

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 8-206 as follows:

6 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

7 Sec. 8-206. Winter termination for nonpayment. (a)  
8 Notwithstanding any other provision of this Act, no electric  
9 or gas public utility shall disconnect service to any  
10 residential customer or mastermetered apartment building for  
11 nonpayment of a bill or deposit where gas or electricity is  
12 used as the primary source of space heating or is used to  
13 control or operate the primary source of space heating  
14 equipment at the premises during the period of time from  
15 December 1 through and including March 31 of the immediately  
16 succeeding calendar year. ~~7--unless:~~

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

31 ~~(2)--The--customer--has--refused--or--failed--to--enter--into--a~~

1 deferred-payment-arrangement-as-described-in-paragraph-(1)-of  
2 this-subsection-(a);-and

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

5 (b)--Prior--to-termination-of-service-for-any-residential  
6 customer--or--mastermetered--apartment--building--during--the  
7 period-from-December-1-through-and-including-March-31-of--the  
8 immediately--succeeding--calendar--year,--all-electric-and-gas  
9 public-utilities-shall,--in-addition-to-all-other-notices:

10 (1)--Notify-the-customer-or--an--adult--residing--at--the  
11 customer's--premises--by--telephone,--a-personal-visit-to-the  
12 customer's-premises-or-by-first--class--mail,--informing--the  
13 customer-that:

14 (i)--the--customer's--account--is--in--arrears--and--the  
15 customer's-service-is-subject-to-termination--for--nonpayment  
16 of-a-bill;

17 (ii)--the--customer-can-avoid-disconnection-of-service-by  
18 entering-into-a-deferred-payment-agreement-to--pay--past--due  
19 amounts--over--a--period--not--to-extend-beyond-the-following  
20 November-and-the-customer-has-the--option--to--enter--into--a  
21 levelized-payment-plan-for-the-payment-of-future-bills;

22 (iii)--the--customer--may--apply--for--any--available  
23 assistance-to-aid-in-the-payment-of-utility--bills--from--any  
24 governmental--or--private--agencies--from--the--list--of-such  
25 agencies-provided-to-the-customer-by-the-utility.

26 Provided,--however,--that--a--public--utility--shall--be  
27 required--to--make--only--one--such-contact-with-the-customer  
28 during-any-such-period-from-December-1-through-and--including  
29 March-31-of-the-immediately-succeeding-calendar-year.

30 (2)--Each--public--utility--shall--maintain-records-which  
31 shall-include,--but-not-necessarily-be-limited-to,--the--manner  
32 by--which--the--customer--was-notified-and-the-time,--date-and  
33 manner-by--which--any--prior--but--unsuccessful--attempts--to  
34 contact--were--made.---These--records-shall-also-describe-the

1 terms-of-the-deferred-payment--arrangements--offered--to--the  
 2 customer-and-those-entered-into-by-the-utility-and-customers.  
 3 These--records--shall-indicate-the-total-amount-past-due, the  
 4 down-payment, the-amount-remaining-to-be-paid-and-the--number  
 5 of--months-allowed-to-pay-the-outstanding-balance.--No-public  
 6 utility-shall-be-required-to--retain--records--pertaining--to  
 7 unsuccessful--attempts---to---contact--or--deferred--payment  
 8 arrangements-rejected-by-the-customer-after-such-customer-has  
 9 entered--into--a--deferred--payment--arrangement--with---such  
 10 utility.

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

15 (1)--Enter-into-a-deferred-payment--arrangement--and--the  
 16 option-to-enter-into-a-levelized-payment-plan-for-the-payment  
 17 of-future-bills.

18 (2)--Contact--a--governmental--or-private-agency-that-may  
 19 provide-assistance-to-customers-for--the--payment--of--public  
 20 utility-bills.

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

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

34 (f)--During--that--period-of-time-set-forth-in-subsection

1 (a), no utility may refuse to offer a deferred payment  
2 agreement to a residential customer who has defaulted on such  
3 an agreement within the past 12 months. However, no utility  
4 shall be required to enter into more than one deferred  
5 payment arrangement under this Section with any residential  
6 customer or mastermeters apartment building during the  
7 period from December 1 through and including March 31 of the  
8 immediately succeeding calendar year.

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

19 (h) In no event shall any utility send a final notice to  
20 any customer who has entered into a current deferred payment  
21 agreement and has not defaulted on that deferred payment  
22 agreement, unless the final notice pertains to a deposit  
23 request.

24 (i) Each utility shall include with each disconnection  
25 notice sent during the period for December 1 through and  
26 including March 31 of the immediately succeeding calendar  
27 year to a residential customer an insert explaining the above  
28 provisions and providing a telephone number of the utility  
29 company which the consumer may call to receive further  
30 information.

31 (j) Each utility shall file with the Commission prior to  
32 December 1 of each year a plan detailing the implementation  
33 of this Section. This plan shall contain, but not be limited  
34 to:

1           (1) -- a -- description -- of -- the -- methods -- to -- be -- used -- to -- notify  
2 residential -- customers -- as -- required -- in -- this -- Section, -- including  
3 the -- forms -- of -- written -- and -- oral -- notices -- which -- shall -- be -- required  
4 to -- include -- all -- the -- information -- contained -- in -- subsection -- (b) -- of  
5 this -- Section.

6           (2) -- a -- listing -- of -- the -- names, -- addresses -- and -- telephone  
7 numbers -- of -- governmental -- and -- private -- agencies -- which -- may  
8 provide -- assistance -- to -- residential -- customers -- in -- paying -- their  
9 utility -- bills;

10           (3) -- the -- program -- of -- employee -- education -- and -- information  
11 which -- shall -- be -- used -- by -- the -- company -- in -- the -- implementation -- of  
12 this -- Section.

13           (4) -- a -- description -- of -- methods -- to -- be -- utilized -- to -- inform  
14 residential -- customers -- of -- those -- governmental -- and -- private  
15 agencies -- and -- current -- and -- planned -- methods -- of -- cooperation -- with  
16 those -- agencies -- to -- identify -- the -- customers -- who -- qualify -- for  
17 assistance -- in -- paying -- their -- utility -- bills.

18           A utility which has a plan on file with the Commission  
19 need not resubmit a new plan each year. However, any  
20 alteration of the plan on file must be submitted and approved  
21 prior to December 1 of any year.

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

25           (Source: P.A. 84-617.)

26           Section 99. Effective date. This Act takes effect upon  
27 becoming law.