.

8 (d) Nothing in this Section shall be construed as
9 imposing any requirements or obligations that are in conflict
10 with federal law.

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

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