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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2014 until January 2, 2015.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Program
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3) Section Number: 1500.50 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking requires the Drycleaner Environmental Response Trust Fund Council (Council) to provide written notice of cancellation at least thirty days before the cancellation date for non-payment of premium. The proposed rulemaking also requires the Council to provide instructions on how to seek reinstatement of coverage that has been terminated. All of these proposed changes are prescribed by PA 98-327.
- 6) Published studies or reports, and series of data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 480
Bensenville IL 60106-0480

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

630/741-0022

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Five hundred thirteen (513) active drycleaning facilities insured by the Council will be subject to the new cancellation notification requirements. The effect on these drycleaning facilities will be minimal. There should be no effect on small municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

The full text of the Proposed Amendment begins on the next page:

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING
CHAPTER V: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

Section

1500.10	General
1500.20	Definitions
1500.30	Drycleaning Facility License
1500.40	Drycleaner Remedial Account
1500.50	Drycleaner Facility Insurance Account
1500.55	Drycleaning Solvent Tax
1500.60	Appeals
1500.70	Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 307, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10162, effective June 26, 2000; amended at 28 Ill. Reg. 9051, effective June 21, 2004; amended at 30 Ill. Reg. 7939, effective April 13, 2006; amended at 30 Ill. Reg. 19631, effective December 12, 2006; amended at 31 Ill. Reg. 5756, effective March 27, 2007; amended at 32 Ill. Reg. 16406, effective September 26, 2008; amended at 35 Ill. Reg. 1619, effective January 18, 2011; amended at 36 Ill. Reg. 18521, effective December 13, 2012; amended at 39 Ill. Reg. _____, effective _____.

Section 1500.50 Drycleaner Facility Insurance Account

The owner or operator of an active drycleaning facility shall be eligible for up to \$500,000 financial assurance per drycleaning facility from the Council, subject to the following limitations:

- a) To apply for financial assurance coverage, the owner or operator of an active

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drycleaning facility must submit a completed application provided by the Council (see Section 1500.70(b)). The Council will not determine who must submit the application. Any insurance policy issued must identify both the owner and the operator and both will be named insureds.

- b) Prior to the submission of an insurance application and no later than June 30, 2006 for a drycleaning facility that is active on June 30, 2006, an applicant must have a focused site investigation completed that is designed to identify soil and groundwater contamination resulting from the release of drycleaning solvents at the facility based upon the continued use of the facility as a drycleaning facility, consistent with 35 Ill. Adm. Code 740.430 and 435.
- c) *The drycleaning facility is participating in and meets all requirements of a drycleaning compliance program approved by the Council. (Section 45(d)(2) of the Act)*
- d) Applications must include the annual premium for financial assurance coverage as follows:
 - 1) *For the year July 1, 1999 through June 30, 2000, \$250 per drycleaning facility (Section 45(e)(1) of the Act);*
 - 2) *For the year July 1, 2000 through June 30, 2001, \$375 per drycleaning facility (Section 45(e)(2) of the Act);*
 - 3) *For the year July 1, 2001 through June 30, 2002, \$500 per drycleaning facility (Section 45(e)(3) of the Act);*
 - 4) *For the year July 1, 2002 through June 30, 2003, \$625 per drycleaning facility (Section 45(e)(4) of the Act);*
 - 5) *For subsequent years, the applicant applying for coverage shall pay an annual actuarially sound insurance premium as determined by the Council. The Council shall take into consideration risk factor adjustments to reflect the range of risk presented by:*
 - A) the type of drycleaning system

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- B) the type of *monitoring system*
 - C) *drycleaning volume*
 - D) *risk management practices.* (Section 45 (e)(5) of the Act)
- e) *If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium for that year. The insurance premium is fully earned upon issuance of the insurance policy.* (Section 45(f) of the Act) The insurance premium may be paid in semiannual installments for policies issued on or after June 30, 2003.
- f) All insurance policies shall include a *\$10,000 deductible.* (Section 45(g) of the Act):
- g) *Coverage shall be limited to remedial action costs associated with soil and groundwater contamination resulting from a release of drycleaning solvent at an insured drycleaning facility including third-party liability for soil and groundwater contamination, consistent with the terms of the Council's insurance policy.* (Section 45(c) of the Act)
- h) *Coverage is not provided for a release that occurred before the date of coverage* (Section 45(c) of the Act). It is the responsibility of the insured to prove the release occurred after the date of coverage.
- i) The Council does not have the duty or obligation to defend a claim made against a named insured listed on a Council issued insurance policy.
- j) If a Council insured drycleaning facility ceases drycleaning operations during the policy period, coverage shall automatically cancel 60 days after the last day of active drycleaning operations at the facility. No cancellation notice need be issued by the Council to effect this cancellation.
- k) Except as noted in subsection (j), an insurance policy issued by the Council may be cancelled by mailing or delivering to the first named insured listed on the declarations page of the insurance policy written notice of cancellation at least:

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- 1) Ten days before the effective date of cancellation if the Council cancels for ~~non-payment of premiums or~~ misrepresentation; or
 - 2) Thirty days before the effective date of cancellation if the Council cancels for non-payment of premiums; or
 - ~~3)~~ Sixty days before the effective date of cancellation if the Council cancels for any other reason.
- l) If the insurance policy issued by the Council is terminated either for failure to meet the underwriting requirements or for non-payment of the premiums, the notice of cancellation must include instructions on how to seek reinstatement of coverage, as well as any information concerning any premiums or penalties that may be due. (Section 45(e-6) of the Act) A copy of the Council's appeal procedures will be included as part of the cancellation notification.
- ~~m)~~ Insurance coverage issued under this Section shall expire one year after the date of issuance unless cancelled in accordance with subsection (j) or (k) and may be renewed on reapplication to the Council and submission of the appropriate premium in accordance with subsection (d). At least 30 days before the insurance policy is to expire, the Council will mail a renewal application and premium billing notice to the address of the first named insured on the policy. Failure to complete the renewal application and pay the appropriate premium shall result in expiration of the insurance policy.
- ~~n)~~ An insurance policy issued by the Council for a specific drycleaning facility location can be transferred to a successor drycleaning facility operator or owner upon execution of a policy transfer form prescribed by the Council and signed by the policy holder and transferee. The insurance policy cannot be transferred unless the drycleaning facility license is also transferred.
- ~~o)~~ Settlement of a Claim~~claim~~.
- 1) A notice of a release of drycleaning solvent must be made to the Council within 24 hours after the release. A notice of claim must be submitted in writing to the Council as soon as is reasonably possible after a notice of a release of drycleaning solvent has been reported to the Council.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

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- 2) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Agency tiered approach to corrective action objectives.
- 3) For purposes of claimant reimbursement, eligible expenses are limited to the following:
 - A) Only costs that are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency, the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.
 - B) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a No Further Remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.
- 4) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.
- 5) Upon receipt of a signed, written request from the claimant and verification that the applicable deductibles have been paid by the claimant, the Council will pay directly to the primary service provider the amount of reimbursement due the claimant from the Fund for remedial action activities. The claimant must submit to the Council a copy of cancelled checks supporting that the applicable deductibles have been paid, along with a signed, written statement from the primary service provider verifying the applicable deductibles have been paid. This request will remain in effect until:
 - A) it is rescinded in writing by the claimant; or
 - B) the Fund has reimbursed the maximum benefit allowed; or
 - C) the claim is closed and the Fund has reimbursed the total amount

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approved for remedial action activities performed at the facility.

- 6) Upon enrollment in the Agency's site remediation program and receipt of a signed, written request from the claimant, the Fund may pay the Agency directly, on eligible claims, the cost incurred by the Agency in its oversight of the drycleaning facility with respect to which the claimant obtained a No Further Remediation letter. This request will remain in effect until:
 - A) the Fund has reimbursed the maximum benefit allowed; or
 - B) the claim is no longer eligible for benefits from the Fund; or
 - C) the facility has completed the project with the Agency and all related oversight costs have been paid in full to the Agency.
 - 7) Third party claims will be settled in accordance with the terms of the insurance policy.
- pe) Recordkeeping. Owners and operators of drycleaning facilities must maintain all records required to obtain an insurance policy from the Fund for a minimum of 3 years from each initial issuance and each policy renewal. These records include the application, insurance fees, repair and maintenance logs, compliance program participation certificates, continuing education credits, site inspection reports, ownership information and any other information that may have been needed to issue and renew the insurance coverage. Owners and operators must also maintain records of each repair performed on the drycleaning machine for the remaining operating life of the drycleaning machine. For regulated underground storage tanks at drycleaning facilities, records must be retained as required by 41 Ill. Adm. Code 170, Subpart B (Underground Storage Tanks – Technical Requirements).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

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contracting goals and not quotas. In evaluating a licensee's compliance with the rule's good faith requirements, the fulfillment of a contracting goal shall be significant but not determinative.

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:

Emily Mattison
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601
312/814-7137
Fax No. 312/814-7253
emily.mattison@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses owned by minorities, females, and persons with

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

disabilities may gain increased contracting opportunities with Illinois riverboat casinos as a result of this rulemaking.

- B) Reporting, bookkeeping or other procedures required for compliance: The Illinois Gaming Board will be required to compile information provided by Illinois owners licensees on dollar percentages of contracts awarded to businesses owned by minorities, women, and persons with disabilities.
 - C) Types of professional skills necessary for compliance: Compliance with the proposed rulemaking will not require specialized professional skills.
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time the last 2 agendas were published.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons

ILLINOIS GAMING BOARD

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3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals
3000.286	Contracting Goals for Owners Licensees

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)

ILLINOIS GAMING BOARD

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- 3000.340 Operating Procedures (Repealed)
3000.350 Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,
RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

Section

- 3000.400 Coverage of Subpart
3000.405 Requests for Hearings
3000.410 Appearances
3000.415 Discovery
3000.420 Motions for Summary Judgment
3000.424 Subpoena of Witnesses
3000.425 Proceedings
3000.430 Evidence
3000.431 Prohibition on Ex Parte Communication
3000.435 Sanctions and Penalties
3000.440 Transmittal of Record and Recommendation to the Board
3000.445 Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section

- 3000.500 Riverboat Cruises
3000.510 Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section

- 3000.600 Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic
Cards
3000.602 Disposition of Unauthorized Winnings
3000.605 Authorized Games
3000.606 Gaming Positions
3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614 Tournaments, Enhanced Payouts and Give-aways
3000.615 Payout Percentage for Electronic Gaming Devices

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3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips
3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens, Vouchers, Cash and Electronic Credits
3000.640	Exchange of Chips, Tokens, and Vouchers
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
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3000.660	Minimum Standards for Electronic Gaming Devices
3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

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3000.700	Organization of Subpart
3000.701	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of Board Exclusion List
3000.720	Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
3000.745	Voluntary Self-Exclusion Policy
3000.750	Establishment of a Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List

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- 3000.770 Duties of Licensees
- 3000.780 Request for Removal from the IGB Self-Exclusion List
- 3000.782 Required Information, Recommendations, Forms and Interviews
- 3000.785 Appeal of a Notice of Denial of Removal
- 3000.786 Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
- 3000.787 Placement on the Self-Exclusion List Following Removal
- 3000.790 Duties of the Board

SUBPART H: SURVEILLANCE AND SECURITY

- Section
- 3000.800 Required Surveillance Equipment
- 3000.810 Riverboat and Board Surveillance Room Requirements
- 3000.820 Segregated Telephone Communication
- 3000.830 Surveillance Logs
- 3000.840 Storage and Retrieval
- 3000.850 Dock Site Board Facility
- 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

- Section
- 3000.900 Liquor Control Commission
- 3000.910 Liquor Licenses
- 3000.920 Disciplinary Action
- 3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

- Section
- 3000.1000 Ownership Records
- 3000.1010 Accounting Records
- 3000.1020 Standard Financial and Statistical Records
- 3000.1030 Annual and Special Audits and Other Reporting Requirements
- 3000.1040 Accounting Controls Within the Cashier's Cage
- 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit

ILLINOIS GAMING BOARD

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- 3000.1060 Handling of Cash at Gaming Tables
- 3000.1070 Tips or Gratuities
- 3000.1071 Admission Tax and Wagering Tax
- 3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

- 3000.1100 Coverage of Subpart
- 3000.1105 Duty to Maintain Suitability
- 3000.1110 Board Action Against License or Licensee
- 3000.1115 Complaint
- 3000.1120 Appearances
- 3000.1125 Answer
- 3000.1126 Appointment of Hearing Officer
- 3000.1130 Discovery
- 3000.1135 Motions for Summary Disposition
- 3000.1139 Subpoena of Witnesses
- 3000.1140 Proceedings
- 3000.1145 Evidence
- 3000.1146 Prohibition of Ex Parte Communication
- 3000.1150 Sanctions and Penalties
- 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective

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October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. 18255, effective November 1, 2013; amended at 38 Ill. Reg. 2808, effective January 8, 2014; amended at 38 Ill. Reg. 21471, effective October 29, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART B: LICENSES

Section 3000.286 Contracting Goals for Owners Licensees

- a) For purposes of this Section:
 - 1) The terms "minority", "minority owned business", "female owned business", and "business owned by a person with a disability" shall have the meanings ascribed to them in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].
 - 2) "Contracting goal" is the goal established by the Board for the award of contracts by each owners licensee to businesses owned by minorities.

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females and persons with disabilities, expressed as percentages of an owners licensee's total dollar amount of contracts awarded during each calendar year [230 ILCS 10/7.6(b)] and subsections (c)(2) and (3) of this Section.

- 3) "Good faith effort" is the effort of an owners licensee to achieve a contracting goal. A "good faith" effort shall require an owners licensee to give consideration in the awarding of contracts to qualified businesses owned by minorities, females and persons with disabilities that are located in Illinois. A "good faith effort" shall require the following actions by an owners licensee:
- A) Outreach by an owners licensee to associations of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities whose areas of operation include the unit of local government where the owners licensee's riverboat gambling operation is located, to request their assistance in identifying and contacting businesses owned by minorities, females and persons with disabilities that may be appropriate candidates for contract awards by the owners licensee.
- B) Publication on a continuing basis in an owners licensee's website and, at least annually, in the official State newspaper, of a statement informing potential bidders how to obtain more detailed information from the owners licensee about future contracts to be entered into by the owners licensee, including price, occupational, and materials specifications. In addition, the owners licensee shall distribute this statement to the Business Enterprise Program of the Department of Central Management Services established under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.
- 4) "Dollar percentage" is the percentage of the total dollar value of an owners licensee's vendor contracts with minority owned businesses, female owned businesses, or businesses owned by a person with a disability during a calendar year, to the total dollar amount of all vendor contracts entered

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into by the owners licensee during that calendar year, except for contracts covered under subsection (c)(2).

- b) For each calendar year, the Board shall establish contracting goals, as defined in subsection (a)(2), for each owners licensee expressed as a dollar percentage as defined in subsection (a)(4). Separate contracting goals shall be established for minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. A contracting goal shall provide for the greatest reasonable dollar percentage, consistent with the ability of vendors that are not minority owned businesses, female owned businesses, or businesses owned by persons with disabilities to bid fairly on contracts and not incur discrimination in contract selection based on their non-inclusion in a category of businesses subject to a contracting goal.
- 1) By December 1 of each calendar year, each owners licensee shall submit to the Board separate proposed contracting goals for the coming calendar year for minority owned businesses, female owned businesses and businesses owned by persons with disabilities. The contractual goals shall be established through a process of consultation with each owners licensee and subsequent Board evaluation and approval. The contracting goals shall be based on the numbers and dollar amounts of new and renewed contracts, as well as the owners licensee's evaluation of the availability of minority owned businesses, female owned businesses, and businesses owned by persons disabilities that are qualified to perform the new and renewed contracts, and located in sufficient geographical proximity to the owners licensee to be reasonable candidates for contract selection. The Board may conduct fact-finding hearings to determine the appropriateness of a proposed contracting goal.
- 2) When setting the goals for the award of contracts, the Board shall not include contracts in which:
- A) any purchasing mandates would be dependent upon the availability of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities ready, willing, and able with capacity to provide quality goods and services to a gaming operation at reasonable prices;

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- B) *there are no or a limited number of licensed suppliers as defined by the Act for the goods or services provided to the licensee;*
- C) *the licensee or its parent company owns a company that provides the goods or services; or*
- D) *the goods or services are provided to the licensee by a publicly traded company. [230 ILCS 10/7.6(b)]*
- 3) *An owners licensee may satisfy its goal for the award of contracts, in whole or in part, by counting the total dollar amount of first and second tier subcontracts and purchase orders to businesses certified as vendors under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act or by any other certifying agency approved by the Board.*
- d) *In evaluating whether an owners licensee has made a good faith effort as defined in subsection (a)(3), the fulfillment of a contracting goal as defined in subsection (a)(2) shall be significant but not determinative. An owners licensee that has failed to meet a contracting goal nevertheless may be deemed to have complied with the provisions of this Section if it can establish that it has made diligent efforts to achieve the contracting goal through outreach, advertising or other types of efforts designed to inform minority owned businesses, female owned businesses, or businesses owned by persons with disabilities about potential contracting opportunities with the owners licensee and has engaged in a fair bidding process.*
- e) *The owners licensee shall have the right to request a waiver from the requirements of this Section. The Board shall grant the waiver when the owners licensee demonstrates that there has been made a good faith effort to comply with the goals for participation by minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. [230 ILCS 10/7.6(d)]*
- f) *If the Board determines that its goals and policies are not being met by any owners licensee, then the Board may:*

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- 1) Recommend remedies for those violations; and
- 2) Recommend that the owners licensee provide additional opportunities for participation by minority owned businesses, female owned businesses, and businesses owned by persons with disabilities; the recommendations may include, but shall not be limited to:
 - A) Assurances of stronger and better focused solicitation efforts to obtain more minority owned businesses, female owned businesses, and businesses owned by persons with disabilities as potential sources of supply;
 - B) Division of job or project requirements, when economically feasible, into tasks or quantities to permit participation of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities;
 - C) Elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities; and
 - D) Identification of specific proposed contracts as particularly attractive or appropriate for participation by minority owned businesses, female owned businesses, and businesses owned by persons with disabilities, such identification to result from and be coupled with the efforts described in subsections (f)(2)(A) through (C).
- g) The Board shall not establish any type of quota in connection with its enforcement of this Section and Section 7.6 of the Act.
- h) By March 31 of each year, each owners licensee shall file with the Board an annual report of its utilization of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities during the preceding calendar year. The reports shall include a self-evaluation of the efforts of the owners licensee to meet its goals under this Section. [230 ILCS 10/7.6(c)]

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- i) The dollar percentages for an owners licensee shall be determined according to data in an owners licensee's annual report submitted to the Board under subsection (h).

(Source: Added at 39 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.10	Amendment
250.20	Amendment
250.EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) A Complete Description of the Subjects and Issues Involved: JCAR has asked DOI to look at our Title 2 and 4 rules and make revisions as appropriate. 4 IAC 250 (Americans with Disabilities Act Grievance Procedure) was last amended in 2012 so it is reasonably current, but there are some minor housekeeping revisions to be made.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE

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Diana Villamil Zuver or
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago IL 60603

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

312/814-8135
312/814-2862 (fax)

217/558-0957

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Procedures for filing a grievance
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER VII: DEPARTMENT OF INSURANCEPART 250
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
250.10	Purpose
250.20	Definitions
250.30	Procedure
250.40	ADA Coordinator Level
250.50	Final Level
250.60	Accessibility
250.70	Case-by-Case Resolution
250.EXHIBIT A	Grievance Form

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 30 Ill. Reg. 2538, effective February 7, 2006; amended at 36 Ill. Reg. 860, effective January 3, 2012; amended at 39 Ill. Reg. _____, effective _____

Section 250.10 Purpose

- a) This Americans With Disabilities Act Grievance Procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and specifically Section 35.107 of the Title II regulations (28 CFR 35) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the Act or its regulations to understand the rights, privileges and remedies afforded by it, they should contact the ADA Coordinator of the Department of Insurance.
- b) In general, the Act requires that each program, service and activity offered by the Department, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

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- c) It is the Department's intention to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for reasonable ~~accommodations~~accommodations before they become grievances.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 250.20 Definitions

"Act" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"ADA Coordinator" means the person appointed by the Director who is responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the Act, including investigation of grievances filed by complainants.

"Complainant" means an individual with a disability who files a grievance with the Department pursuant to the provisions of this Part.

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance of the State of Illinois or anyone to whom the Director's responsibilities and authority are lawfully delegated.

"Grievance" means any complaint under the Act by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department, and believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the Department, or has been subject to discrimination by the Department.

"Grievance Form" means a Department created form (attached as Exhibit A) that, when completed by a complainant, includes, but is not limited to, the name, address and telephone number of the complainant; date of incidence; a short factual statement of the grievance; and the relief requested, if applicable.

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"Procedure" means the Americans With Disabilities Act Grievance Procedure set forth in this Part.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 250.EXHIBIT A Grievance Form

**Grievance
Discrimination Based on Disability**

It is the policy of the Illinois Department of Insurance to provide assistance in filling out this form. If assistance is needed, please ask:

ADA Coordinator – Department of Insurance
320 West Washington Street
Springfield IL 62767-0001
(217)782-4515 (Voice); [\(866\)323-5321](tel:8663235321)~~(217) 524-4872~~ (TDD)

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone No.: _____

The Best Means and Time for Contacting: _____

Program, Service, or Activity to which Access was Denied or in which Alleged Discrimination Occurred: _____

Date of Alleged Discrimination: _____

Nature of Alleged Discrimination: _____

(Attach additional sheets, if necessary. If the grievance is based on a denial of requested reasonable modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature _____ Date _____

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Complainant/Authorized Agent

Please give to the ADA Coordinator at the address listed above.

For Office Use Only

Date Received: _____ By: _____

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(BACK OF FORM)

Please fill out this part of the form if this grievance is based upon the denial of a requested reasonable modification. A reasonable modification will be made to make programs, services and activities accessible. Reasonable ~~accommodations~~accommodations could include such things as providing auxiliary aides and devices and changing some policies and requirements to allow an individual with a disability to participate. This portion of the form should be filled in to the extent you know the answers. The form may be submitted even if this portion is incomplete.

Reasonable modification requested:

The date the reasonable modification was requested:

The person to whom the request was made:

The reason for denial:

Estimated cost of modification (if an assistive device, such as a TDD or optical reader, or commodity or service to which a cost is readily known):

Why is the requested modification necessary to use or participate in the program, service or activity?

Alternative ~~accommodations~~accommodations that may provide accessibility:

Any other information you believe will aid in a fair resolution of this grievance:

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Professional Liability Insurance Reporting Requirements and Resource Center
- 2) Code Citation: 50 Ill. Adm. Code 933
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
933.10	Repeal
933.20	Repeal
933.30	Repeal
933.40	Repeal
933.50	Repeal
- 4) Statutory Authority: Section 155.18a of the Illinois Insurance Code [215 ILCS 5/155.18a]
- 5) A Complete Description of the Subjects and Issues Involved: The rule is no longer applicable since the statute was ruled unconstitutional.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with [1 Ill. Adm. Code 100.355]:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

Joseph Clennon
Assistant General Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

or Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/557-1396
fax: 217/524-9033

217/558-0957

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Agendas because: The Department did not anticipate repealing the rule within that timeframe.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 933

PROFESSIONAL LIABILITY INSURANCE REPORTING
REQUIREMENTS AND RESOURCE CENTER (REPEALED)

Section

933.10	Applicability
933.20	Purpose and Scope
933.30	Definitions
933.40	Company Reporting Requirements
933.50	Producer Reporting Requirements

AUTHORITY: Implementing Section 155.18a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.18a and 401].

SOURCE: Adopted at 30 Ill. Reg. 19355, effective November 30, 2006; repealed at 39 Ill. Reg. _____, effective _____.

Section 933.10 Applicability

This Part shall apply to each licensed insurance producer and to each insurance company licensed to write medical liability insurance in this State pursuant to Section 4, Class 2(c) [215 ILCS 5/4].

Section 933.20 Purpose and Scope

The purpose of this Part is to establish content, form and data reporting requirements for information to be reported to the Secretary of the Department or to the Director of the Illinois Department of Financial and Professional Regulation-Division of Insurance pursuant to Section 155.18a of the Illinois Insurance Code [215 ILCS 5/155.18a].

Section 933.30 Definitions

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Base Rates means the average rate that is charged for the base class and base territory, as well as the relativity factors applied to the base rate and the formula for applying the factors, to determine the rates for all classes and territories as filed with the Division.

Code means the Illinois Insurance Code [215 ILCS 5].

Department means the Illinois Department of Financial and Professional Regulation.

Director means the Director of the Illinois Department of Financial and Professional Regulation-Division of Insurance.

Division means the Department of Financial and Professional Regulation-Division of Insurance.

Insurance Company means any insurance company licensed in the State of Illinois that provides medical liability insurance.

Insurance Producer means any person required to be licensed under the laws of this State to sell, solicit or negotiate medical liability insurance.

Professional Liability Insurance Resource Center means an internet website (www.idfpr.com/DOI/Apps/MedMal/MedMalList.asp) of licensed insurance companies and producers that provide medical liability insurance.

Secretary means the Secretary of the Illinois Department of Financial and Professional Regulation.

Section 933.40 Company Reporting Requirements

In order to be listed on the Division's Professional Liability Insurance Resource Center website, an insurance company providing medical liability insurance shall, on or before September 30 of each year, submit the following information to the Division electronically and in a format provided on the Division website (www.idfpr.com/DOI/Apps/MedMal/MedMalList.asp):

- a) Name;

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- b) Telephone number;
- c) Base rates; and
- d) Hyperlinks to company website.

Section 933.50 Producer Reporting Requirements

- a) In order to be listed on the Division's website, each insurance producer selling medical liability insurance shall, on or before September 30 of each year, submit the following information to the Division electronically and in a format provided on the Division website (www.idfpr.com/DOI/Apps/MedMal/MedMalList.asp):
 - 1) Name;
 - 2) Business address;
 - 3) License number;
 - 4) Telephone number; and
 - 5) Name of each licensed company for which the producer is permitted or authorized to sell medical liability insurance. Misrepresentation of any information reported may be a violation of Section 500-70 of the Code [215 ILCS 5/500-70] and could result in disciplinary action.
- b) The license number will be used to verify an insurance producer's licensure on an inter-agency basis and will not be posted on the Division website.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3)

<u>Section Number:</u> 100.2470	<u>Proposed Action:</u> Amendment
------------------------------------	--------------------------------------
- 4) Statutory Authority: 35 ILCS 5/203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G)
- 5) A Complete Description of the Subjects and Issues Involved: This amendment updates the listing of items of income that are exempted from Illinois income taxation under some provision of the federal or State constitutions, federal law, or an Illinois statute other than the Illinois Income Tax Act to reflect recent Illinois legislation.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u> 100.7310 100.2197	<u>Proposed Action:</u> Amendment Amendment	<u>Illinois Register Citation:</u> 38 Ill. Reg. 18131 August 29, 2014 38 Ill. Reg. 19128 September 26, 2014
--	---	---
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62796

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking applies to all businesses and to not-for-profit corporations that have federally-taxed income from sources that are exempt from Illinois income tax.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2014

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)
100.2060	Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA Section 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171	Angel Investment Credit (IITA 220)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA Section 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193	Student-Assistance Contributions Credit (IITA 218)

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- 100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

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203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

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100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
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100.3373 Sales Factor for Publishing
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100.5130 Composite Returns: Required forms and computation of Income
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100.5160 Composite Returns: Credits on Separate Returns
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100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
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100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
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- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7380 Economic Development for a Growing Economy (EDGE) and Small Business Job Creation Credit (IITA Section 704A(g) and (h))

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100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
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Section

100.9800	Letter Ruling Procedures
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100.9900	Tax Shelter Voluntary Compliance Program
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100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which

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Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg.

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14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill.

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Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 39 Ill. Reg. _____, effective _____

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

- a) In calculating base income, taxpayers are entitled to subtract *an amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization (IITA 203(a)(2)(N)).* There are also provisions of Illinois law that exempt the income of certain obligations of state and local governments from Illinois income taxation (see subsection (f)).
- b) Interest on obligations of the United States. A federal statute exempts stocks and obligations of the United States Government, as well as the interest on the obligations, from state income taxation (see 31 USC 3124(a)).
 - 1) "Obligations of the United States" are those obligations issued "to secure credit to carry on the necessary functions of government." *Smith v. Davis* (1944) 323 U.S. 111, 119, 89 L. Ed. 107, 113, 65 S. Ct. 157, 161. The exemption is aimed at protecting the "Borrowing" and "Supremacy" clauses of the Constitution. *Society for Savings v. Bowers* (1955) 349

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U.S. 143, 144, 99 L. Ed. 2d 950, 955, 75 S. Ct. 607, 608. *Hibernia v. City and County of San Francisco* (1906) 200 U.S. 310, 313, 50 L. Ed. 495, 496, 26 S. Ct. 265, 266.

- A) Tax-exempt credit instruments possess the following characteristics:
- i) they are written documents;
 - ii) they bear interest;
 - iii) they are binding promises by the United States to pay specified sums at specified dates;
 - iv) they have congressional authorization which also pledges the faith and credit of the United States in support of the promise to pay. *Smith v. Davis, supra*.
- B) A governmental obligation that is secondary, indirect, or contingent, such as a guaranty of a nongovernmental obligor's primary obligation to pay the principal amount of and interest on a note, is not an obligation of the type exempted under 31 USC Section 3124(a). *Rockford Life Ins. Co. v. Department of Revenue*, 107 S. Ct. 2312 (1987).
- 2) Based on the above, the following types of income are exempt under 31 USC Section 3124(a):
- A) Interest on U.S. Treasury bonds, notes, bills, certificates, and savings bonds.
 - B) Income from GSA Public Building Trust Participation Certificates: First Series, Series A through E; Second Series, Series F; Third Series, Series G; Fourth Series H and I.

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- c) Income exempted by reason of other federal statutes. Federal statutes provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which each item relates:
- 1) Banks for Cooperatives – Income from notes, debentures, and other obligations issued by Banks for Cooperatives (12 USC 2134).
 - 2) Commodity Credit Corporation – Interest derived from bonds, notes, debentures, and other similar obligations issued by Commodity Credit Corporation (15 USC 713a-5).
 - 3) Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) – Income from notes, bonds, debentures, and other obligations issued by the Financial Assistance Corporation (12 USC 2278b-10(b)).
 - 4) Federal Deposit Insurance Corporation – Interest derived from notes, debentures, bonds, or other such obligations issued by Federal Deposit Insurance Corporation (12 USC 1825).
 - 5) Federal Farm Credit Banks – Income from consolidated system-wide notes, bonds, debentures, and other obligations issued jointly and severally under 12 USC 2153 by Banks of the Federal Farm Credit System (12 USC 2023; 12 USC 207; 12 USC 2098; and 12 USC 2134).
 - 6) Federal Home Loan Banks – Interest derived from notes, debentures, bonds, and other such obligations issued by Federal Home Loan Banks and from consolidated Federal Home Loan bonds and debentures (12 USC 1433).
 - 7) Federal Intermediate Credit Banks – Income from notes, debentures, bonds, and other obligations issued by Federal Intermediate Credit Banks (12 USC 2079).

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- 8) Federal Land Banks and Federal Land Bank Association – Income from notes, debentures, bonds, and other obligations issued by Federal Land Banks and Federal Land Bank Associations (12 USC 2055).
- 9) Federal Savings and Loan Insurance Corporation – Interest derived from notes, bonds, debentures, and other such obligations issued by Federal Savings and Loan Insurance Corporation (12 USC 1725(e)).
- 10) Financing Corporation (FICO) – Income from obligations issued by the Financing Corporation (12 USC 1441(e)(8)).
- 11) General Insurance Fund
 - A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 USC 1739(d)); or
 - B) Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 USC 1747g(g)); or
 - C) Interest derived from Armed Services Housing Mortgage Insurance Debentures issued by the General Insurance Fund (12 USC Section 1748b(f)).
- 12) Guam – Interest derived from bonds issued by the government of Guam (48 USC 1423a). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 13) Mutual Mortgage Insurance Fund – Income from such debentures as are issued in exchange for property covered by mortgages insured after February 3, 1988 (12 USC 1710(d)). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

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- 14) National Credit Union Administration Central Liquidity Facility – Income from the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility (12 USC 1795K(b)).
- 15) Production Credit Association – Income from notes, debentures, and other obligations issued by Production Credit Association (12 USC 2098).
- 16) Puerto Rico – Interest derived from bonds issued by the Government of Puerto Rico (48 USC 745). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 17) Railroad Retirement Act – Annuity and supplemental annuity payments as qualified under the Railroad Retirement Act of 1974 (45 USC 231m). Please be sure to use the line specified on your Illinois return for this item.
- 18) Railroad Unemployment Insurance Act – Unemployment benefits paid pursuant to the Railroad Unemployment Insurance Act (45 USC 352(e)).
- 19) Resolution Funding Corporation – Interest from obligations issued by the Resolution Funding Corporation (12 USC 1441b(f)(7)(A)).
- 20) Special Food Service Program – Assistance to children under the Special Food Service Program (42 USC 1760(e)).
- 21) Student Loan Marketing Association – Interest derived from obligations issued by the Student Loan Marketing Association (20 USC 1087-2(h)(221)).
- 22) Tennessee Valley Authority – Interest derived from bonds issued by the Tennessee Valley Authority (16 USC 831n-4(d)).
- 23) United States Postal Service – Interest derived from obligations issued by the United States Postal Service (39 USC 2005(d)(4)).

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- 24) Virgin Islands – Interest derived from bonds issued by the Government of the Virgin Islands (48 USC 1574(b)(ii)(A)). This income is not presently included in income taxable federally. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
 - 25) American Samoa – Interest on bonds issued by the Government of American Samoa (48 USC 1670(b)).
 - 26) Northern Mariana Islands – Interest on bonds issued by the Government of the Northern Mariana Islands (48 USC 1801 note).
- d) Distributions from money market trusts (mutual funds). Taxpayers may subtract income received from any of the obligations listed in subsections (b) and (c), even if the obligations are owned indirectly through owning shares in a mutual fund.
- 1) If the fund invests exclusively in these state tax exempt obligations, the entire amount of the distribution (income) from the fund may be subtracted.
 - 2) If the fund invests in both exempt and non-exempt obligations, the amount represented by the percentage of the distribution that the mutual fund identifies as exempt may be subtracted.
 - 3) If the mutual fund does not identify an exempt amount or percentage, taxpayers may figure the subtraction by multiplying the distribution by the following fraction: as the numerator, the amount invested by the fund in state-exempt U.S. obligations; as the denominator, the fund's total investment. Use the year-end amounts to figure the fraction if the percentage ratio has remained constant throughout the year. If the percentage ratio has not remained constant, take the average of the ratios from the fund's quarterly financial reports.
- e) Getting a refund of tax you already paid. If you paid Illinois income tax on these state tax exempt distributions, you may file an amended return (IL-1040-X) to claim a refund for any year still within the statute of limitations.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- f) Interest on obligations of state and local governments. Income from state and local obligations is not exempt from Illinois income tax except where authorizing legislation adopted after August 1, 1969, specifically provides for an exemption. To date, authorizing legislation provides exemption for the income from the securities listed below. Taxpayers must show income from these exempt bonds as an addition and then as a subtraction on the Illinois income tax return. Income from these bonds is not exempt if the bonds are owned indirectly through owning shares in a mutual fund.
- 1) Notes and bonds issued by the Illinois Housing Development Authority (except housing-related commercial facilities notes and bonds) [20 ILCS 3805/31].
 - 2) Bonds authorized pursuant to the Export Development Act of 1983 (former Ill. Rev. Stat. 1991, ch. 127, par. 2513, repealed by P.A. 87-860, effective July 1, 1992).
 - 3) Bonds issued by the Illinois Development Finance Authority pursuant to Sections 7.50 through 7.61 (venture fund and infrastructure bonds) [20 ILCS 3505/7.61], (repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation).
 - 4) Bonds and notes issued by the Quad Cities Regional Economic Development Authority, if the Authority so determines [70 ILCS 510/11 and 13 and 70 ILCS 515/11 and 12].
 - 5) College Savings Bonds issued under the General Obligation Bond Act in accordance with the Baccalaureate Savings Act [110 ILCS 920/7].
 - 6) Bonds issued by the Illinois Sports Facilities Authority [70 ILCS 3205/15].

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 7) Bonds issued on or after September 2, 1988, pursuant to the Higher Education Student Assistance Act [110 ILCS 947/145] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).
- 8) Bonds issued by the Illinois Development Finance Authority or the Illinois Finance Authority under the Asbestos Abatement Finance Act [20 ILCS 3510/8].
- 9) Bonds and notes issued under the Rural Bond Bank Act [30 ILCS 360/3-12] (repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation).
- 10) Bonds issued pursuant to Sections 7.80 through 7.87 of the Illinois Development Finance Authority Act [20 ILCS 3505/7-86] (repealed by P.A. 93-205, effective January 1, 2004, which provides in 20 ILCS 3501/845-60 that bonds issued under this provision continue to be exempt from taxation).
- 11) Bonds issued by the Quad Cities Interstate Metropolitan Authority under the Quad Cities Interstate Metropolitan Authority Act [45 ILCS 35/110].
- 12) Bonds issued by the Southwestern Illinois Development Authority pursuant to the Southwestern Illinois Development Authority Act [70 ILCS 520/7.5].
- 13) Bonds issued by the Illinois Finance Authority under the Local Government Article and the Financially Distressed City Program in the Illinois Finance Authority Act [20 ILCS 3501/820-60 and 825-55].
- 14) Illinois Power Agency bonds issued by the Illinois Finance Authority under the Other Powers Article of the Illinois Finance Authority Act [20 ILCS 3501/825-90], if the Authority so determines.

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- 15) Bonds issued by the Central Illinois Economic Development Authority under the Central Illinois Economic Development Authority Act [70 ILCS 506/40], if the Authority so determines.
- 16) Bonds issued by the Eastern Illinois Economic Development Authority under the Eastern Illinois Economic Development Authority Act [70 ILCS 506/40], if the Authority so determines.
- 17) Bonds issued by the Southeastern Illinois Economic Development Authority under the Southeastern Illinois Economic Development Authority Act [70 ILCS 518/40], if the Authority so determines.
- 18) Bonds issued by the Southern Illinois Economic Development Authority under the Southern Illinois Economic Development Authority Act [70 ILCS 519/5-45], if the Authority so determines.
- 19) Bonds issued by the Upper Illinois River Valley Development Authority under the Upper Illinois River Valley Development Authority Act [70 ILCS 530/7.1], if the Authority so determines.
- 20) Bonds issued by the Illinois Urban Development Authority under the Illinois Urban Development Authority Act [70 ILCS 531/11], if the Authority so determines.
- 21) Bonds issued by the Western Illinois Economic Development Authority under the Western Illinois Economic Development Authority Act [70 ILCS 532/45], if the Authority so determines.
- 22) Bonds issued by the Downstate Illinois Sports Facilities Authority under the Downstate Illinois Sports Facilities Authority Act [70 ILCS 3210/60], if the Authority so determines.
- 23) Bonds issued by the Will-Kankakee Regional Development Authority under the Will-Kankakee Regional Development Authority Law [70 ILCS 535/14], if the Authority so determines.

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24) [Bonds issued by the Tri-County River Valley Development Authority under the Tri-County River Valley Development Authority Law \[70 ILCS 525/2007.1\], if the Authority so determines.](#)

- g) Other income exempt from Illinois income taxation by reason of Illinois statute:
- 1) Income earned by certain trust accounts established under the Illinois Pre-Need Cemetery Sales Act [815 ILCS 390/16] or the Illinois Funeral or Burial Funds Act [225 ILCS 45/4a(c)]. Section 16(f) of the Illinois Pre-Need Cemetery Sales Act and Section 4a(c) of the Illinois Funeral or Burial Funds Act provide~~provides~~ that: *because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.*
 - 2) Income in the form of education loan repayments made for primary care physicians who agree to practice in designated shortage areas for a specified period of time under the terms of the Family Practice Residency Act [110 ILCS 935/4.10].
 - 3) Income earned by nuclear decommissioning trusts established pursuant to Section 8-508.1 of the Public Utilities Act [220 ILCS 5/8-508.1]. The terms "*Decommissioning trust*" or "*trust*" means a fiduciary account in a bank or other financial institution established to hold the decommissioning funds provided pursuant to Section 8-508.1(b)(2) of the Public Utilities Act for the eventual purpose of paying decommissioning costs, which shall be separate from all other accounts and assets of the public utility establishing the trust. [220 ILCS 5/8-508.1(a)(3)]
 - 4) Income from the Illinois prepaid tuition program, other than disbursements to beneficiaries which are not used in accordance with the applicable prepaid tuition contract under the Illinois Prepaid Tuition Act [110 ILCS 979]. The Illinois prepaid tuition program was created in 1997 for the

DEPARTMENT OF REVENUE

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express purpose of allowing savings for higher education to earn tax-exempt returns under section 529 of the Internal Revenue Code. If a prepaid tuition contract qualifies under section 529, earnings on contributions made to the Illinois Prepaid Tuition Trust Fund under the contract are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the Illinois prepaid tuition program does not guarantee that every prepaid tuition contract will qualify under section 529 and there is no guarantee that section 529 will continue in effect. However, Section 55 of the Illinois Prepaid Tuition Act [110 ILCS 979/55] provides that *assets of the Illinois Prepaid Tuition Trust Fund and its income and operation shall be exempt from all taxation by the State* and that disbursements to a beneficiary *shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for educational purposes in accordance with the provisions of an Illinois prepaid tuition contract*. Under this provision, any undistributed earnings of the Illinois Prepaid Tuition Trust which are included in a taxpayer's federal taxable income or adjusted gross income because a prepaid tuition contract does not qualify under section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used in accordance with the Illinois prepaid tuition contract under which the disbursements are made, regardless of whether the prepaid tuition contract qualifies under section 529.

- 5) Income from the College Savings Pool, other than disbursements to beneficiaries that are not used to pay qualified expenses under the State Treasurer Act [15 ILCS 505/16.5]. Under the State Treasurer Act, distributions from the College Savings Pool must generally be used for *qualified expenses*, which are defined to mean *tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and certain room and board expenses*. Distributions made for qualified expenses must be made *directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor*. The College Savings Pool was created in PA 91-607 for the

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express purpose of allowing savings for higher education to earn tax-exempt returns under section 529 of the Internal Revenue Code. If an investment in the College Savings Pool qualifies under section 529, earnings on that investment are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the College Savings Pool does not guarantee that investments will qualify under section 529 and there is no guarantee that Section 529 will continue in effect. However, the State Treasurer Act [15 ILCS 505/16.5], as amended in PA 91-829, provides that *assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State* and that disbursements to a beneficiary *shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for qualified expenses*. Under this provision, any undistributed earnings of the College Savings Pool that are included in a taxpayer's federal taxable income or adjusted gross income because a College Savings Pool investment does not qualify under section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used to pay qualified expenses, regardless of whether the College Savings Pool investment qualifies under section 529.

- 6) Income earned on investments made pursuant to the Home Ownership Made Easy Program [310 ILCS 55/5.1].
 - 7) Up to \$2,000 of income derived by individuals from investments made in accordance with College Savings Programs established under Section 75 of the Higher Education Student Assistance Act [110 ILCS 947/75]. This subtraction is allowed only for taxable years ending prior to August 9, 2013, the effective date of PA 98-0251, which repealed Section 75 of the Higher Education Student Assistance Act.
- h) Income not exempt from Illinois income taxation. The following types of income are not exempt from Illinois income taxation:
- 1) Income from securities commonly known as GNMA "Pass-Through Securities" and also known as GNMA "Mortgage-Backed Securities"

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issued by approved issuers under 12 USC 1721(g) and guaranteed by GNMA under 12 USCA 1721(g) (Rockford Life Insurance Co. v. Department of Revenue, 112 Ill.2d 174, 492 N.E. 2d 1278 (1986), reh. den. June 2, 1986) and income from debentures, notes, and bonds issued by the Federal National Mortgage Association including mortgage-backed bonds issued under authority of 12 USCA 1719(d) and guaranteed by GNMA under 12 USC 1721(g).

- 2) Accumulated interest on Internal Revenue Service tax refunds. Illinois Department of Revenue Letter Ruling No. 86-0640, dated July 11, 1986, citing Glidden Co. v. Glander, 151 Ohio St. 344, 86 N.E. 2d 1, 9 A.L.R. 2d 515 (1949).
- 3) Income from U.S. securities acquired by a taxpayer under a repurchase agreement ("repo") with a bank or similar financial organization. The Department takes the position that, for income tax purposes, such agreements are generally to be treated as loans. That is, the taxpayer "loans" money to the bank and receives interest in return. The securities subject to repurchase by the bank serve as collateral for the loan. The bank remains legally entitled to receive the interest payments from the issuing authority and remains the actual owner of the securities. Therefore, any tax benefit attributable to the "exempt" income paid by the issuing authority accrues to the bank and not to the investor.
- 4) Section 514(a) of the Employee Retirement Income Security Act of 1974 (ERISA, 29 USC 1144(a)) does not preempt the taxation of unrelated business income of an Employee Benefit Plan governed by ERISA. *Buono v. NYSA-ILA Medical and Clinical Services Fund*, 520 U.S. 806, 808 (1997). Taxpayers that relied upon the Department's letter rulings IT 90-0073, IT 93-0017 and IT 93-0187, prior to July 1, 2002, shall not incur liability for taxes or penalties pursuant to Section 4(c) of the Taxpayers' Bill of Rights Act [20 ILCS 2520].
 - i) Method for computing the subtraction of exempt income. The Department emphasizes that before a taxpayer may subtract an item of exempt income, the taxpayer must be sure that he or she has included the item in Illinois income.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Some tax-exempt items are "automatically" included in base income because they are included in federal adjusted gross income, which is a part of base income. Interest on U.S. Treasury notes is in this category. Other exempt items must be included as an addition on the Illinois tax return in figuring base income. In other words, the taxpayer must list certain tax-exempt items as additions and then as subtractions in figuring base income. Interest on the state and local government bonds described in subsection (f) is in this category.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities
- 2) Code Citation: 47 Ill. Adm. Code 110
- 3) Section Number: 110.360 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 605-940 and 605-945, and authorized by Section 605-95, of the Civil Administrative Code of Illinois [20 ILCS 605/605-940, 605-945 and 605-95]. Authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301, *et seq.*)
- 5) Effective Date of Rule: October 30, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 14071; July 11, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Grammatical and stylistic changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rule: The US Department of Housing and Urban Development is requiring the State of Illinois to amend the administrative rule found at 47 Ill. Adm. Code 110.360, entitled "Program Income Subject to the Act." The amendment is required in order to make the rule consistent with the statutory changes made in 1992 to the HCDA. Under the proposed rule, program income shall always be subject to the requirements of subpart I of 24 CFR 570, both before and after closeout of the grant that generated the program income.
- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield IL 62701

217/557-1820

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITYPART 110
STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR SMALL CITIES

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section	
110.10	Legislative Base
110.20	Purpose and Scope
110.30	Definitions
110.35	Incorporation by Reference
110.40	Federal/State Program Objectives
110.50	Eligible Applicants
110.60	Eligible/Ineligible Projects and Activities for CDAP Components
110.70	Grant Application Process
110.80	Funding
110.90	Emergency Set-Aside for Public Facilities Component
110.91	General Economic Development Component
110.92	Competitive Public Facilities Construction and Design Engineering Component
110.93	Competitive Housing Rehabilitation Component
110.94	Competitive Planning Assistance Component
110.95	Non-Competitive Mobility and Accessibility Rehabilitation Services Component
110.100	Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)
110.101	Application Evaluation for Competitive Planning Assistance Component
110.102	Pre-Application Determination and Application Evaluation for Non-Competitive Mobility and Accessibility Rehabilitation Services
110.103	Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component
110.104	Application Evaluation for Competitive Housing Rehabilitation Component
110.105	Small Business Financing Component (Repealed)
110.106	Demonstration Program: Set-Aside for Emergency Lead-Based Paint Abatement
110.110	Administrative Requirements
110.120	Nondiscrimination

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

110.130 Complaint Process

SUBPART B: REVOLVING FUNDS

Section

110.210	Purpose
110.220	Definitions
110.230	Recapture Strategy Requirements
110.240	Revolving Fund Administration
110.250	Use of Revolving Funds
110.260	Requirements for Revolving Fund Projects
110.270	Administrative Costs
110.280	Revolving Fund Fundability Analysis
110.290	Revolving Fund Financial Assistance Closings
110.300	Security
110.310	Disbursement of Revolving Funds
110.320	Revolving Fund Monitoring
110.330	Recordkeeping and Reporting
110.340	Department Monitoring
110.350	Evaluation of Performance
110.360	Program Income Subject to the Act

AUTHORITY: Implementing Sections 605-940 and 605-945, and authorized by Section 605-95, of the Civil Administrative Code of Illinois [20 ILCS 605/605-940, 605-945 and 605-95]. Authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.).

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 11, 1991; amended at 16 Ill. Reg. 20106, effective December 14, 1992; amended at 20 Ill. Reg. 7799, effective May 29, 1996; amended at 22 Ill. Reg. 1910, effective January 1, 1998; amended at 23 Ill. Reg. 8362, effective July 12, 1999; amended at 26 Ill. Reg. 11805, effective July 18, 2002; amended at 28 Ill. Reg. 13468, effective September 23, 2004; emergency amendment at 29 Ill. Reg. 4088,

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10017, effective June 28, 2005; amended at 38 Ill. Reg. 21323, effective October 30, 2014.

SUBPART B: REVOLVING FUNDS

Section 110.360 Program Income Subject to the Act

- a) Any program income (as defined in Section 110.220 of this Subpart) that the Department has permitted a grantee to retain and that is realized while the grantee has an open CDAP grant is subject to the requirements of the Act and 24 CFR 570.
- b) Program income retained by the grantee generated from a CDAP grant award ~~shall always be prior to October 28, 1992 is not~~ subject to the requirements of the Act and 24 CFR 570 regardless of whether under the following conditions:
 - 1) ~~The CDAP grant that which~~ generated the income is closed. For purposes of this Subpart, a closed project is defined in Section 110.220 ~~of this Subpart; and~~
 - 2) ~~All concurrent CDAP grants are closed.~~
- ~~e) Program income retained by the grantee generated from a grant awarded after October 28, 1992 is subject to the Act and 24 CFR 570.~~
- ~~d) If the grantee's CDAP grant records are insufficient to determine when program income was earned in relation to close-out of the grantee's CDAP projects, those RF shall be considered subject to the Act.~~
- ce) Regardless of when the program income is earned, the RF shall always be subject to the requirements of the approved recapture strategy and each beneficiary of funds through the RF shall benefit at least 51% low and moderate-income persons.

(Source: Amended at 38 Ill. Reg. 21323, effective October 30, 2014)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service
- 2) Code Citation: 83 Ill. Adm. Code 280
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
280.10	Repeal
280.20	Repeal
280.30	Repeal
280.40	Repeal
280.50	Repeal
280.60	Repeal
280.70	Repeal
280.75	Repeal
280.76	Repeal
280.80	Repeal
280.90	Repeal
280.100	Repeal
280.105	Repeal
280.110	Repeal
280.120	Repeal
280.130	Repeal
280.135	Repeal
280.136	Repeal
280.138	Repeal
280.140	Repeal
280.150	Repeal
280.160	Repeal
280.170	Repeal
280.180	Repeal
280.190	Repeal
280.200	Repeal
280.APPENDIX A	Repeal
280.APPENDIX B	Repeal
280.APPENDIX C	Repeal
280.APPENDIX D	Repeal

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 4) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101]
- 5) Effective Date of Repealer: November 1, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 17, 2014; 38 Ill. Reg. 1452
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: The Commission is concurrently adopting new rules in Part 280 to replace the ones that are the subject of this repeal. The old rules do not reflect changes in the utility industry pertaining to customer service practices and technical support systems, or recent legislative enactments.
- 16) Questions or requests for information about this adopted repealer shall be directed to:

Brian W. Allen

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Billing, Payments, Refunds and Disconnection of Service
- 2) Code Citation: 83 Ill. Adm. Code 280
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
280.5	New Section
280.10	New Section
280.15	New Section
280.20	New Section
280.30	New Section
280.35	New Section
280.40	New Section
280.45	New Section
280.50	New Section
280.60	New Section
280.65	New Section
280.70	New Section
280.80	New Section
280.90	New Section
280.100	New Section
280.110	New Section
280.120	New Section
280.125	New Section
280.130	New Section
280.135	New Section
280.140	New Section
280.150	New Section
280.160	New Section
280.170	New Section
280.180	New Section
208.190	New Section
280.200	New Section
280.205	New Section
280.210	New Section
208.220	New Section

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

280.230	New Section
280.240	New Section
280.250	New Section
280.260	New Section
280.APPENDIX A	New Section
280.APPENDIX B	New Section
280.APPENDIX C	New Section
280.APPENDIX D	New Section

- 4) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206 and 8-207 of the Public Utilities Act [220 ILCS 5], and authorized by Section 8 of the Small Business Utility Deposit Relief Act and Sections 8-101, 8-207 and 10-101 of the Public Utilities Act
- 5) Effective Date of Rule: November 1, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 17, 2014; 38 Ill. Reg. 1497
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Nonsubstantive edits and changes in wording have been made; an effective date has been specified.
- 12) Have all the changes agreed upon by the Commission and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR suggested a number of nonsubstantive, stylistic changes and the specification of an effective date, and these changes been made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

15) Summary and Purpose of Rulemaking: The rules being replaced by this rulemaking had become outdated—few changes had been made to Part 280 since its adoption in 1979. The concurrent repeal of the existing rules and adoption of a new version allows the updating to be done in a systematic manner. The new rules reflect changes in the utility industry pertaining to customer service practices and technical support systems, help ensure the adequacy of consumer protections, and incorporate recent legislative amendments.

16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

The full text of the Adopted Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN
ONE KIND OF UTILITY

PART 280
PROCEDURES FOR GAS, ELECTRIC, WATER AND SANITARY SEWER UTILITIES
GOVERNING ELIGIBILITY FOR SERVICE, DEPOSITS, BILLING, PAYMENTS,
REFUNDS AND DISCONNECTION OF SERVICE

SUBPART A: GENERAL

Section	
280.5	Policy
280.10	Exemptions
280.15	Compliance
280.20	Definitions

SUBPART B: APPLICATIONS FOR UTILITY SERVICE

Section	
280.30	Application
280.35	Revert to Landlord/Property Manager Agreements

SUBPART C: DEPOSITS

Section	
280.40	Deposits
280.45	Deposits for Low Income Customers

SUBPART D: REGULAR BILLING

Section	
280.50	Billing

SUBPART E: PAYMENT

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- Section
- 280.60 Payment
- 280.65 Late Payment Fee Waiver for Low Income Customers
- 280.70 Preferred Payment Date
- 280.80 Budget Payment Plan

SUBPART F: IRREGULAR BILLING

- Section
- 280.90 Estimated Bills
- 280.100 Previously Unbilled Service

SUBPART G: REFUNDS AND CREDITS

- Section
- 280.110 Refunds and Credits

SUBPART H: PAYMENT ARRANGEMENTS

- Section
- 280.120 Deferred Payment Arrangements
- 280.125 Deferred Payment Arrangements for Low Income Customers

SUBPART I: DISCONNECTION

- Section
- 280.130 Disconnection of Service
- 280.135 Winter Disconnection of Residential Heating Services, December 1 through March 31
- 280.140 Disconnection for Lack of Access to Multi-Meter Premises
- 280.150 Disconnection of Master-Metered Apartment Buildings

SUBPART J: MEDICAL CERTIFICATION

- Section
- 280.160 Medical Certification

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SUBPART K: RECONNECTION

Section

- 280.170 Timely Reconnection of Service
280.180 Reconnection of Former Residential Customers for the Heating Season

SUBPART L: UNAUTHORIZED SERVICE USAGE

Section

- 280.190 Treatment of Illegal Taps
280.200 Tampering
280.205 Non-Residential Tampering
280.210 Payment Avoidance by Location

SUBPART M: COMPLAINT PROCEDURES

Section

- 280.220 Utility Complaint Process
280.230 Commission Complaint Process

SUBPART N: INFORMATION

Section

- 280.240 Public Notice of Commission Rules
280.250 Second Language Requirements
280.260 Customer Information Packet
- 280.APPENDIX A Disconnection Notice
280.APPENDIX B Customer Rights
280.APPENDIX C Public Notice
280.APPENDIX D Disconnection Notice Insert for Residential Gas and Electric Customers

AUTHORITY: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206 and 8-207 of the Public Utilities Act [220 ILCS 5], and authorized by Section 8 of the Small Business Utility Deposit Relief Act and Sections 8-101, 8-207 and 10-101 of the Public Utilities Act.

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SOURCE: Rule repealed, new rule adopted at 3 Ill. Reg. 1, p. 102, effective January 6, 1979; emergency amendment at 3 Ill. Reg. 46, p. 65, effective November 16, 1979, for a maximum of 150 days; amended at 4 Ill. Reg. 46, p. 1274, effective November 10, 1980; amended at 6 Ill. Reg. 10917, effective September 7, 1982; amended at 6 Ill. Reg. 13723, effective November 8, 1982; amended at 7 Ill. Reg. 9285, effective July 22, 1983; codified at 7 Ill. Reg. 13218; emergency amendment at 7 Ill. Reg. 14543, effective October 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13221, effective November 1, 1983; emergency amendment at 7 Ill. Reg. 16667, effective December 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 3664, effective March 15, 1984; emergency amendment at 8 Ill. Reg. 17924, effective September 13, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21222, effective October 15, 1984; amended at 9 Ill. Reg. 2268, effective February 8, 1985; amended at 16 Ill. Reg. 11023, effective July 1, 1992; amended at 17 Ill. Reg. 805, effective January 15, 1993; amended at 18 Ill. Reg. 6160, effective May 1, 1994; amended at 18 Ill. Reg. 17974, effective December 15, 1994; emergency amendment at 25 Ill. Reg. 16545, effective December 13, 2001 for a maximum of 150 days; amended at 26 Ill. Reg. 7032, effective May 1, 2002; amended at 27 Ill. Reg. 4527, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 15156, effective September 15, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 2684, effective February 10, 2004; old Part repealed at 38 Ill. Reg. 21328, and new Part adopted at 38 Ill. Reg. 21331, effective November 1, 2014.

SUBPART A: GENERAL

Section 280.5 Policy

The purpose of this Part is to ensure that essential utility services are provided to and maintained for the People of the State of Illinois under reasonable terms and conditions, and to establish fair and equitable procedures governing eligibility for service, deposits, billing, payments, refunds and disconnection for gas, electric, water and sanitary sewer utilities that take into account the duty of the utility, customer, applicant and occupant to demonstrate good faith and fair dealing. The policies and procedures outlined in this Part shall take precedence over any inconsistent utility tariff, unless the conflicting tariff provision has been specifically approved by the Commission as a waiver or exemption from this Part, and shall be viewed as the minimum standards applicable to gas, electric, water and sanitary sewer utilities. Utilities that are subject to this Part shall have the ability to expand or supplement the customer rights guaranteed by these provisions as long as those policies are applied in a nondiscriminatory manner. The "nondiscriminatory manner" requirement shall not be construed or interpreted to require a utility

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making an accommodation to a customer in a hardship situation to make that same accommodation for all customers facing a similar hardship.

Section 280.10 Exemptions

Any entity may file a petition requesting modification of or exemption from any Section of this Part that applies to the entity. Upon a showing that the modification or exemption is economically and technically sound, will not compromise the service obligations of the entity and will not result in a net harm to consumers overall, the Illinois Commerce Commission (Commission) may grant the modification or exemption. A petition for exemption or modification shall be filed pursuant to 83 Ill. Adm. Code 200 and shall include specific reasons and facts in support of the requested exemption or modification.

Section 280.15 Compliance

The Commission shall require implementation of each requirement as quickly as reasonably practicable, but in no event later than May 1, 2016, unless the Commission grants an extension of time for cause. By January 1, 2015, each utility shall submit for Commission approval an Implementation Plan that outlines the dates by which the utility expects to be in compliance with each new requirement. Implementation Plans will be deemed approved unless the Commission notifies a utility within 30 days after filing of specific deficiencies in the Plan. Deficiencies in the Implementation Plan will not extend the May 1, 2016, compliance deadline. The utility shall submit updates to the Plan every 120 days after initial approval until full compliance is achieved. The updates must include a report on progress in implementing each requirement and shall be submitted to the Commission's Consumer Services Division for approval. The utility shall post and update an implementation checklist conspicuously on its website so that the public can be informed when the utility has brought itself into compliance with each requirement of this Part as adopted on November 1, 2014. The checklist shall be updated no less frequently than every 30 days until each requirement has been fully implemented. Each utility shall schedule implementation of the requirements of this Part in a balanced manner so that requirements that benefit utilities are not given priority over those that benefit consumers.

Section 280.20 Definitions

"Actual Reading" means a direct meter reading taken by utility personnel or a meter service provider at the customer's location or by use of a remote reading device.

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"Applicant" means a person seeking to establish new residential or non-residential utility service under the accepted application process and who is not a customer. Applicants agree to provide payment for utility services that will be rendered to them. Successful applicants immediately become customers.

"Budget Payment Plan" means a plan seeking to reduce fluctuations in the amount a customer must pay in each billing cycle. The customer agrees to pay an amount for each billing cycle that is based upon the amount the utility expects the customer to be billed for an entire year, divided by the number of billing cycles in the year. The amount may be adjusted to accommodate changes in the usage pattern by the customer.

"Class of Service" means either residential service or non-residential service.

"Credit Scoring System" has the same meaning set forth in 12 CFR 202.2 (January 1, 2002). A utility that elects to use a credit scoring system shall file a tariff describing its practice of using the credit scoring system.

"Current" means the status of a customer's utility account when there are no past due amounts owing on the account for utility services, including amounts owing for deposits, deferred payment arrangements or medical payment arrangements.

"Customer" means a person receiving utility service after a successful application and a person transferring utility service from one location to another within the conditions described under the definition of "Transfer of Service".

"Customer Provided Reading" means a meter reading submitted by a customer to a utility instead of an actual or an estimated reading for the purpose of generating a bill.

"Deferred Payment Arrangement" or "DPA" means a payment plan under which a customer may retire a past due amount owed to a utility by paying installments towards the arrearage, in addition to paying future bills.

"Deposit" means money provided by a customer and held by a utility as a guarantee towards payment for utility service.

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"Illegal Tap" means a diversion of utility service in which a party or parties other than the customer of record receives a portion of the customer's metered utility service without the customer's consent.

"Implementation Checklist" means a list of each new requirement imposed by this Part on November 1, 2014, including but not limited to: a reference to the Subpart that imposes the new requirement, a general description of the new requirement, the date by which the utility must be in compliance, a description of the old requirement currently in place (if applicable), and a utility phone number the customer can call with questions.

"Implementation Plan" means a plan each utility creates to detail when it expects to be in full compliance with each new requirement included in the implementation checklist. The Plan includes the following: the date the new requirement will be fully implemented, the rationale for a delay in meeting the requirement, a description of the work that must be completed for implementation, including a timetable, steps that have or will be taken to achieve maximum reasonable compliance prior to the date full compliance is required, and the expected cost of the implementation.

"Low Income Customer" means a residential customer who has qualified under the income criteria of Section 6 of the Energy Assistance Act of 1989 [305 ILCS 20/6]. Qualification is effective for purposes of this definition when the Low Income Home Energy Assistance Program (LIHEAP) administrator notifies the customer's utility of the customer's low income status. Unless water and sewer utilities begin participation in a low income assistance program with the LIHEAP agencies, it shall be the individual customer's responsibility to notify and provide proof to the water and/or sewer utility of the customer's low income status under the income criteria of Section 6 of the Energy Assistance Act of 1989. Qualifications established on or after September 1 shall remain effective for purposes of this definition until December 31 of the following year. Qualifications established before September 1 shall remain effective until December 31 of that same year. The utility shall notify the customer 30 through 90 days prior to the expiration of a customer's qualification.

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"Medical Certificate" means written certification (though initial certification may be by phone) of medical necessity provided to the utility company by a doctor or the local department of public health. If a customer or occupant in the home is very sick, a medical certificate will provide the following documentation to the utility company:

Name and contact information for the certifying party;

Service address and name of patient;

A statement that the patient resides at the premises in question; and

A statement that the disconnection of utility service will aggravate an existing medical emergency or create a medical emergency for the patient.

"Master-Metered Customer" means a non-residential customer for a building where a single meter measures the utility service provided to three or more dwelling units in the building instead of separate meters for each residential unit in the building.

"Medical Payment Arrangement" or "MPA" means a payment plan established after the use of a medical certificate under which a customer may retire a past due amount owing to a utility by paying installments towards the arrearage in addition to paying future bills.

"Meter Service Provider" means every provider of metering service certified by the Illinois Commerce Commission under 83 Ill. Adm. Code 460.

"Non-residential Customer" means any customer not on a residential rate.

"Occupant" means a person who is not a utility customer and who receives the benefit of utility services at a residential or non-residential service location.

"Past Due" means any amount unpaid for more than two days beyond the due date on a customer's utility account bill statement.

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"Payment Avoidance by Location" or "PAL" means a pattern of action taken to avoid payment for utility service used by customers or occupants at a specific premises. Evidence proving a PAL allegation shall be the burden of the utility.

"Person" means any legal entity with the ability to become a utility customer, including but not limited to: individual persons, units of government, corporations, trusts, partnerships, associations, not-for profits, boards, organizations and institutions.

"Residential Customer" means a customer receiving service for household purposes, including service provided through a single meter to one or two dwelling units.

"Returned Payment" means any payment submitted for utility service for which the utility is unable to receive the funds submitted for payment, when the parties have not mutually agreed to void or otherwise disregard the submitted payment.

"Small Business" means an Illinois business with 50 or less full time employees in Illinois [220 ILCS 35/2(b)].

"Staff" means the Staff of the Illinois Commerce Commission.

"Tampering" means any unauthorized alteration of utility equipment or facilities by which a benefit is achieved for which the utility is not compensated. Tampering includes customer self-restoration of utility service. Proof of tampering shall be the burden of the utility.

"Transfer of Service" means terminating service at one location and activating service at another location by the same customer of record served by the same utility within 14 calendar days, as long as there is no change in the rate class of the customer. A transfer of service shall not be deemed an application for service unless the utility has reason to believe that the person requesting the transfer of service is not the original customer. Outside any winter, temperature or other period defined by statute or rule restricting disconnection of service, a customer requesting a transfer of service but who has past due utility charges or deposit amounts that have not previously been disputed by the customer owing for more than 2 days past the due date may be denied the transfer unless the customer pays

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the past due utility charges or deposit or enters into a payment agreement on the amounts owing. It shall be the responsibility of the utility to advise the customer of any such outstanding amounts at the time the transfer of service is sought. This definition shall not be construed to entitle the customer to rights to an additional deferred payment arrangement beyond those conferred by Section 280.120.

"Type of Service" means gas, electric, water or sewer service.

"Written" or "Writing" means either a hard copy or electronic copy, unless it is specifically stated a hard copy must be placed in the U.S. Mail or delivered by other means. Where this Part requires information to be "written" or in "writing", an electronic record satisfies that requirement, so long as both utility and customer have agreed to electronic communications.

SUBPART B: APPLICATIONS FOR UTILITY SERVICE

Section 280.30 Application

- a) Intent: A utility may use reasonable means to verify the identity of its customers. Applicants shall have the right to a reasonable application process designed to provide for persons to obtain utility services without delay, while also safeguarding utilities and other customers from potential harm associated with fraud or the uncollected debts of applicants.
- b) Information Requirements: The utility shall make available on its website a full description of the utility's application process, including all forms of acceptable identification, for review in the utility's tariff with the Commission. The utility shall also mail a printed version to applicants or customers who request a copy.
- c) Methods:
 - 1) The applicant shall have the option to choose from the available application methods offered by the utility.
 - 2) Third party applications may be made only by persons who have been authorized to act on behalf of the applicant, and the utility

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must verify this authorization either by documentation or by direct contact with the applicant. If a utility fails to verify authorization, it shall not be entitled to collect for service if the customer disclaims any responsibility for requesting the service; provided, however, that named customers who reside and receive mail at the service/billing address will be rebuttably presumed to have authorized the application if they do not contact the utility to contest billing within six months after service activation.

- d) Application Content:
- 1) Positive identification (ID) of applicants may be required by up to two forms of ID. One form shall be a government issued photo ID, including a state issued ID, U.S. or foreign government issued passport, and consular identification documents, as defined by the Consular Identification Document Act [5 ILCS 230]. Applicants may be asked to provide one other form of identification, including but not limited to any of the following:
 - A) A second government issued photo ID;
 - B) Social Security number;
 - C) Driver's license number;
 - D) Birth certificate;
 - E) Immigration and/or naturalization documents;
 - F) Student identification;
 - G) Banking information;
 - H) Employment records;
 - I) Government benefits/compensation records;

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- J) Tax ID number;
 - K) Articles of incorporation; or
 - L) Business license.
- 2) The applicant shall have the opportunity to choose the second form of identification to provide from the list in subsection (d)(1). The utility may not oblige an applicant to provide one form of identification in favor of another, so long as one form is a government issued photo ID and the identification provided is valid and accurate.
- 3) If the applicant is non-residential, the utility shall request information to determine if the applicant is a small business.
- 4) Service location and contact information required of applicants:
- A) Service address for the premises;
 - B) Mailing address if different from the service address;
 - C) The applicant's preferred method of contact from the utility;
 - D) Telephone number if available;
 - E) E-mail address (optional); and
 - F) Contact information for property owner/manager if premises are rental (optional).
- e) Requirements for Successful Application:
- 1) Information submitted must be accurate and verifiable; and
 - 2) Any past due debts for utility services still owing to the utility by the applicant shall be identified and governed by this subsection (e)(2). The applicant must:

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- A) Pay past due debt in full and, if otherwise required, enter into a payment plan for the deposit amount; or
 - B) At the utility's discretion, enter into a payment agreement to retire the debt; or
 - C) Make a down payment and agreement to retire the debt under the requirements of Section 280.180 (Reconnection of Former Residential Customers for the Heating Season).
- f) Applicable Past Due Debts:
- 1) Past due debts may only include debts for which the utility has retained summary data to support the validity of the debt. The utility shall make these records available to the applicant upon request. In addition, the utility shall provide, on request, a detailed description and the source of any other information supporting the debt. At a minimum, summary data supporting the debt shall include:
 - A) The service address or addresses where the debt accrued;
 - B) Meter readings and dates;
 - C) Usage and dates; and
 - D) Bill amounts and dates.
 - 2) For purposes of determining whether an applicant may become a customer, past due debts shall not include charges owing for non-utility services and merchandise.
 - 3) Past due debts shall not include utility charges owing for a different class (residential or non-residential) or type (gas, electric, water or sewer) of service.

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- 4) Past due debts shall not include debts owing by persons other than the applicant, with the exception of debts owing as family expenses of married persons. Family expenses shall not include debts incurred at a location separate from the family by a spouse who abandons the family (see Section 15 of the Rights of Married Persons Act [750 ILCS 65/15]).
 - 5) This subsection (f) shall not prevent a utility from considering past due debts when evaluating applications or pursuing collections if those past due debts accumulated before November 1, 2014, and if the utility kept records to document the past due debts as were allowed at the time the debts were accumulated.
 - 6) In instances in which the utility decides not to offer a payment plan for past due debts, it must provide a written statement to the applicant that contains the rationale for its refusal.
- g) Disputed Past Due Debts: If the applicant disputes the validity of the past due debt and the utility sustains the charges, the utility shall provide the applicant with the contact information for the Commission's Consumer Services Division for an informal complaint.
- h) Deposit Payment Requirement: The utility may require a deposit of an applicant for service under the criteria listed in Sections 280.40 (Deposits) and 280.45 (Deposits for Low Income Customers). The utility may require that the initial down payment of any applicable deposit be paid within a minimum of 12 days.
- i) Timeline for Application Processing:
- 1) Approval or rejection of the application, including notification to the applicant, shall be accomplished within two business days after the date all the required information is received from the applicant.
 - 2) Notification shall include the specific reasons for the rejection so that the applicant may have the opportunity to remedy the reasons for the rejection. If the utility is unable to contact the applicant for notification purposes by a method other than mailing, written notification of the problems shall be sent to the mailing address provided by the applicant.

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- 3) If the application meets the requirements of this Part or the applicant remedies any deficiencies, the utility shall approve the application for service.
- j) Timeline for Service Activation:
- 1) Electric, water or sewer utilities: Absent any delays caused by construction or other equipment work required for service activation, an electric, water or sewer utility shall activate service for a successful applicant at the earliest possible date, but no more than four calendar days after the approval of the application, unless the applicant requests a later date of activation.
 - 2) Gas utilities: Absent any delays caused by construction or other equipment work required for service activation, a gas utility shall activate service for a successful applicant at the earliest possible date, but no more than seven calendar days after the approval of the application, unless the applicant requests a later date of activation.
 - 3) If a successful applicant for utility service seeks activation of service on a date beyond the timelines described in subsections (j)(1) and (2), the utility shall activate the service either on the date specified by the applicant or within two business days after the requested date if the utility is unable to accommodate the requested date.
 - 4) If, through no fault of the applicant, the utility delays activation of service for two or more calendar days beyond the number of days required by this subsection (j), it shall issue a credit to the new customer's account equal to the monthly customer charge for that customer pro-rated by the number of days of the delay beyond the requirements of this subsection (j).
 - 5) Exception for lack of access: A utility shall not be obliged to conform to the time limits in this subsection (j) if it is not allowed access to activate the service; provided, however, that the utility must record the date, time of day, utility personnel involved and reason access was not gained. It shall retain the record for two years. In addition, the utility's field

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representative making the visit to activate service shall leave a door tag at the premises. The door tag shall indicate when the utility representative was there and provide the contact information for the customer to reschedule.

- 6) Exception for damage or unsafe condition: A utility shall not be obliged to conform to the time limits of this subsection (j) if repair, construction or correction of an unsafe condition is required prior to activation of service.
 - 7) Temporary exception for unforeseen circumstances: A utility that experiences a temporary, unanticipated and not reasonably foreseeable overload of its ability to provide for the timely activation of service may, upon notice explaining the circumstances to the Commission's Consumer Services Division, temporarily forego the requirements of this Section so long as the utility can demonstrate that it is taking diligent action to remedy the overload.
 - 8) The utility shall report to the Commission's Consumer Services Division those instances in which the timelines are not met. The utility shall report quarterly on the frequency of the temporary exceptions exercised.
- k) Data Collection and Maintenance Requirements: A utility shall collect the following data on a monthly basis and maintain the data for two years following its collection, making the data available to Commission Staff within 30 days after a request from Staff:
- 1) The total number of residential applications taken by the utility;
 - 2) The total number of non-residential applications taken by the utility;
 - 3) The number of residential applications rejected by the utility. For purposes of this subsection (k), applications for service that are not accepted by the utility because the applications are incomplete shall be considered rejected applications;
 - 4) The number of non-residential applications rejected by the utility; and

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- 5) The reason, by category under subsection (e), for the rejection of each application listed in subsections (k)(3) and (4).

Section 280.35 Revert to Landlord/Property Manager Agreements

- a) **Intent:** This Section describes the rights and duties of a utility and landlord/property manager with respect to discontinuance of service or assumption of billing responsibility and continuance of service when a tenant vacates a premises and the utility has no customer of record. It also describes the process by which a utility may, by prearrangement with a landlord/property manager, place the service for a premises, on a going forward basis, into the name of the landlord/property manager and continue service to the premises when a tenant who had utility service in the tenant's name leaves the premises.
- b) **Prearrangement to be in Writing:** The utility and landlord/property manager shall agree in writing to the prearranged procedures entered into under this Section. The utility shall provide an example of its prearrangement form in the utility's tariff and maintain a copy of the form on its website. Absent written prearrangement with a landlord/property manager, the utility shall not place service in the name of the landlord/property manager unless the landlord/property manager contacts the utility to apply for service.
- c) **Notice:** Every time a utility places service into the responsibility of a landlord/property manager under prearrangement, the utility must, within two business days, notify the landlord/property manager that the service has been placed in the landlord/property manager's responsibility and that the landlord/property manager will be billed on a forward basis for service provided to the premises until a new tenant successfully applies for service. Notice shall be provided separately from the bill statement and shall be made prior to the first bill to the landlord/property manager. By agreement with the landlord/property manager, the utility may disregard the above notification provisions.
- d) **Tenant Bills:** The utility shall not hold the landlord/property manager responsible for an amount owing to the utility by any tenant.
- e) **Accuracy of Billing:** Prior to making the landlord/property manager responsible for service, if the meter has not been read by the utility within the past 60 days,

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the utility shall obtain an actual meter reading to ensure correct billing, so long as the utility is provided access to the meter. If the utility is unable to obtain an actual meter reading, the utility must allow the landlord/property manager to provide the utility with a customer reading.

- f) **Itemization of Transfer Balances:** When a landlord/property manager maintains multiple premises within a utility's service territory, the utility shall not transfer balances owing from one premises account to another until the landlord/property manager has failed to pay the final bill rendered for that premises or the landlord/property manager requests that the balance be transferred. When transferring final balances from one premises account to another, the utility shall indicate on the bill the location where the amount due originated.

SUBPART C: DEPOSITS

Section 280.40 Deposits

- a) **Intent:** Customer deposits are used to secure against potential unpaid debts. Utility collection activities, when not otherwise restricted by regulations or laws, will limit the accumulation of unpaid debt so that deposits will continue to serve this protective purpose.
- b) **Notification of Demand for Deposit:**
- 1) A utility shall make an initial notice of a deposit to an applicant or customer no later than 45 days after the applicant's application for service is approved or after the event that justifies the deposit. A deposit shall not be assessed until the initial notice is given.
 - 2) The initial deposit notice shall be made in writing and shall disclose:
 - A) The reason for the deposit;
 - B) The amount of the deposit and how it is calculated;
 - C) The payment requirements and schedule of payments for the deposit;

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- D) The date by which the entire deposit must be paid;
 - E) That the amount of the deposit may be adjusted if the annual charges for the customer substantially change;
 - F) The refund policy for the deposit;
 - G) The interest policy for the deposit;
 - H) The deposit policy applicable to qualified low income customers and how qualification can be demonstrated; and
 - D) The availability and contact information for the Commission's Consumer Services Division in the event of a dispute that the utility has not resolved to the satisfaction of the applicant or customer.
- c) Calculation of Deposit Amounts:
- 1) Residential and small business customer deposits shall not exceed $\frac{1}{6}$ of the estimated annual charges for the service to that customer.
 - 2) Non-residential, other than small business, customer deposits shall not exceed $\frac{1}{3}$ of the estimated annual charges for service to that customer.
- d) Applicant Deposits: The utility shall have the right to require a deposit of an applicant under the following conditions:
- 1) The applicant was previously disconnected for non-payment of bill amounts owing to the utility for the same class and type of service;
 - 2) The applicant failed to pay a final bill owing to the utility for the same class and type of service;
 - 3) The residential applicant's credit score fails to meet the minimum standard of the credit scoring system described in the utility's tariff;

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- 4) The non-residential applicant fails to provide satisfactory credit references, including past utility service records or favorable history with other creditors. The utility shall file a tariff with the Commission describing its criteria by which non-residential applicants can establish satisfactory credit for this purpose;
 - 5) The utility has proof that the applicant previously benefitted from tampering as described in Section 280.200;
 - 6) The utility has proof that the conditions described in Section 280.210 (Payment Avoidance by Location) exist for the applicant.
- e) Present Customer Deposits:
- 1) A present customer may be required to pay a deposit if both of the following conditions occur:
 - A) The customer has paid late four times in the past 12 months; and
 - B) The customer's account has an undisputed past due balance that has remained unpaid for over 30 days beyond the due date.
 - 2) A present residential customer may avoid the requirement to pay a deposit under subsection (e)(1) by entering into and keeping current with a DPA for the unpaid balance, so long as the customer enters the DPA prior to the assessment of the deposit.
 - 3) A present customer may be required to pay a deposit if the utility has proof that the customer benefitted from tampering.
 - 4) A present large commercial or industrial customer may be required to pay a deposit for indications of financial insecurity in accordance with, and as allowed by the terms and conditions of, a utility's effective tariffs.
- f) Deposit Payment: A utility may require payment of $\frac{1}{3}$ of an applicable deposit by including that amount on the first bill statement sent to the customer after the

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issuance of the deposit. The remaining $\frac{2}{3}$ of the deposit shall be paid in equal installment amounts included on the next two bill statements. However, a deposit assessed under Section 280.210 may be collected in a single amount due prior to service activation.

g) Deposit Interest:

- 1) Interest shall be paid to the customer on all deposit amounts, including installments, held by the utility. The rate of interest will be the same as the rate existing for the average one year yield on U.S. Treasury Securities for the last full week in November. The interest rate will be rounded to the nearest 0.5%. In December each year, the Commission shall announce the rate of interest that shall be paid on all deposit amounts held during all or part of the subsequent year.
- 2) After 12 consecutive months of accumulated interest, when a customer is not entitled to a refund of the deposit, the utility shall automatically credit the customer's account with the interest only. The credit shall be itemized on the customer's next regular bill statement as "deposit interest".

h) Refund Conditions for Deposits:

- 1) The utility shall automatically refund the deposit plus accumulated interest once the customer completes 12 consecutive months of service with fewer than four late payments, no disconnections for nonpayment and no tampering with the service, if the customer has no past due balance owing at the time of the deposit refund.
- 2) The utility shall automatically refund the deposit plus accumulated interest, less any unpaid utility service bill amount, when the customer voluntarily ends service and is not transferring service to another location. The refund shall be made at the time the final bill for service is issued.
- 3) The utility shall refund the deposit plus accumulated interest automatically, less any unpaid utility service bill amount, 30 days after disconnection of service for non-payment when the former customer has

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not paid the full balance owing or otherwise made arrangements with the utility to have the service restored.

- 4) Nothing shall prevent the utility from refunding a deposit earlier than required by this subsection (h).
- i) Issuance of Deposit Refund:
- 1) For a current small business customer, the refund, less past due unpaid utility service amounts, shall be by separate payment issued to the customer. The refund or credit shall be issued within 30 days after the event that triggers it.
 - 2) For all other current customers, the refund, less past due unpaid utility service amounts, shall be by separate payment issued to the customer, except when the customer requests a credit to the account instead of a refund payment. The refund or credit shall be issued within 30 days after the event that triggers it. The utility shall not be obliged to issue the refund by separate payment instead of a credit if the amount to be refunded does not exceed 125% of the customer's average monthly bill amount.
 - 3) For any former customer, the refund, less unpaid utility service bill amounts, shall be by separate payment issued to the former customer. The refund shall be issued within 30 days after the event that triggers it.
- j) Records of Deposits:
- 1) The utility shall maintain records of deposits, together with interest, that collectively will show all transactions pertaining to each deposit.
 - 2) The utility shall indicate the amount of each deposit held on each customer bill.
 - 3) When refunds are not deliverable, the utility shall maintain records showing the utility's efforts towards locating the former customer and delivering the deposit refund.

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- k) Data Collection and Maintenance Requirements: A utility that elects to utilize a credit scoring program for applicants for residential service shall collect and maintain the following data for a period of five years following its collection, making the data available to Commission Staff within 30 days after a request from Staff:
- 1) The number of credit scores requested for applicants;
 - 2) The number of applicants who received passing credit scores;
 - 3) The number of applicants who received failing credit scores;
 - 4) The number and total dollar amount of deposits obtained from applicants subject to the credit scoring program;
 - 5) The number of times a security deposit was waived for a low income applicant and for all other applicants, with stated reasons for the waiver;
 - 6) The number of disconnections of service because customers failed to pay the required deposit; and
 - 7) The number of formal complaints and the number of informal complaints from applicants regarding the use of credit scoring or the requirement to pay a deposit based on the credit scoring program.

Section 280.45 Deposits for Low Income Customers

- a) A low income customer or applicant may be required to pay a deposit if the following conditions exist:
- 1) The utility has proof that the applicant or customer benefitted from tampering.
 - 2) The applicant was previously disconnected for non-payment of bill amounts owing to the utility for the same class and type of service.

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- b) With the following exceptions, all provisions of Section 280.40 shall apply equally to low income customers.
- 1) Credit scoring: A utility shall not assess a low income customer a deposit based upon credit scoring. Credit scoring deposits shall be returned to the customer upon certification as a low income customer.
 - 2) Late payments and past due over 30 days: A utility shall not assess a low income customer a deposit under Section 280.40(e)(1).
 - 3) Unpaid final bill: A utility may assess a deposit for a low income applicant if the applicant failed to pay a final bill owing to the utility for the same class and type of service, and that final bill was greater than 20% of the average annual billing for the residential customers of the utility for the calendar year preceding the time of the application.
 - 4) Payment: A utility may require payment of $\frac{1}{5}$ of an applicable deposit within a minimum of 12 days after the issue date of a deposit notice to a low income applicant or customer, with the remaining $\frac{4}{5}$ to be paid in equal installments over the next four billing cycles.
- c) Deposits collected for any reason other than credit scoring prior to a customer's certification as a low income customer shall remain validly held by the utility until the customer meets the refund conditions found in Section 280.40.

SUBPART D: REGULAR BILLING

Section 280.50 Billing

- a) Intent: This Section establishes minimum billing content and billing disclosure requirements.
- b) Billing Cycle:
- 1) Without prior authorization from the customer, a utility shall not bill a customer account for utility usage in advance.

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- 2) The utility shall bill the customer monthly unless both the customer and the utility have agreed to bi-monthly or quarterly billing.
 - 3) Bills to large, non-residential customers may be rendered more frequently than monthly when agreed to by the utility and customer. More frequent billing may be offered if the large, non-residential customer is subject to disconnection or payment of a deposit. The more frequent billing shall not extend more than six months, at which time monthly billing shall resume.
- c) Bill Content: Bills rendered to a retail customer for service, regardless of bill delivery method, shall be itemized to clearly show at least the following:
- 1) Customer billing information:
 - A) Customer name;
 - B) Service address;
 - C) Mailing address if different from service address;
 - D) Account number;
 - E) The date the bill was generated and sent to the customer;
 - F) For accounts on a budget billing plan, the accrued debit or credit balance for the plan;
 - G) The total amount owing on a payment arrangement, including the installment amounts due and the number of installments remaining to satisfy the arrangement, and that a late payment may result in the termination of the payment arrangement.
 - H) The amount of any deposit either held or owing and the accumulated interest on the deposit; and

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- D) Electric and gas utilities shall provide a graphic comparison, such as a bar chart or pie chart, of the current usage and the customer's previous 12 months of historical usage;
- 2) Contact information:
- A) The utility's toll free phone number and/or local phone number for customer inquiries and complaints;
 - B) The toll free telephone number for the Commission's Consumer Services Division and a statement indicating that the customer must contact the utility first before seeking assistance from the Commission's Consumer Services Division; and
 - C) The name and contact information for any supplier or other third parties authorized by the Commission to appear on the bill and with which the customer has contracted;
- 3) Meter and rate classification information:
- A) The meter identification number;
 - B) The previous and current meter readings and the corresponding dates of those readings;
 - C) The number of days in the billing period;
 - D) The energy, natural gas or water used;
 - E) The meter constant if applicable;
 - F) The type of services rendered;
 - G) A complete description of the service or rate classification under which the customer receives service;

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- H) The type of reading that was used in the bill calculation (actual, estimate or customer reading); and
 - I) For meters for which beginning and ending meter readings are used as billing determinants, the reading of the meter at the beginning and the reading of the meter at the end of the period for which the bill is rendered;
- 4) Bills not based on metered usage: In the event that a bill is not based on usage derived from meter readings, the bill must indicate the period of time for which the bill is rendered, the type of service rendered, and a complete description of the service or rate classification under which the customer receives service;
- 5) Itemization of billing amounts: The following components of the bill and the total amount shall be itemized and listed vertically for ease of reading:
- A) The monthly customer charge or any portion of the charge;
 - B) Any applicable demand charges;
 - C) Depending upon the type of utility service:
 - i) Electricity: The cost of energy detailed by the energy used and price per unit of each change in the unit price;
 - ii) Natural gas: The cost of gas determined by the number of therms used and the price per therm for each change in the unit price;
 - iii) Water: The volume of water used and the price per gallon or cubic foot and the price for each change in the unit price;
 - D) Depending upon the type of utility service:
 - i) Electricity: Any applicable cost of fuel adjustment;

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- ii) Natural gas: Any applicable cost of gas adjustment;
 - iii) Water: Any applicable cost of purchased water;
 - E) Any other applicable adjustments, including other charges not under categories of changes but relating to services, energy, gas, water, sewerage or other programs provided to customers;
 - F) State tax;
 - G) Municipal tax;
 - H) Infrastructure maintenance fee;
 - I) Optional services listed separately;
 - 6) The bill due date;
 - 7) Definitions or explanations of any abbreviations and technical words used on the bill; and
 - 8) For electric and gas utilities, the average use per day for the period over which the bill is rendered and for the comparable period one year earlier, and an indication of the difference in temperatures between the two periods.
- d) Bill Delivery:
- 1) Bills for utility service sent through the U.S. Mail shall be in envelopes to ensure privacy. Bills that are too large for enclosure in envelopes may be packaged and sent in boxes.
 - 2) If mailed bill envelopes are not postmarked, the utility shall maintain an alternative method of third party verification of the date of mailing. Records to verify each bill issuance or delivery shall be retained for two years.

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- 3) Customers may choose to have bills delivered by electronic means. The utility must have written confirmation, which may include written electronic acceptance, from the customer regarding this choice. Customers choosing this service must retain the right to have all notices, including disconnection notices as provided for in Subpart I, by U.S. Mail at any time.
 - 4) If bills are delivered or made available to customers by means other than U.S. Mail, the utility shall maintain a record to verify each bill delivery or issuance for two years.
- e) Due Dates:
- 1) Bills for residential customers shall be due a minimum of 21 days after the date they are sent to the customer, and bills for non-residential customers shall be due a minimum of 14 days after the date they are sent to the customer.
 - 2) If a bill is mailed from a state or location that does not border Illinois or if payment is received at a state or location that does not border Illinois, the due date shall be:
 - A) Residential customer: a minimum of 23 days after the date the bill is sent to the customer; or
 - B) Non-residential customer: a minimum of 16 days after the date the bill is sent to the customer.
 - 3) If a bill is mailed from a state or location that does not border Illinois and is also received at a state or location that does not border Illinois, the due date shall be:
 - A) Residential customer: a minimum of 25 days after the date the bill is sent to the customer; or
 - B) Non-residential customer: a minimum of 18 days after the date the bill is sent to the customer.

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- f) Bill Transfers: When a customer has the same class and type of utility service at more than one location with the same utility, the utility shall not transfer a balance owing from one premises account to another until the customer has failed to pay the final bill rendered for that premises or the customer requests that the final balance be transferred directly to the other premises account. When transferring final balances from one premises account to another, the utility shall indicate on the bill the location where the amount due originated.
- g) Each utility shall have an example of its bill form in its tariffs on file with the Commission and on its website.

SUBPART E: PAYMENT

Section 280.60 Payment

- a) Intent: This Section describes the methods of payment for utility service; recording of payment receipt; determining lateness of payment; allocation of payment amounts to the customer's account; and limitations on payment methods for accounts on which returned payments have been made.
- b) Method of Payment:
 - 1) At a minimum, the utility shall provide detailed information about all methods of payments on the utility's website and in the customer information packet required in this Section.
 - 2) The utility's bill to the customer shall advise the customer how to obtain information on the available payment methods. When contacted by a customer inquiring about making a payment, the utility's customer service personnel shall advise the customer of the available methods of payment, including the most expedient and least cost methods of available payment.
 - 3) When a utility determines that it will no longer accept a specific alternative method of payment, it shall provide advance notice to the affected customers.

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- c) Late Payment:
- 1) Payment is late when it has not been received by the utility within two days after the due date on the bill.
 - 2) The date a payment or payment instrument is presented to or arrives at the utility or its agent/vendor is the date of payment receipt.
 - 3) A utility shall not wait until funds are transferred or posted to the utility bank account for purposes of determining payment receipt.
- d) Late Fees:
- 1) If a utility elects to assess late fees, it shall file a tariff describing the late fees.
 - 2) Late fees shall not exceed 1.5% per month assessed towards any undisputed amounts remaining unpaid for more than two days after the due date on a bill.
 - 3) Late fees may be assessed on undisputed overdue budget installment amounts (not the accumulated uncollected budget plan payment balance) owing on a budget payment plan when there is an overall deficit credit balance in an account, as an alternative to termination of participation in the plan for late payment.
 - 4) A utility shall not continue to assess late fees on any final bill that has been outstanding for more than six months.
 - 5) Late fees shall not be assessed on any amount billed that is not for utility service unless otherwise authorized by statute.
 - 6) Late fees for units of State government shall be assessed according to the State Prompt Payment Act [30 ILCS 540]. No late payment charges shall be assessed on the amounts owing on units of county and local government (including, but not limited to, townships, municipalities and

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school districts) until 45 days after the date of the issuance of the bill for utility service.

- e) Returned Payments:
 - 1) Limiting: A utility shall not limit a customer from paying by any of the available methods acceptable to the utility unless the customer has provided one or more returned payments in the past 12 months, without an explanation from the customer's financial institution that the returned payment was not the customer's fault.
 - 2) Notice: A utility shall notify a customer when it will no longer accept a form of payment from the customer as a result of returned payment.

Section 280.65 Late Payment Fee Waiver for Low Income Customers

- a) Waiver: A low income customer shall not be assessed late payment fees while he or she is qualified as a low income customer.
- b) New Qualification: When a customer is qualified as a low income customer, the utility shall not be obliged to waive late fees that were assessed prior to qualification.
- c) Expiration of Qualification: If a customer is not re-qualified as a low income customer, then the utility may begin assessing late fees on past due amounts. However, late fees shall not be assessed retroactively on bills issued during the time period when the customer was qualified as a low income customer.

Section 280.70 Preferred Payment Date

- a) Intent: An eligible residential customer who is billed monthly and who can demonstrate that his or her primary source of income is derived from a benefit that is received during the 10 day period after the customer's regular due date shall be entitled to a preferred payment date to enable the customer to submit timely payments.

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- b) Notification: When a customer pays late two times in a 12 month period, the utility shall notify the customer of the availability of a preferred payment date. The utility shall make a record on the customer's account of the notification, and notification shall be made by any of the following methods:
- 1) Message included in the customer's bill;
 - 2) Separate written communication; or
 - 3) Verbal communication.
- c) Eligibility: Residential customers shall be eligible for a preferred payment date if they are included in any one of the following:
- 1) Customers receiving Temporary Assistance for Needy Families (TANF) or Aid to the Aged, Blind and Disabled (AABD);
 - 2) Customers receiving benefits from General Assistance or Supplemental Security Income;
 - 3) Customers receiving income from Social Security benefits or Veterans benefits; or
 - 4) Customers receiving unemployment compensation benefits.
- d) Options: The utility shall inform an eligible customer of the following options from which the customer may choose:
- 1) Enter into a budget payment plan with a preferred payment date that is not more than 10 days after the customer's regular billing date and is agreed upon by the customer and the company; or
 - 2) Establish a preferred payment date that shall not be more than 10 days after the customer's regular billing date.
- e) Removal: If the customer fails to pay on or before the preferred payment date more than four times in a 12 month period, the utility may remove the customer's

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account from the preferred payment date and return the customer to the regular bill due date. After the removal of a customer, the utility shall not be obliged to offer the preferred payment date to that same customer for a period of 12 months.

Section 280.80 Budget Payment Plan

- a) Intent: This Section provides a process to equalize payments for utility service, based upon the customer's average bill instead of the actual fluctuating amount for each separate billing period.
- b) Applicability: The requirements of this Section shall apply to residential customers and small business customers. Nothing shall prevent a utility from offering a budget payment plan to non-residential customers that are not small businesses.
- c) Eligibility:
 - 1) No past due amount owing: A customer whose account balance is current may enroll in a budget payment plan at any time of the year.
 - 2) Past due: In order to establish eligibility for a budget payment plan, a customer owing a past due amount must either pay the entire past due amount or enter into a DPA with the utility to retire the past due debt.
- d) Offering: The utility shall inform its customers of the availability of its budget payment plan and encourage its use.
- e) Enrollment: Upon inquiry from the customer, the utility shall calculate and advise the customer what the projected budget payment plan amount will be for the customer's account. If the customer accepts the offer to enroll in budget billing, the utility shall begin the plan for that account.
- f) Bill Itemization: In addition to the regular billing requirements of Section 280.50, the bill statement for an account enrolled in the budget payment plan shall contain separate line items for:
 - 1) The budget payment amount; and

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- 2) The amount of the accrued credit or shortfall.
- g) Periodic Adjustments:
- 1) If the customer's usage and regular billing changes so that the budget payment plan will not be successful if left at its current level, the utility shall review and adjust the budget payment plan amount.
 - 2) If the budget payment plan amount must be altered, the utility shall notify the customer of the change in writing. Notification may be included with the bill statement or by separate delivery.
- h) Reconciliation: Unless another time frame is requested by the customer in writing, utilities shall review each budget plan at least once between the 4th and the 7th month of the term of the plan to ensure that significant shortfalls or credits do not accrue. If a customer's budget payment plan shortfall or credit becomes so large as to necessitate a reconciliation, the utility shall:
- 1) In the case of a shortfall, offer the customer the option to pay off the shortfall or have the budget amount adjusted to accommodate the shortfall;
or
 - 2) In the case of a credit, offer the customer the option of a refund or have the budget amount adjusted to accommodate the credit balance.
- i) Late Payments: No late payments charge shall be assessed on a budget payment plan unless there is an overall budget deficit balance in an account when the late payment occurs. The late payment charge shall be computed on the late installment only, not on the accumulated budget deficit in the account.
- j) Transfer of Service: When a customer on a budget payment plan informs the utility that the customer will be transferring service with that utility from the current location to a new location served by the same utility, the utility shall advise the customer what the projected budget payment plan amount will be at the new location and that the customer may choose to either remain on the budget payment plan at the new location or cancel the plan.

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- k) Cancellation:
- 1) A customer may cancel a budget payment plan at any time.
 - 2) A utility may cancel a customer's budget payment plan when the customer either submits a payment that is less than the full budget payment plan amount or the customer's payment is 21 days in arrears. Late fees may be assessed on undisputed budget installment amounts owing on a budget payment plan as an alternative to termination of participation in the plan.
 - 3) Any shortfall amount owing to the utility at the time of cancellation shall be included and payable as current charges on the next bill statement.
 - 4) Any credit amount owing to the customer at the time of cancellation shall appear as a credit on the next bill statement. After the issuance of that bill statement, Section 280.110 shall apply to the credit balance.

SUBPART F: IRREGULAR BILLING

Section 280.90 Estimated Bills

- a) Intent: This Section describes the utility's responsibilities to obtain actual readings of the customer's meter and the process by which a utility may issue an estimated bill to a customer when the utility is unable to obtain an actual reading or a customer reading.
- b) Utility Meter Reading:
- 1) A utility shall perform an actual reading of a customer's meter at least every second billing period unless the utility's attempt to do so is prevented.
 - 2) A utility shall perform an actual reading of a customer's meter every billing period if that meter is equipped with a remote reading device, unless the utility effort to do so is prevented.

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- 3) When the utility's attempt to read the meter fails, it shall record the date, time of day, utility personnel involved, and reason for the failure. The record shall be retained for a period of two years. In addition, its field representative making the visit to read the meter shall leave a door tag at the premises. The door tag shall indicate when the utility representative was there and provide the utility's contact information for the customer to set up an appointment with the utility to gain access to the meter. If the customer's meter is equipped with a remote reading device to obtain a reading without the presence of field personnel on the customer's property, then the utility may mail or use other means to deliver written notification (may include electronic written notification to customers who have elected electronic billing methods) of the failed reading to the customer in lieu of leaving a door hanger. The utility may contact a customer by telephone to provide notice of a failed reading, provided that written notification must be sent if the utility fails to reach the customer directly or successfully leave a voice message.
 - 4) A reading provided by a remote reading system or device shall be considered an actual reading.
 - 5) A reading provided by a Commission certified meter service provider in compliance with the utility's tariff shall be considered an actual reading.
 - 6) If a utility issues two consecutive estimated bills to a customer, the utility shall contact the customer to resolve the reason for the consecutive estimated bills, so that the utility may obtain an actual reading of the meter or a customer reading. If the utility is unable to contact the customer, it shall send a letter advising the customer of the utility's need for contact on the matter. The utility shall make a record of each effort to contact the customer.
- c) Customer Meter Reading:
- 1) A customer reading of the meter provided to the utility shall satisfy the actual reading requirement in subsection (b)(1). However, a utility shall not require a customer to provide customer readings when the customer can provide access to the meter for utility personnel.

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- 2) After six consecutive months of customer provided readings, a utility shall take an actual reading of the meter in accordance with subsections (b)(1) and (2).
- d) **Meter Readings for Beginning and Ending Service:** Unless a utility has taken an actual reading of the meter within the past 60 days, it shall take an actual reading of the meter as prescribed in this subsection (d). The utility may satisfy the requirements of this subsection (d) on the day before or the day after the beginning or ending date if that date falls upon a non-business day of the utility.
- 1) On the beginning date of service for a new customer, so long as the new customer has provided the utility with at least five days advance notice of the start date, and so long as the customer provides the utility with access to the meter;
 - 2) On the ending date of service for a customer who is stopping service, so long as the customer has provided the utility with at least five days advance notice of the end date, and so long as the customer provides the utility with access to the meter.
- e) **Estimated Bill Formula:** A utility's formula for estimating customer meter readings shall be filed in the utility's tariff.
- f) **Bill Labeling:**
- 1) A bill based upon an estimated reading shall indicate that it is an estimated bill and that the meter reading figure is an estimated reading.
 - 2) A bill based upon an actual reading shall indicate that the meter reading figure is an actual reading.
 - 3) A bill based upon a customer reading shall indicate that the meter reading figure is a customer reading.
- g) Unless the utility's attempt to access the meter has been prevented, as described in subsection (b)(3), the utility shall not disconnect a customer for non-payment of

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two or more consecutively estimated bills until the utility takes an actual reading of the meter to verify the accuracy of the billing.

Section 280.100 Previously Unbilled Service

- a) Intent: This Section provides for the billing and payment of previously unbilled service caused by errors in measuring or calculating a customer's bills.
- b) Time Limits:
 - 1) Bills for any utility service, including previously unbilled service, supplied to a residential customer shall be issued to the customer within 12 months after the provision of that service to the customer.
 - 2) Bills for any utility service, including previously unbilled service, supplied to a non-residential customer shall be issued to the customer within 24 months after the provision of that service to the customer.
 - 3) The time limits of subsections (b)(1) and (2) shall not apply to previously unbilled service attributed to tampering, theft of service, fraud or the customer preventing the utility's recorded efforts to obtain an accurate reading of the meter.
 - 4) No utility shall intentionally delay billing beyond the normal bill cycle.
- c) Itemization: Any amount attributed to previously unbilled service shall be labeled as such on the customer's bill and include the beginning and ending dates for the period during which the previously unbilled amount accrued.
- d) Calculation: For previously unbilled service accrued over a period of time when the rates for service have varied, the utility shall issue the makeup billing amount calculated on a prorated basis to reflect the varying rates.
- e) Payment:
 - 1) If a utility issues a makeup bill for previously unbilled service, it shall offer the customer a special payment arrangement to retire the amount by

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periodic payments, without interest or late fees, over a time equal to the amount of time for the delay in billing.

- 2) The special payment arrangement does not exhaust a customer's right to a DPA or medical payment arrangement (MPA), provided however, that neither the special payment arrangement nor the DPA nor the MPA may be used simultaneously unless it is agreed to by both the utility and the customer.
- 3) Late fees may be assessed on any installment amount on the special payment arrangement that is unpaid after two days beyond the due date on the bill containing that installment.

SUBPART G: REFUNDS AND CREDITS

Section 280.110 Refunds and Credits

- a) Intent: This Section describes the procedures for customers to receive credits and refunds for overpayments and overcharges for utility service.
- b) Billing Time Period for Refunds and Credits Due to Overcharges Resulting from Utility Error:
 - 1) A utility shall issue a refund or credit to a customer's account for the full period of time during which an overcharge occurred, so long as either the utility or the customer has retained billing records that would allow determining a refund or credit.
 - 2) A utility shall retain billing records and ledgers that would allow determining a refund or credit for a minimum of two years from the current date.
 - 3) A utility shall not be obliged to issue to a customer a refund or credit that extends into a time period during which that customer was not the customer of record. Exceptions may be made when the utility issues a refund or credit as a result of a Commission order.

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- c) Overpayment without Utility Error:
- 1) If the overpayment is the result of the customer paying more than the amount due on the bill, then the overpayment shall be noted on the customer's next bill statement, itemized to indicate the credit balance.
 - 2) If the customer requests that the money overpaid be refunded to him/her, then the utility shall be obliged to do so as long as the overpayment credit amount exceeds 25% of the customer's average monthly bill. The refund shall be made within 10 business days after the utility confirms that it has received the money involved with the overpayment.
 - 3) This subsection (c) shall not apply to any overpayment that results from payment on the customer's account by a State or federal assistance agency. Any such overpayment or credit on the customer's account shall be handled in the manner specified by the State or federal agency.
- d) Interest on Refunds and Credits: All refunds and credits due to utility billing error shall be accompanied with interest calculated at the rates set by the Commission for customer deposits (see Section 280.40(g)). Interest shall accumulate starting 30 days after the date the actual money comprising the overpayment is received by the utility until the date the utility issues a refund or credit to the customer's account. Credit balances accumulated on active budget payment plans shall not be subject to interest under this subsection unless the budget payment plan is cancelled while a credit balance remains. Interest shall accumulate from the date of the budget payment plan cancellation until the credit is refunded or consumed by future billing.
- e) Itemization of Overcharges: All credits and refunds resulting from overcharges shall be accompanied by an itemization describing the reason for the credit or refund to the customer.
- f) Credit to Bill Statement or Direct Refund to Customer:
- 1) Regular billing: For active service or transfer of service accounts, the utility shall either issue a credit to the account or, if the customer requests

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it at any time, make a direct refund to the customer so long as the credit balance exceeds 25% of the customer's average monthly bill.

- 2) Final bills: When the credit amount exceeds the total amount due on a customer's final bill, the utility shall issue a direct refund to the customer.
 - 3) Exemptions from refunds: A utility shall not be obliged to issue a refund to a customer for a credit balance accrued as the result of Commission approved billing programs or rates that specifically disallow the issuance of refunds, or when the customer owes the utility a past due amount for the same class and type of service at another location.
- g) Time Limit to File Complaint:
- 1) Excessive or unjust charges: *All complaints for the recovery of damages shall be filed with the Commission within 2 years from the time the produce, commodity or service as to which complaint is made was furnished or performed.* [220 ILCS 5/9-252]
 - 2) Refunds for overcharges: *When a customer pays a bill as submitted by a public utility and the billing is later found to be incorrect due to an error either in charging more than the published rate or in measuring the quantity or volume of service provided, the utility shall refund the overcharge with interest from the date of overpayment at the legal rate or at a rate prescribed by the Commission (see Section 280.40(g)). Refunds and interest for such overcharges may be paid by the utility without the need for a hearing and order of the Commission. Any complaint relating to an incorrect billing must be filed with the Commission no more than 2 years after the date the customer first has knowledge of the incorrect billing.* [220 ILCS 5/9-252.1]

SUBPART H: PAYMENT ARRANGEMENTS

Section 280.120 Deferred Payment Arrangements

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- a) Intent: Payment arrangements shall be structured and administered to maximize the successful retirement of past due utility service amounts owing to the utility while allowing the customer to retain active utility service.
- b) Eligibility:
 - 1) Mandatory offering by the utility: A residential customer owing a past due amount for utility service shall be eligible for a deferred payment arrangement so long as the customer has not failed to complete a previous DPA in the past 12 months.
 - A) At any time a customer's account balance owing is brought to current status, the utility shall consider all previous DPAs completed.
 - B) A customer who is eligible for a DPA under this subsection (b) shall remain fully eligible until utility service is disconnected.
 - 2) Optional offering by the utility:
 - A) At the utility's discretion, an applicant owing a past due amount for utility service may enter a DPA to retire the debt.
 - B) At the utility's discretion, a non-residential customer owing a past due amount for utility service may enter a DPA to retire the debt.
 - C) At the utility's discretion, a residential customer owing a past due amount for service, but who is not automatically eligible for a DPA under subsection (b)(1), may enter into a DPA to retire the debt.
- c) Amounts Included in DPA: The DPA shall only include amounts owing for utility service for which the utility would otherwise be entitled to disconnect the customer's service after proper notice if the customer was not on the DPA. DPA default shall not occur as a result of failure to pay non-utility service charges.
- d) Transfer: When a customer transfers service, an existing DPA established at the old premises shall transfer with the customer to the new premises. A utility may

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be allowed to start an entirely new DPA at the new premises to accommodate its billing systems programming so long as the "new" DPA is identical to the previous DPA.

- e) Bill Itemization:
- 1) Each bill rendered to a customer who has established a DPA with the utility and has not defaulted shall include the following information:
 - A) The total balance remaining on the DPA;
 - B) The amount of the installment;
 - C) The number of remaining installments on the DPA; and
 - D) A statement explaining that:
 - i) a late or partial payment may result in the cancellation of the DPA, causing the total deferred amount and current charges to become immediately due in full; and
 - ii) non-payment of the full amount due may result in disconnection.
 - 2) If a DPA defaults and is not reinstated prior to the next bill statement, the utility shall notify the customer of the default by at least one of the following methods:
 - A) A message on the next bill statement stating the amount required to reinstate the DPA if paid in full by a specific date and that a later payment may result in additional charges or the cancellation of the DPA; or
 - B) A separate written notice stating the amount required to reinstate the DPA if paid in full by a certain date and that a later payment may result in additional charges or the cancellation of the DPA; or

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- C) A live phone call to the customer. The utility shall make a record of the date, time of day and utility personnel involved in the phone call, and retain the record for two years. If the utility is unable to speak with the customer directly, it shall provide either a message on the next bill statement or separate written notice of default in accordance with subsection (e)(2)(A) or (B).
- f) Down Payment:
- 1) In order to initiate a DPA, the customer must pay a minimum of 25% of the past due amount for utility service.
 - 2) By agreement with the customer, the utility may include current billing amounts with the past due amount as the total balance from which the 25% down payment may be calculated.
 - 3) At the utility's discretion, the down payment amount may be decreased.
- g) Length of DPA:
- 1) The amount of time negotiated with the customer for the completion of the DPA shall be set between 4 to 12 billing cycles, with the utility having the discretion to agree to more than 12 billing cycles for completion of the DPA.
 - 2) In determining the length of time to offer, the utility shall take into account the ability of the customer to successfully complete the DPA.
 - 3) If a residential customer's household income will not allow the customer to successfully complete a DPA of any length, the utility shall advise the customer of the availability of local assisting agencies.
- h) Installments:
- 1) The installments shall be equal amounts, unless unequal amounts are established by agreement with the customer.

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- 2) The installments shall be due at the same time as the regular bill due dates.
- i) Default:
- 1) A utility may consider a DPA in default when a customer fails to pay the full amount of the installment and the current bill by the second day after the bill due date.
 - 2) The utility may resume collection activity after a DPA defaults, including delivery of a disconnection notice and subsequent disconnection of the service unless the customer pays the full amount past due or pays the reinstatement amount and any applicable reinstatement fee in order to resume the DPA.
- j) Reinstatement:
- 1) A utility is not obliged to reinstate a defaulted DPA once it has disconnected service to the customer for nonpayment.
 - 2) A customer may reinstate a previously defaulted DPA by paying the required amount of the DPA installments owing up to that date, including all past due bills that were not included in the original DPA amount. The default notice shall state that DPA reinstatement is possible for a stated amount if paid in full by a certain date and that reinstatement subsequent to that date may include additional charges.
 - 3) The utility shall not assess a reinstatement fee for the first reinstatement of a defaulted DPA.
 - 4) For each subsequent default after the first, in addition to paying the amounts required under subsection (j)(2), the customer shall pay a reinstatement fee if the utility has filed a tariff establishing a reinstatement fee.
- k) Renegotiation:

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- 1) A customer whose financial conditions change during the course of a DPA shall be allowed to renegotiate the length of the DPA with the utility to ensure its successful completion.
 - 2) One renegotiation is allowed during the course of a DPA, so long as:
 - A) The customer is willing to discuss the customer's financial circumstances;
 - B) The customer has at least made the down payment on the original DPA; and
 - C) The DPA is not currently in default status.
 - 3) Through renegotiation, the utility shall not be obliged to extend the term of the DPA any longer than 4 to 12 additional billing cycles beyond the original term of the DPA; provided, however, that the utility and customer may renegotiate the DPA for a longer term if both parties agree.
 - 4) Renegotiation does not preclude a customer's right to reinstate a defaulted DPA prior to disconnection.
- l) **Overlapping Arrangements:** Multiple arrangements of any type under this Section shall not be employed simultaneously without the consent of both the utility and the customer. However, the utility shall not maintain an otherwise defaulted arrangement to prevent a customer from using another type of payment arrangement for which the customer is eligible.
 - m) **Eligibility for Winter DPA:** A customer's right to establish a winter DPA under Section 280.135 shall be unaffected by any default on a DPA under this Section.

Section 280.125 Deferred Payment Arrangements for Low Income Customers

- a) **Intent:** To enable low income customers to better retain essential utility services, a low income customer shall be eligible for all the provisions described in Section 280.120 from April 1 through November 30. In addition, a low income customer shall be entitled to the altered provisions described in this Section.

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- b) Down Payment:
 - 1) In order to initiate a DPA, a utility may require a maximum down payment of 20% towards the past due amounts for utility service.
 - 2) By agreement with the customer, the utility may include current billing amounts with the past due amount as the total balance from which the 20% down payment may be calculated.
- c) Length of DPA Term:
 - 1) The amount of time offered to a low income customer for the completion of a DPA shall be set by the utility at 6 to 12 billing cycles.
 - 2) At its discretion, the utility may set the term for a period longer than 12 months.
- d) Reinstatement Fee Waiver: A utility shall not assess a reinstatement fee for any reinstatement of a DPA by a low income customer.
- e) Amended DPA:
 - 1) A utility shall offer an amended DPA to a low income customer who is in default on a first DPA if the customer has made at least two consecutive full payments under the first DPA and the customer has not been in default on the first DPA for more than 90 days.
 - 2) The amended DPA shall be for the same term or longer than the term of the first DPA.
 - 3) As a condition of entering the amended DPA, the utility may require the customer to participate in the payment option described in Section 280.80.

SUBPART I: DISCONNECTION

Section 280.130 Disconnection of Service

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- a) Intent: The purpose of this Section is to provide adequate notice and reason for disconnection; allow for the customer to remedy the problem and avoid disconnection; create an expectation to act upon notice by a utility when a customer does not remedy the problem; and set prohibitions and limits on disconnection under certain circumstances.
- b) Allowable Reasons for Disconnection:
 - 1) Non-payment of past due bill for the same class and type of utility service;
 - 2) Non-payment of valid utility service deposit owing on account;
 - 3) Non-payment of a deposit owing as result of utility evidence of a problem described in Section 280.210;
 - 4) Failure to provide access in multi-meter premises to utility facilities after attempts by the utility to gain access as described in Section 280.140;
 - 5) Failure to provide access to utility facilities after four attempts (two attempts if in order to meet regulatory requirements) by the utility to gain access to a single customer premises, provided that the utility must comply with the same notification and record keeping requirements as in Section 280.140(c)(1), (2) and (3);
 - 6) Occupant usage without a valid customer of record;
 - 7) Theft of service and/or tampering;
 - 8) Non-compliance with any rules of the utility on file with the Commission for which the utility is authorized by tariff to disconnect service in the event of non-compliance;
 - 9) Non-compliance with an order of the Commission;
 - 10) Unsafe conditions; or

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- 11) Cooperation with civil authorities.
- c) Non-deniable Charges: The following shall not constitute valid reasons for disconnection of regulated utility services:
 - 1) Charges for non-utility services, unless otherwise authorized by Illinois statute;
 - 2) Charges for another class (residential or non-residential) of utility service;
 - 3) Charges for another type (gas, electric, water or sewer, unless water and sewer utility service are provided by the same utility) of utility service;
 - 4) Charges for equipment or merchandise unless otherwise authorized by statute; or
 - 5) Charges currently in dispute under Section 280.220 or Section 280.230.
 - d) Disconnection Notice Content: Utility disconnection notices shall conform with Appendices A, B and D and shall include at least:
 - 1) Date issued;
 - 2) Effective date;
 - 3) Reason for disconnection;
 - 4) Options for the customer to prevent disconnection;
 - 5) Contact information for the utility;
 - 6) Contact information for the Commission's Consumer Services Division; and
 - 7) Medical certification process and customer bill of rights in Appendix B.
 - e) Method of Disconnection Notice Delivery:

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- 1) All utility disconnection notices shall be sent separately from any other mailing to the customer.
 - 2) The notice shall be sent by U.S. Mail or hand delivered.
 - 3) The utility shall record the date the notice is sent or delivered and retain that record for two years.
 - 4) If the utility and customer have agreed to electronic communications, a utility shall submit a duplicate notice to the customer electronically as long as it has also mailed or hand delivered a paper version of the notice to the customer.
- f) Third Party Notice: A customer may designate, by written request to the utility, that a third party will be sent or delivered a duplicate notice whenever a disconnection notice is sent or delivered to the customer. The utility will send or deliver any third party notice at the same time as the notice is sent or delivered to the customer.
- g) Timing of Notice:
- 1) When notice shall be sent: A utility shall not send or deliver a disconnection notice until after one of the reasons described in subsection (b) occurs.
 - 2) Effective date: The utility shall not disconnect service until at least 10 days after the sending or delivery of the notice to the customer.
 - 3) Duration of notice: The notice shall remain effective for 45 days after it is sent or delivered.
 - 4) Overlapping notices: A utility may send or deliver a new notice prior to the expiration of a previous notice. The customer shall be entitled to the remedies offered in the previous notice until the effective date of the new notice.

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- 5) The customer's regular monthly bill shall not be considered a new disconnection notice or operate to extend the due date of a previously issued disconnection notice.
- h) Exemptions to Notice Requirements: Disconnection notices substantially in the form of Appendix A shall be required prior to all disconnections of service, except in cases of:
- 1) Occupant usage without a customer of record, provided that the utility shall refer to subsection (i) for special provisions related to occupant usage;
 - 2) Theft of service and/or tampering;
 - 3) Unsafe conditions;
 - 4) Cooperation with civil authorities;
 - 5) Outages and maintenance work; or
 - 6) The current customer has requested the service be disconnected.
- i) Warning Letter Required Instead of Appendix A (Disconnection Notice for Occupant Usage without Valid Customer):
- 1) When the utility has left the service on at a premises and there is usage without a customer of record, it shall send or deliver a warning letter to the premises address, containing the utility's toll free contact information, advising that an applicant must contact the utility to become a new customer or the service will have to be disconnected after 10 days.
 - 2) If the utility has contact information for the landlord or property manager of the premises, a duplicate warning letter shall be sent or delivered to that person at the same time as the warning letter to the premises.
 - 3) If there is no response within 10 days after the sending of the warning letter, the utility shall have the right to disconnect the service.

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- 4) The utility shall not be obliged to send a warning letter to a premises when it disconnects service within 10 days after the date that the current customer requests as the date the utility will shut off and end that customer's service.
- j) Warning Call to Residential and Master-Metered Customers:
- 1) Unless the customer has no phone number on record, the utility shall provide a warning call to the customer a minimum of 48 hours prior to the scheduled disconnection.
 - 2) The warning call may be live or automated, and it shall advise the customer of the utility's intent to disconnect the service. A second call shall be required 24 hours prior to the schedule disconnection if the first call does not reach a person or an answering machine.
 - 3) The warning call shall provide the customer with the toll free or local phone numbers that the customer may use to contact the utility to discuss the situation.
 - 4) The utility shall make a record of the date and time of day of, and its success or failure in reaching the customer through, the warning call. It shall retain the record for two years.
- k) Obligation to Act:
- 1) When a utility has sent or hand delivered four consecutive disconnection notices to the same customer for the same unremedied reason for disconnection under subsection (b), it shall not send a fifth notice of disconnection for the same unremedied reason unless its effort to disconnect the service has failed. Such failure shall include any temporary moratoriums that would prevent the utility from attempting to disconnect service during the effective period of the disconnection notice.

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- 2) If the utility's effort to disconnect the service fails, the utility shall record the date, time of day, utility personnel involved and a description of the reason for the failure. It shall retain this record for two years.
- 1) Time of Day and Day of the Week Prohibitions and Limits: Except for matters of safety, emergency maintenance and cooperation with civil authorities, a utility shall comply with the following prohibitions and limits upon disconnection:
 - 1) Non-business hours prohibition: A utility shall not disconnect a customer within one hour before or at any time during which it does not have its customer service personnel available to handle the customer's contact.
 - 2) Weekday afternoon limits: A utility shall not disconnect a customer after 4:00 PM on Monday through Thursday unless the utility is prepared to take the customer's payment and reconnect the customer that same day if the customer remedies the reason for the disconnection.
 - 3) Friday limits: A utility shall not disconnect a residential customer after noon on Friday or a non-residential customer after 4:00 PM on Friday, unless it is prepared to take the customer's payment and reconnect the customer that same day if the customer remedies the reason for the disconnection.
 - 4) Weekend limits: A utility shall not disconnect a customer on Saturday or Sunday unless it is prepared to take the customer's payment and reconnect the customer that same day if the customer remedies the reason for the disconnection.
 - 5) Holiday limits: A utility shall not disconnect a customer on a State of Illinois or utility holiday, or after noon on any day preceding a State of Illinois or utility holiday, unless the utility is prepared to take the customer's payment and reconnect the customer that same day if the customer remedies the reason for the disconnection.
 - m) Medical Certification: A utility shall not disconnect service to a residence for 60 days upon receipt of a valid medical certificate for a resident of the household, so long as the account is eligible for medical certification under Section 280.160.

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- n) Temperature Prohibitions:
- 1) Cold weather: *Termination of gas and electric utility service to all residential users, including all tenants of apartment buildings where gas or electricity is used as the only source of space heating or to control or operate the only space heating equipment, is prohibited:*
 - A) *On any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below; or*
 - B) *On any day preceding a holiday or weekend when the National Weather Service forecast covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below at any time during the holiday or weekend.*
[220 ILCS 5/8-205(a)]
 - 2) Hot weather: *If gas or electricity is used as the only source of space cooling or to control or operate the only space cooling equipment at a residence or master-metered apartment building, then a utility with over 100,000 residential customers may not terminate gas or electric utility service to the residential user, including all tenants of master-metered apartment buildings:*
 - A) *On any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 95 degrees Fahrenheit or above; or*
 - B) *On any day preceding a holiday or weekend when the National Weather Service forecast covering the area of the utility in which the residence or master-metered apartment building is located*

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includes a forecast *that the temperature will be 95 degrees Fahrenheit or above at any time during the holiday or weekend.*
[220 ILCS 5/8-205(b)]

- o) Energy Act of 1989 Participants (Low Income Customers) Winter Disconnection Prohibition: *Notwithstanding any other provision of this Part, no electric or gas public utility shall disconnect service to any residential customer who is a participant under Section 6 of the Energy Assistance Act of 1989 [305 ILCS 20/6] for nonpayment of a bill or deposit where gas or electricity is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 and including March 31 of the immediately succeeding calendar year.* [220 ILCS 5/8-206(k)]
- p) Electric Space-Heating Customer Winter Disconnection Prohibition: *A utility that served more than 100,000 electric customers in Illinois as of December 31, 2005 shall not terminate electric service to a residential space heating customer for non-payment from December 1 through March 31.* [220 ILCS 5/16-111.6]
- q) Military Personnel on Active Duty Disconnection Prohibition: *No utility shall for nonpayment stop gas or electricity from entering the residential premises that was the primary residence of a service member immediately before the service member was assigned to military service.* [220 ILCS 5/8-201.5(b)]
- r) Service Member or Veteran Disconnection Prohibition: *No electric or gas public utility shall disconnect service to any residential customer who has notified the utility that he or she is a service member or veteran for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating or is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year.* [220 ILCS 5/8-206(l)]

Section 280.135 Winter Disconnection of Residential Heating Services, December 1 through March 31

- a) *Notwithstanding any other provision of this Part, no electric or gas public utility shall disconnect service to any residential customer or master-metered apartment building for nonpayment of a bill or deposit where gas or electricity is used as the*

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primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year, unless:

- 1) *The utility:*
 - A) *Has offered the customer a winter deferred payment arrangement (winter DPA) allowing for payment of past due amounts over a period of not less than four months not to extend beyond the following November and the option to enter into a budget payment plan for the payment of future bills. The maximum down payment requirements shall not exceed 10 percent of the amount past due and owing at the time of entering into the agreement; and*
 - B) *provides the customer with the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to customers of public utilities in paying their utility bills; the utility must obtain the approval of an agency before placing the name of that agency on any list used to provide the information to customers;* - 2) *The customer has refused or failed to enter into a winter DPA as described in subsection (a)(1)(A); and*
 - 3) *All disconnection notice requirements as provided by law and this Part have been met by the utility.*
- b) *Prior to termination of service for any residential customer or master-metered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year, all electric and gas public utilities shall, in addition to all other notices:*
- 1) *Notify the customer or an adult (a person over the age of 18) residing at the customer's premises either by telephone, a personal visit to the customer's premises or by first class mail, informing the customer that:*

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- A) *The customer's account is in arrears and the customer's service is subject to disconnection for nonpayment of a bill;*
 - B) *The customer can avoid disconnection of service by entering into a deferred payment agreement to pay past due amounts over a period not to extend beyond the following November and the customer has the option to enter into a budget payment plan for the payment of future bills; and*
 - C) *The customer may apply for any available assistance to aid in the payment of utility bills from any governmental or private agencies from the list of the agencies provided to the customer by the utility.*
- 2) *A public utility shall be required to make only one contact required in subsection (b)(1) with the customer during any period from December 1 through and including March 31 of the immediately succeeding calendar year.*
 - 3) *Each public utility shall maintain records which shall include, but not necessarily be limited to, the manner by which the customer was notified and the time, date and manner by which any prior unsuccessful efforts to contact the customer were made. These records shall also describe the terms of the DPA offered to the customer and those entered into by the utility and the customer. These records shall indicate the total amount past due, the down payment, the amount remaining to be paid and the number of months allowed to pay the outstanding balance. No public utility shall be required to retain records pertaining to unsuccessful efforts to contact or DPAs rejected by the customer after the customer has entered into a DPA with the utility.*
- c) *No public utility shall disconnect service for nonpayment of a bill until the lapse of six business days after making the notification required in subsection (b)(1) so as to allow the customer an opportunity to:*
 - 1) *Enter into a DPA and the option to enter into a budget payment plan for the payment of future bills; and*

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- 2) *Contact a governmental or private agency that may provide assistance to customers for the payment of public utility bills.*
- d) *Any residential customer who enters into a DPA pursuant to this Section and subsequently, during that period of time set forth in subsection (a), becomes subject to disconnection, shall be given notice as required by law and this Part prior to disconnection of service.*
- e) *During that time period set forth in subsection (a), a utility shall not require a down payment for a deposit from a residential customer, pursuant to Section 280.40, in excess of 20% of the total deposit requested. An additional four months shall be allowed to pay the remainder of the deposit. This provision shall not apply to master-metered apartment buildings or other non-residential customers.*
- f) *During that period of time set forth in subsection (a), the provisions of Section 280.120 that allow a utility to refuse to offer a DPA to a residential customer who has defaulted on an agreement within the past 12 months are suspended. However, no utility shall be required to enter into more than one DPA under this Part with any residential customer or master-metered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year.*
- g) *In order to enable customers to take advantage of energy assistance programs, customers who can demonstrate that their applications for a local, State or federal energy assistance program have been approved may request that the amount they will be entitled to receive as a regular energy assistance payment be deducted and set aside from the amount past due on which they make DPAs. Payment on the set-aside amount will be credited when the energy assistance voucher or check is received, according to the utility's common business practice.*
- h) *In no event shall any utility send a disconnection notice to any customer who has entered into a current DPA and has not defaulted on that DPA, unless the disconnection notice pertains to a deposit request.*
- i) *Each utility will include with each disconnection notice sent during the period from December 1 through and including March 31 of the immediately succeeding calendar year to a residential customer an insert explaining the provisions of this*

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Section and providing a telephone number of the utility company the customer may call to receive further information.

- j) Filing with the Commission:
- 1) *Each utility shall file with the Commission prior to December 1 of each year a plan detailing the implementation of this Section. This plan shall contain, but not be limited to:*
 - A) *A description of the methods to be used to notify residential customers as defined in this Part, including the forms of written and oral notices which shall be required to include all the information contained in subsection (b);*
 - B) *A listing of the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to residential customers in paying their utility bills;*
 - C) *The program of employee education and information which shall be used by the company in the implementation of this Section; and*
 - D) *A description of methods to be utilized to inform residential customers of those governmental and private agencies and current and planned methods of cooperation with those agencies to identify the customers who qualify for assistance in paying their utility bills.*
 - 2) *A utility that has a plan on file with the Commission need not resubmit a new plan each year. However, any alteration of the plan on file must be submitted prior to December 1 of any year.*
 - 3) *All plans are subject to review and approval by the Commission, which may direct a utility to alter its plan to comply with this Part. [220 ILCS 5/8-206]*

Section 280.140 Disconnection for Lack of Access to Multi-Meter Premises

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- a) Intent: This Section provides adequate notice and reason for disconnection of an entire multi-meter premises when a utility is unable to gain access to its facilities; allows for the property owner/manager and customers of the premises to remedy the problem and thereby avoid disconnection; and sets prohibitions and limits on this form of disconnection.
- b) Allowable Reasons for Disconnection of an Entire Multi-Meter Premises:
 - 1) The customers and property owner/manager have failed two consecutive times to provide access to utility facilities in order to meet regulatory requirements, including, but not limited to, inside safety inspections and meter exchanges;
 - 2) The customers and property owner/manager have failed three consecutive times to provide access to utility facilities for non-payment disconnections; or
 - 3) The customers and property owner/manager have failed four consecutive times to provide access to utility facilities for meter readings.
- c) Utility Actions Required prior to Disconnection of an Entire Multi-Meter Premises:
 - 1) The utility must attempt to obtain contact information for the property owner/manager, independently or with the assistance of the affected customers
 - 2) The utility must seek access by physical visit. For each failure to gain access, the utility must record the date, time of day, utility personnel involved, a detailed description of utility's efforts to gain access and the reason for each failure to gain access. The utility shall retain the records for two years;
 - 3) For each effort to gain access, the utility must send or deliver warning letters to each affected customer and property owner/manager with at least 10 days advance notice of the utility's intent to gain access and the need

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for the customer to contact the utility to set up an appointment to provide access;

- 4) After the final consecutive failure to provide access, according to the number of consecutive failures required in subsection (b), the utility must send or deliver a disconnection notice to each affected customer and the property owner/manager as required by Section 280.130;
 - 5) At the same time the utility sends or delivers the notices required in subsection (c)(3), it must also post the building with a written notice of disconnection; and
 - 6) If the utility seeks access to disconnect non-paying customers, the utility must send or deliver a disconnection notice for non-payment to the customers in the premises that it intends to disconnect for non-payment.
- d) Inconvenience Compensation Credit:
- 1) An inconvenience compensation credit shall be issued by the utility to the accounts of customers who are not otherwise eligible for non-payment disconnection when those customers are disconnected as a result of the utility's disconnection of non-paying customers in the same premises.
 - 2) The inconvenience compensation credit shall be four times the monthly "customer charge" or \$60, whichever is greater.
- e) Limitations on Non-payment Disconnections for Multi-Meter Premises: All of the limits, prohibitions and protections to customers offered in Sections 280.130 and 280.135 shall apply equally to lack of access disconnections of multi-meter premises for non-payment.
- f) Reconnection: The utility shall not disconnect a building unless it has the resources in place and is prepared to reconnect service on the same day as the disconnection or the day access is provided for any customers of a multi-meter premises who were otherwise not eligible for non-payment disconnection.

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- g) **Data Collection and Maintenance:** The utility shall collect the following data on a monthly basis and maintain the data for two years following its collection. The utility shall make the data available to Commission Staff within 30 days after a request from Staff:
- 1) In addition to the record keeping required under subsection (c)(2), the utility shall record the total number of "at-risk" buildings (i.e., any buildings the utility believes are currently eligible for disconnection or would be eligible for disconnection in 30 days);
 - 2) The utility shall retain a record of the following information regarding a disconnection event:
 - A) Address of building or facility disconnected;
 - B) Number of units affected by the disconnection;
 - C) Duration of the building disconnection from the date of the disconnection to the date that the building was reconnected;
 - D) Cause for multi-unit disconnection;
 - E) Compensation credit issued; and
 - F) Customer contacts received prior to and as a result of disconnection and their given reason for failure to provide access.

Section 280.150 Disconnection of Master-Metered Apartment Buildings

Reference to Governing Statute: The Rental Property Utility Service Act [765 ILCS 735] governs procedures for disconnection of service to accounts affecting master-metered apartment buildings when a landlord or property manager has not paid the utility bill for the master-metered account. These procedures include requirements for a utility to:

- a) Inform tenants of the pending disconnection of their utility service; and

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- b) Set out their remedies, including the right to petition a court for appointment of a receiver to collect rents and remit a portion of the rents to the utility for payment of utility bills.

SUBPART J: MEDICAL CERTIFICATION

Section 280.160 Medical Certification

- a) Intent: The purpose of this Section is to temporarily prohibit disconnection of utility service to a residential customer for at least 60 days in cases of certified medical necessity; and to provide an opportunity for the customer to retire past due amounts by periodic installments under an automatic medical payment arrangement commencing after 30 days.
- b) Certifying Parties: Certification may be made by either a licensed physician or a local board of health.
- c) Method of Certification:
 - 1) Initial certification by phone call is allowed.
 - 2) Written (may be mailed, faxed or delivered electronically) certification must be provided within 7 days after an initial certification by phone call.
- d) Certificate Content:
 - 1) Name and contact information for the certifying party;
 - 2) Service address and name of patient;
 - 3) A statement that the patient resides at the premises in question; and
 - 4) A statement that the disconnection of utility service will aggravate an existing medical emergency or create a medical emergency for the patient.
- e) Certificate Timing:

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- 1) Certificate presentation prior to disconnection entitles a customer to receive a medical payment arrangement term, as described under subsection (i)(1).
 - 2) The certificate may be presented up to 14 days after disconnection, with utility discretion as to whether it shall accept a certificate more than 14 days after disconnection have passed. Certification presented after disconnection entitles a customer to receive a medical payment arrangement term, as described under subsection (i)(2).
- f) Restoration:
- 1) When a valid medical certification is provided to the utility up to 14 days after disconnection, service shall be restored within one day after the provision of certification.
 - 2) The utility shall not treat the disconnected customer as an applicant for service for purposes of restoration under a medical certificate.
- g) Duration of Certificate: The certificate shall protect the account from disconnection for 60 days after the date of certification. If the customer was disconnected prior to certification, the 60 day period shall not begin until the utility restores the customer's service.
- h) Data Collection and Maintenance: The utility shall collect the following data on a monthly basis and maintain the data for two years following its collection. The utility shall make the data available to Commission Staff within 30 days after a request from Staff:
- 1) The total number medical certificates requested and, in instances in which a utility declines to issue a medical certificate, the reason for denial;
 - 2) The total number of medical certificates issued by the utility;
 - 3) The duration, including start and end dates, of the medical certification period (whether the end date is based on payment by the customer or expiration of the 60-day period).

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- i) Medical Payment Arrangement:
- 1) If valid medical certification is received prior to disconnection, the first bill statement that will be due after 30 days after the certification date shall indicate:
 - A) An amount to pay that is equal to $\frac{1}{12}$ th of the total amount owing for utility services by the customer;
 - B) The remaining balance owing for utility services;
 - C) That the customer is on a medical payment arrangement; and
 - D) 11 remaining installments of equal amounts to be paid on future bills.
 - 2) If valid medical certification is received after disconnection, the first bill statement that will be due after 30 days after the certification date shall indicate:
 - A) An amount to pay that is equal to $\frac{1}{4}$ th of the total amount owing for utility services by the customer;
 - B) The remaining balance owing for utility services;
 - C) That the customer is on a medical payment arrangement; and
 - D) Nine remaining installments of equal amounts to be paid on future bills.
 - 3) Valid medical certification shall entitle a customer to an MPA, regardless of the success or failure of previous payment plans of any sort.
- j) New Certification of Previously Certified Accounts: Accounts that received a prior valid medical certificate shall be eligible for new certification any time after either:

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- 1) The total account balance has been brought current; or
- 2) 12 months from the beginning date of the prior certification has passed.

SUBPART K: RECONNECTION

Section 280.170 Timely Reconnection of Service

- a) Intent: This Section provides for the timely reconnection of disconnected customers after they have remedied the reasons for the disconnection or provided valid medical certification.
- b) Timing: Once a disconnected customer remedies the reason for the disconnection or provides a valid medical certificate, the utility shall prioritize reconnection as indicated in this subsection (b). If the utility does not comply with the time limits in this subsection (b), it shall not bill the customer a reconnection charge. If, through no fault of the customer, the utility delays reconnection for two or more calendar days beyond the number of days required in this subsection (b), it shall issue a credit to the customer's account equal to two non-prorated monthly customer charges for that customer. If a disconnection is made in error, the penalty shall be an amount equal to three non-prorated monthly customer charges, in addition to any reconnection fees made for non-timely reconnection.
 - 1) A customer account for which a valid medical certificate has been provided shall receive first priority and be reconnected within one business day after the certification.
 - 2) A customer disconnected in error shall be reconnected within one business day.
 - 3) A disconnected electric, water or sewer customer who remedies the reason for the disconnection, and is not required by the utility to provide information as a new applicant for service, shall be reconnected within four calendar days.

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- 4) A disconnected natural gas customer who remedies the reason for the disconnection, and is not required by the utility to provide information as a new applicant for service, shall be reconnected within seven calendar days.
- c) Exception for Lack of Access: A utility shall not be obliged to conform to the time limits in subsection (b) if it is not allowed access to reconnect the service; provided, however, that the utility must record the date, time of day, utility personnel involved and reason access was not gained. It shall retain the record for two years.
- d) Exception for Disconnection not at the Meter or not at the Normal Place of Disconnection: A utility shall not be obliged to conform to the time limits in subsection (b) if it was forced, by lack of access, to disconnect the service at a location other than the meter or at a place other than the normal place of disconnection if the utility does not normally disconnect service at the meter.
- e) Exception for Damage or Unsafe Condition: A utility shall not be obliged to conform to the time limits of subsection (b) if repair, construction or correction of an unsafe condition is required prior to reconnection of service.
- f) Temporary Exception for Unforeseen Circumstances: A utility that experiences a temporary, unanticipated and not reasonably foreseeable overload of its ability to provide for the timely reconnection of disconnected customers may, upon notice explaining the circumstances to the Commission's Consumer Services Division, temporarily forego the requirements of this Section so long as the utility can demonstrate that it is taking diligent action to remedy the overload.
- g) If service was shut off in error, the utility shall not bill the customer a reconnection charge.

Section 280.180 Reconnection of Former Residential Customers for the Heating Season

- a) *Any former residential customer whose gas or electric service was used to provide or control the primary source of space heating in the dwelling and whose service is disconnected for non-payment of a bill or a deposit from December 1 of the prior winter's heating season through April 1 of the current heating season*

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shall be eligible for reconnection and a deferred payment arrangement under the provisions of this Section. Under this Section, a former residential customer shall also include a former customer who has moved to a new location after the service at the customer's former premises was disconnected. However, it shall be the responsibility of the former customer to notify the utility of his or her need for service at the new premises, and a utility shall not be obliged to search for former customers who have moved for the purpose of subsection (g).

- b) *Limitations: A utility shall not be required to reconnect service to and enter into a deferred payment arrangement with a former customer under the provisions of this Section:*
- 1) *Except between November 1 and April 1 of the current heating season for former customers who do not have applications pending for the program described in Section 6 of the Energy Assistance Act [305 ILCS 20/6], and except between October 1 and April 1 of the current heating season for all former customers who do have applications pending for the program described in Section 6 of the Energy Assistance Act and who provide proof of application with the utility.*
 - 2) *In two consecutive years;*
 - 3) *Unless that former customer has paid at least 33⅓ percent of the amount billed for utility service rendered by that utility subsequent to December 1 of the prior year. A former customer who did not pay the required amount prior to disconnection may establish eligibility by paying the required amount when seeking reconnection under this Section. In addition to calculating the 33⅓ percent the former customer must pay to establish eligibility, the utility shall calculate the amount the customer must pay to enter into a payment agreement. For purpose of simplification, the utility shall inform the customer of the total amount needed for reconnection, including amounts required under subsections (b)(3), (b)(4), (d) and (e). The utility shall accept multiple sources of payment, including but not limited to energy assistance program payments, for purposes of satisfying this requirement.*

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- 4) Until the customer pays the charges associated with the tampering, *in any instance where the utility can show that there has been tampering with the utility's wires, pipes, meters (including locking devices), or other service equipment and further shows that the former customer enjoyed the benefit of utility service in the aforesaid manner.*
- c) DPA: *The terms and conditions of any deferred payment arrangements established by the utility and a former customer shall take into consideration the following factors, based upon information available from current utility records or provided by the former customer:*
 - 1) *The amount past due;*
 - 2) *The former customer's ability to pay;*
 - 3) *The former customer's payment history;*
 - 4) *The reasons for the accumulation of the past due amounts; and*
 - 5) *Any other relevant factors relating to the former customer's circumstances.*
- d) *After the former customer's eligibility has been established in accordance with subsections (a) and (b), and, upon the establishment of a deferred payment agreement, the former customer shall pay $\frac{1}{3}$ of the amount past due (including reconnection charge, if any) and $\frac{1}{3}$ of any deposit required by the utility.*
- e) Reconnection:
 - 1) *Upon payment of the $\frac{1}{3}$ of the amount past due and $\frac{1}{3}$ of any deposit required by the utility, the former customer's service shall be reconnected as soon as possible. The company and the former customer shall agree to a payment schedule for the remaining balances which will reasonably allow the former customer to make the payments on the remainder of the deposit and the past due balance while paying current bills during the winter heating season.*

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- 2) Notwithstanding the requirements of subsection (e)(1), a former customer who demonstrates to the utility, or to the Commission through formal or informal complaint under Sections 280.220 or 280.230, a financial inability to meet the requirement of the $\frac{1}{3}$ of the amount past due and $\frac{1}{3}$ of any deposit requested by the utility shall be reconnected upon paying a reasonable amount and upon entering into a deferred payment agreement
- A) In determining financial inability under this subsection (e)(2), the following factors, among others, shall be considered:
- i) The combined income and financial resources of all persons residing in the former customer's household;
 - ii) The combined living expense of the former customer's household;
 - iii) The former customer's payment history; and
 - iv) The reasons for the accumulation of past due amounts.
- B) A low income customer as defined by this Part shall automatically qualify for financial inability under this subsection (e)(2).
- C) For purposes of this subsection (e)(2), a "reasonable amount" shall be 20 percent of the amount past due and 20 percent of any deposit required by the utility.
- 3) *However, the utility is not obliged to make payment arrangements extending beyond the following November. The utility shall allow the former customer a minimum of four months in which to retire the past due balance and a minimum of three months in which to pay the remainder of the deposit. The former customer shall also be informed that payment on the amounts past due and the deposit, if any, plus the current bills must be paid by the due date or the customer may be subject to disconnection of service.*

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- f) *Any payment agreement made shall be in writing, with a copy provided to the former customer. The renegotiation and reinstatement provisions contained in Sections 280.120 and 280.125 and the budget payment plan provisions of Section 280.80 shall also apply to payment agreements made pursuant to this Section.*
- g) Survey and Notice to Affected Customers:
- 1) *Not later than September 15 of each year, every gas and electric utility shall conduct a survey of all former residential customers whose gas and/or electric service was used to provide or control the primary source of space heating in the dwelling and whose gas and/or electric services was terminated for non-payment of a bill or deposit from December 1 of the previous year to September 15 of that year and where service at that premises has not been restored.*
 - 2) *Not later than October 1 of each year, the utility shall notify each of these former customers that the gas and/or electric service will be restored by the company for the coming heating season if the former customer contacts the utility and makes arrangements to pay the past due balance and any deposit to the utility under the conditions set forth in this Section.*
 - 3) *A utility shall notify the former customer or an adult member of the household by personal visit, telephone contact or mailing of a letter by first class mail to the last known address of that former customer. The utility shall keep records which would indicate the date, form and results of the contact.*
 - 4) Any former customer who meets the eligibility requirements under subsections (a) and (b) shall be eligible for reconnection under this Section, regardless of whether the utility identified the former customer in the survey requirements of this subsection (g) and regardless of whether that former customer received notification under this subsection (g).
- h) Not later than November 20 and May 20 of each year, each gas and electric utility that has former customers affected by this Section shall file a report with the Commission providing statistical data concerning numbers of disconnections and reconnections involving utility service and deposits, and data concerning the

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dollar amounts involved in these transactions. *The Commission shall notify each gas and electric utility prior to August 1 of each year concerning the information which is to be included in the report for the following heating season.*

- i) *In no event shall any actions taken by a utility in compliance with this Section be deemed to abrogate or in any way interfere with the utility's rights to pursue the normal collection processes otherwise available to it. [220 ILCS 5/8-207]*

SUBPART L: UNAUTHORIZED SERVICE USAGE

Section 280.190 Treatment of Illegal Taps

- a) **Intent:** The purpose of this Section is to require the utility to investigate high bills resulting from an abnormal or unexplained increase in consumption alleged by a customer. The utility shall investigate the allegation, to the extent customer-owned facilities are readily visible or accessible, to determine the reason and whether the consumption is caused by an illegal tap or diversion of service.
- b) **Utility Investigation:** When, within 30 days after receipt of a utility's bill, a customer alleges that the level of consumption is unreasonably high, the public utility furnishing natural gas, electricity or water to that customer shall investigate the allegation.
- c) **Notice of Investigation Results:** If, as a result of the investigation, the public utility determines that a tap has been constructed on the pipes and/or wires of the customer, the utility shall attempt to notify the landlord, property owner or his or her agent and instruct that the tap be removed immediately. The customer shall also be provided with notice of the investigation results.
- d) **Disconnection of Service:** This Section shall in no way prohibit a utility from disconnecting service if the utility determines that an unsafe condition exists.
- e) **Utility Determination of Benefitting Party:** The utility shall also attempt to determine the identity of the party benefitting from the tapped service. The following procedures shall apply once the tap has been removed:

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- 1) The customer whose pipes and/or wires had been tapped by a third party shall be billed by the utility according to the newly established usage pattern and/or degree day analysis, whichever is appropriate.
 - 2) If the utility identifies the third party and finds that the third party is currently a customer of the utility on another account, the utility is authorized to bill that third party's account for the excess usage that is not attributable to the customer whose line had been tapped plus all related expenses incurred by the utility.
 - 3) If the utility identifies the third party and finds that the third party is not a customer of the utility, the utility is authorized to bill that third party for the excess usage that is not attributable to the customer whose line had been tapped plus all related expenses incurred by the utility using the procedures established for the billing of unauthorized use of utility service.
 - 4) In cases when the utility cannot determine the identity of the party benefitting from the tap, the utility may assign the dollar amount representing the excess usage and expenses to its bad debt account.
- f) Construction Error: When the diversion of gas, electricity or water is the result of a construction error in the pipes and/or wires that is not the responsibility of the public utility, the accounts of the customers involved may be adjusted according to the newly established usage pattern and/or degree day analysis, whichever is appropriate.
- g) When the customer of record benefitted from, cooperated in or acquiesced to the tap, the utility may collect all related expenses from the customer of record for the services associated with the tap.

Section 280.200 Tampering

- a) Intent: Tampering with utility wires, pipes, meters or other service equipment is prohibited. The intent of this Section is to describe the process by which the utility shall bill the customer for the unauthorized usage when the utility has proof that the customer benefitted from tampering.

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- b) **Proof:** The utility has the burden of proving by a preponderance of the evidence that tampering has occurred with the utility's wires, pipes, meters or other service equipment, that the customer has benefitted from the tampering, and that the utility's billing is reasonable.
- c) **Investigation:** When the utility has reason to suspect that tampering has occurred, it shall investigate without delay.
- d) **Notice to Customer:** Once the utility has full proof of the tampering, it shall report to the customer the details of the investigation.
- e) **Remedy:** As soon as the condition becomes known to the utility, it shall take steps to correct the condition and issue a corrected bill without delay. Pursuant to any tariffed meter tampering charge, before assessing the charge, the utility shall review the situation to determine if the person benefitting from the tampering was responsible either directly or indirectly for the tampering.
- f) **Timing:** If tampering evidence extends to previous customers of record, the current customer shall not have to pay for the portions of the unauthorized usage that are attributable to the previous customers.
- g) **Record Keeping:** The utility shall document and record the evidence that proves the tampering, and it shall save the full evidence proving the tampering for a minimum of three years from the date that the customer is issued a corrected bill for the tampering.

Section 280.205 Non-Residential Tampering

- a) **Intent:** The provisions of Section 280.200 shall apply in cases of non-residential tampering. In addition, this Section shall provide the utility with immediate relief from further unauthorized usage of service by a non-residential customer.
- b) **Disconnection:** When the utility has evidence proving the unauthorized use of non-residential service, it may disconnect service to the tampering customer until:

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- 1) The utility or the customer removes the facilities that allow the customer to use service without paying for it. If the utility must remove the facilities, the customer shall pay the costs associated with the work; and
- 2) The customer pays for the unauthorized usage. The utility shall determine the amount of unauthorized usage and provide a bill to the customer without delay.

Section 280.210 Payment Avoidance by Location

- a) Intent: With the understanding that a utility and its customers must deal in good faith with each other, this Section defines the process by which a utility may protect itself and its ratepayers from persons seeking to use a pattern of action to avoid payment for service used at a specific service location.
- b) Conditions: Payment avoidance by location (PAL) applies only when all the following conditions occur:
 - 1) a utility receives a new application for service at a service location;
 - 2) a former customer who was disconnected for non-payment at the same service location still resides at the service location; and
 - 3) the utility has proof that the new applicant for service also occupied the service location during the time the previous customer's debt accrued.
- c) Exemption: Payment avoidance by location shall not include new owners and/or new tenants at a service location.
- d) Notification of PAL: When a utility can demonstrate with evidence that a pattern of payment avoidance is occurring by a person or persons at a location, in order to invoke the protections of this Section, it shall provide the following notice:
 - 1) The utility shall notify the person of the PAL allegation using the same method of contact by which that person contacted the utility.

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- 2) The utility shall notify the person of the PAL allegation in writing. The written notification may be sent electronically if agreed upon by the utility and the person receiving the notification.
 - 3) The notice shall be sent no later than two business days after the utility's decision to invoke the protections available to it under this Section.
 - 4) The notice shall contain a detailed description of the problem and the facts and evidence that the utility has to support the PAL allegation.
 - 5) The notice shall contain an explanation of the steps that the person must take in order to dispute or remedy the problem.
 - 6) The notice shall contain the toll free number and contact information for the utility and the toll free number and contact information for the Commission's Consumer Services Division.
 - 7) A duplicate copy of the notice shall be sent to the Commission's Consumer Services Division at the same time it is sent to the person.
- e) Deposit: When a utility has proof that PAL is occurring, it may require the applicant to provide a deposit under the following conditions:
- 1) A deposit required under this Section shall be equal to $\frac{1}{3}$ of the estimated annual charges for the premises.
 - 2) The utility may require payment of the deposit in full prior to service.
 - 3) The deposit shall earn interest as described in Section 280.40.
 - 4) The deposit plus interest shall be refunded as described in Section 280.40.
- f) Burden of Proof: It shall be the sole responsibility of the utility to prove with evidence that PAL has occurred. The person accused of PAL shall have the right to the full evidence possessed by the utility and the opportunity to present information to refute the allegations.

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- g) Data Collection and Maintenance: A utility that includes this Section as part of its practices shall collect the following data on a monthly basis and maintain the data for two years following its collection. The utility shall make the data available to Commission Staff within 30 days after a request from Staff:
- 1) The total number of instances in which the utility alleged that PAL occurred;
 - 2) The total number of PAL instances in which the utility denied service;
 - 3) The total number of PAL instances in which the utility required a deposit to begin service;
 - 4) The total number of PAL instances in which the person successfully refuted the utility's evidence of PAL;
 - 5) The total number of PAL instances in which the utility discovered that its evidence was inaccurate; and
 - 6) The total number of PAL instances in which the person remedied the problem by payment of the arrearage accrued for disconnection of the previous customer.

SUBPART M: COMPLAINT PROCEDURES

Section 280.220 Utility Complaint Process

- a) Intent: To provide utilities and customers with the ability to resolve complaints or appeal complaints that cannot be resolved directly between the parties.
- b) Customer Contact: The customer must contact the utility and attempt to resolve the complaint directly with the utility before proceeding to the Commission's informal complaint process. The customer and the utility shall cooperate to resolve the complaint.
- c) Methods of Contact: The utility shall maintain local and/or toll free telephone numbers; a mailing address to receive customer complaints and correspondence;

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and, when the utility has the capability, a means of receiving electronically submitted complaints.

- d) **Availability:** The utility shall maintain regular business hours and staffing to answer all customer inquiries and complaints.
- e) **Complaint Response Timeline:** The utility shall respond to complaints within 14 days after their receipt, with exceptions in which both the customer and the utility agree to an extension or in which the utility can demonstrate to the customer that more time is required by circumstances beyond its control.
- f) **Customer Payment During Complaint:** If the complaint involves a dispute over the amount billed:
 - 1) The customer shall pay the undisputed portion of the bill or an amount equal to last year's bill at the location for the same period normalized for weather;
 - 2) The utility shall confirm the disputed portion and the amount to be paid by the customer; and
 - 3) The utility shall note and set aside the disputed amount in its records for the account.
- g) **Late Fees:**
 - 1) No late fees may be assessed on any amount in dispute while the complaint remains unresolved.
 - 2) No late fees may be assessed on a previously disputed amount so long as the customer pays the previously disputed amount within 14 days after the resolution of the complaint and so long as the complaint was made to the utility before the disputed amount became past due.
- h) **Third Party Services and Billing:** If the customer's complaint involves a service or good provided by a party other than the utility and the third party uses the utility for billing purposes, then the utility shall make a record in its files of the

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complaint and advise the customer how to contact the third party. The utility shall refrain from applying a customer's payment towards any amount in dispute with a third party on the bill until the complaint involving that portion of the bill has been resolved.

- i) Appeal to Supervisor:
 - 1) If the customer requests a referral to a supervisor, the utility personnel shall note the account and make the referral the same day.
 - 2) The supervisory personnel must respond to the customer without delay, and priority shall be given:
 - A) First to customer accounts that are disconnected or when a health or safety concern has been raised by the customer;
 - B) Second to customer accounts in jeopardy of disconnection; and
 - C) Third to all other supervisory referrals.
- j) All customer complaints must be assigned a complaint number that shall be retained by the utility for two years.
- k) Prohibition Against Disconnection: The utility shall not disconnect a customer's utility service during the pendency of a complaint for any amount or reason that is the subject of the complaint. However, nothing shall prevent the utility from disconnecting service for reasons of safety or cooperation with civil authorities.
- l) Appeal to Commission Complaint Process: Once a final answer is provided to the customer, and, if the customer indicates non-acceptance of the response:
 - 1) The utility shall advise the customer of the right to appeal the utility's answer to the Commission's Consumer Services Division for an informal complaint;
 - 2) The utility shall provide the customer with the contact information for the Commission's Consumer Services Division; and

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- 3) In the case of a pending disconnection, the utility shall refrain from disconnection for at least three business days to allow the customer to contact the Commission's Consumer Services Division.

Section 280.230 Commission Complaint Process

- a) Intent: This Section provides utilities and customers with a process through the Commission's Consumer Services Division that allows the parties to settle a dispute without litigation; or to appeal an ongoing conflict that cannot be resolved informally to the Commission's formal complaint process.
- b) Intake of Complaints by the Commission's Consumer Services Division:
 - 1) Telephone or in person: The Consumer Services Division shall perform a customer interview and draft an informal complaint, including a description of the dispute and the relief sought. Telephone or in person informal complaints may also be taken from the customer's designated representative.
 - 2) Writing: The customer or the customer's designated representative may submit informal complaints in writing, either electronically or through traditional mail or fax (if available), to the Consumer Services Division.
- c) Presentation of the Complaint to the Utility:
 - 1) Except as noted in subsection (c)(2), the complaint shall be submitted by the Consumer Services Division to the utility in writing and shall contain as much of the following information as is available: the customer's name, service address, mailing address if different from service address, phone number, account number, any alternative contact information; a description of the complaint; and the relief being sought by the customer.
 - 2) If all the parties agree, the written informal complaint process may be waived, and the Consumer Services Division may work to resolve the complaint by immediate direct contact between the parties at the time the customer initiates the informal complaint.

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- d) Timeline to Answer:
 - 1) The utility shall answer the informal complaint within 14 days.
 - 2) The Consumer Services Division shall mark as "urgent" those informal complaints that should be handled by the responding party on a priority basis.
- e) Extensions: By contact with the Consumer Services Division prior to the lapse of the 14 day response period, the utility may seek to extend the timeline for a response. Consumer Services Division Staff shall decide whether to grant the extension.
- f) Utility Answer to the Informal Complaint:
 - 1) Except when the parties agree to a non-written response, the utility's answer to the Consumer Services Division shall be made in writing and shall contain:
 - A) A detailed description of the utility's position on the complaint, including the reasons for taking the position;
 - B) If applicable, a reference to the section of the tariff, rule or law that supports the utility's position;
 - C) A description of any interaction between the utility and the customer in answering the informal complaint.
 - D) The amount of any adjustments to the customer's bill;
 - E) The results of any tests performed on the equipment serving the customer; and
 - F) Any additional information requested by the Commission Staff.

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- 2) Review of answer with customer: After receipt of the utility response, the Consumer Services Division shall have 14 days to contact the customer to review the results of the informal complaint.
 - 3) Ongoing dialogue/negotiations: Upon agreement of the customer and the utility, further discussion may occur between the parties after the response to the informal complaint.
- g) Prohibition on Disconnection: The utility shall refrain from disconnecting a customer during an informal or formal complaint for any amount or reason that is the subject of the informal or formal complaint. However, nothing shall prevent the utility from disconnecting service for reasons of safety or cooperation with civil authorities.
- h) Right to Appeal:
- 1) Except in situations in which to do so would cause the statute of limitations for filing a formal complaint to expire, any customer with a dispute arising under the jurisdiction of this Part shall first use the informal complaint process before proceeding with a formal complaint.
 - 2) If the customer expresses non-acceptance of the response to the informal complaint, and further dialogue cannot secure an agreement, the Consumer Services Division shall advise the complainant of the right to escalate the informal complaint to the Commission's formal complaint process.
 - 3) If the utility fails to respond to the informal complaint within 14 days, the customer may file a formal complaint in accordance with the Commission's Rules of Practice (83 Ill. Adm. Code 200).
 - 4) Upon a customer's request for escalation to a formal complaint, the Consumer Services Division shall provide notice to the utility of the customer's intent to escalate the complaint.
 - 5) Upon notice from Consumer Services Division of the customer's intent to file a formal complaint, the utility shall provide a minimum of 10 business

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days for the customer to file the formal complaint without disconnection of service. Nothing, however, shall prevent the utility from disconnecting service for reasons of safety or compliance with civil authorities.

- i) Timeline to File a Formal Complaint to Seek Refund:
 - 1) Excessive or unjust charges: *All complaints for the recovery of damages shall be filed with the Commission within 2 years from the time the produce, commodity or service as to which complaint is made was furnished or performed.* [220 ILCS 5/9-252]
 - 2) Refunds for overcharges: *When a customer pays a bill as submitted by a public utility and the billing is later found to be incorrect due to an error either in charging more than the published rate or in measuring the quantity or volume of service provided, the utility shall refund the overcharge with interest from the date of overpayment at the legal rate or at a rate prescribed by the Commission. Refunds and interest for such overcharges may be paid by the utility without the need for a hearing and order of the Commission. Any complaint relating to an incorrect billing must be filed with the Commission no more than 2 years after the date the customer first has knowledge of the incorrect billing.* [220 ILCS 5/9-252.1]

SUBPART N: INFORMATION

Section 280.240 Public Notice of Commission Rules

Each utility shall provide notice to customers of the availability of Commission rules. Notice substantially in the form shown in Appendix C shall be posted on any utility web site and written notice shall be provided to customers annually. The notice to customers may be in the form of a bill message in which customers will be provided the opportunity to obtain copies of the Commission's rules upon request or by accessing the utility's website.

Section 280.250 Second Language Requirements

When there is a demonstrated need for second language notices in the service area of any utility, notices as set out in Appendices A and B sent to customers located within the area should

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contain the following warning in the appropriate second language: "Important – This notice affects your rights and obligations and should be translated immediately."

Section 280.260 Customer Information Packet

- a) Intent: The utility shall develop customer information material and provide the material to customers without additional charge.
- b) Content:
 - 1) Description of the services provided; and
 - 2) Customer rights and responsibilities under this Part, including, at a minimum:
 - A) A brief description of billing information such as frequency of billing, due dates, and electronic billing and other billing options;
 - B) A description of the estimated bill process;
 - C) Payment options, including budget payment plan and deferred payment arrangements;
 - D) Payment methods and locations;
 - E) Late fees;
 - F) Deposit requirements;
 - G) Disconnection and reconnection procedures;
 - H) Utility dispute procedures and escalation procedures if a dispute is not resolved;
 - I) Contact information for the utility;

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- J) Commission's Consumer Services Division's informal complaint procedures;
 - K) Contact information for the Commission's Consumer Services Division;
 - L) A statement that the Commission's rules apply to service standards and reliability;
 - M) Notice of the availability of the Commission's rules; and
 - N) That special rights are available to low income customers, and how to qualify for low income customer status.
- c) Distribution:
- 1) Written copy sent or delivered to all new customers;
 - 2) Written copy sent or delivered to customers upon request;
 - 3) Material available on any utility web site; and
 - 4) Notice that the material is available free of charge and instructions on obtaining material sent to all customers annually.
- d) Filing with Commission: The material shall be kept current and a current copy shall be filed with the Manager of the Consumer Services Division. Any changes in the material shall be presented to the Manager of the Consumer Services Division at least 45 days prior to being made available to customers.

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Section 280.APPENDIX A Disconnection Notice

Disconnection notices sent to customers shall be in red and substantially in the following form:

Issuance date:

Effective date:

Utility name

Customer name and address

Utility contact information

Customer account number

URGENT!**This is a DISCONNECTION NOTICE!**

Your utility service is in danger of disconnection because (reason for notice here, including past due amounts for which the service may be disconnected).

In order to stop disconnection, you must (detailed description of what customer must do in order to avoid disconnection; in lieu of detailed steps, utility may offer contact info where customer can immediately access complaint handling utility personnel). If you have recently paid, please contact us to confirm that the service will not be disconnected.

You can be shut off on or after (effective date), and you can still be shut off until (date notice expires) or we send you a new notice to replace this one.

Residential customers have certain rights regarding this notice, including the right to a deferred payment arrangement and the potential to stop disconnection for 60 days and start a medical payment arrangement if a doctor of local board of health contacts us directly on behalf of a patient living in your household. Please see the reverse side of this notice for further details of your rights.

You will lose many of your rights if you wait to do something until after disconnection.

If you have questions or concerns about this notice, please contact us immediately at: (utility contact information).

If we are unable to assist you, you have a right to contact and review your rights with the government agency that regulates us:

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The Illinois Commerce Commission's Consumer Services Division can be reached at

1-800-524-0795 (TTY 1-800-858-9277).

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Section 280.APPENDIX B Customer Rights

(Appearing on the reverse side of disconnection notices sent to residential customers)

Your rights and responsibilities regarding this notice:

Payment methods: (utility shall list available means or provide way to obtain available options).

Deferred Payment Arrangement (DPA): You may be eligible for a payment plan known as a DPA in order to prevent disconnection unless you failed to complete a previous DPA in the past 12 months. Please contact us at (contact info) to ask about payment options to avoid disconnection.

Reinstatement: You can reinstate a previous DPA that defaulted by catching up with all the payments that were due up to now. We may charge you a reinstatement fee unless this is your first time reinstating the DPA.

Renegotiation: If lose or change income, you may be able to renegotiate your DPA.

Financial Aid: Help with utility bills may be found in the Low Income Home Energy Assistance Program (LIHEAP). Along with the aid, LIHEAP qualification gives you extra rights. Contact LIHEAP at (current LIHEAP contact info). We may know of other aid available. To find out, contact us at (utility contact info).

Medical Certification: If you haven't used a medical certificate in the past 12 months or you paid off a previous medical certificate, a medical certificate from a doctor or local board of health can stop disconnection for 60 days or have service restored as long as they contact us within 14 days after shut off. The medical certificate must contain:

- 1) **Name and contact information for the doctor or board of health;**
- 2) **Your service address and the name of the patient;**
- 3) **A statement that the patient lives at the address; and**
- 4) **A statement that disconnection of utility service will aggravate an existing medical emergency or create a medical emergency for the patient.**

The doctor or local board of health can call us to certify, but they must provide a written medical certificate with the above information within 5 days after calling. The medical certificate also

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puts you on a **medical payment arrangement** to pay off the bill over time. **The term of the payment plan will be better if we receive the certificate before your service is disconnected.**

Active Duty Military: If someone living with you is on active U.S. military duty, State law offers certain protections for your electricity and natural gas service. Please contact us if someone in your household is on active duty.

Deposits: We can demand a deposit from you if we shut you off or if you pay late 4 times and carry a past due balance older than 30 days at any time in a 12 month period. The deposit will be about twice the size of your average bill, and you can pay it in 3 installments. You can be disconnected for not paying a deposit.

Reconnection: If we shut you off, your service will be restored when you pay in full or take care of the problem if we shut you off for something other than a bill or deposit. You may be required to pay a reconnection fee.

Complaints: If you have a complaint or problem with us, do not wait until after we shut you off to try to take care of it! If you contact us to try to take care of a problem, we must try to work with you to resolve or explain the problem. If we can't help you, you can contact the Illinois Commerce Commission's Consumer Services Division at: 1-800-524-0795 (TTY 1-800-858-9277). Before calling the ICC, you must try to work things out with us first. Please call us at (utility contact info).

Regulations: You can review the main set of rules that affect you at <http://www.ilga.gov/commission/jcar/admincode/083/08300280sections.html>.

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Section 280.APPENDIX C Public NoticeRULES PERTAINING TO ELIGIBILITY FOR SERVICE, DEPOSITS, BILLING, PAYMENT,
REFUNDS AND DISCONNECTION OF SERVICE

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83 Ill. Adm. Code 280

Part 280, the rules and regulations of the Illinois Commerce Commission prescribing procedures governing eligibility for service, deposits, billing, payment, refunds and disconnection of service, is on file in the Commission offices and open to public inspection.

Copies of Part 280 in the Spanish language are available for inspection at the offices and online.

Any employee will direct you to the place where you may inspect a copy of Part 280 and will direct you to personnel assigned the duty of providing information about Part 280.

Copies of Part 280 may also be reviewed and/or obtained at the Commission's offices at 160 North LaSalle Street, Suite C-800, Chicago, Illinois 60601 or 527 East Capitol Avenue, Springfield, Illinois 62701 or at <http://www.ilga.gov/commission/jcar/admincode/083/08300280sections.html>.

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Section 280.APPENDIX D Disconnection Notice Insert for Residential Gas and Electric Customers

Disconnection notices sent to residential gas and electric customers shall include an insert in substantially the following form:

IF YOU CANNOT PAY YOUR ENTIRE BILL NOW

READ THIS NOTICE ABOUT MAKING
ARRANGEMENTS TO PAY OVER TIME

What can I do if I cannot pay my entire bill now?

If you are a residential customer of a public utility and owe for past due service, you may have the chance to make an arrangement with the company to pay over time and avoid disconnection of your utility service.

These arrangements to pay over time are called "deferred payment arrangements" or "**DPAs.**" A DPA will allow you to make a down payment towards the amount you owe and then make monthly payments at the same time as your regular bill payments in order to pay off the past due balance. **You must contact the utility in order to see if you can make a DPA and protect your account from disconnection.**

How much will my down payment be?

From April 1 through November 30, the utility may require 25% of the amount past due, unless you have qualified for Low Income Home Energy Assistance (LIHEAP).

LIHEAP qualified customers may be required to pay 20% of the amount past due.

From December 1 through March 31, the utility may require 10% of the amount past due to put you on a special **Winter DPA.**

How will the utility and I figure out how much I will pay each month on the DPA?

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The total number of installments that you will pay will dictate how much each equal installment will be. The utility will consider the following in choosing how many installments to allow you:

1. how much you owe,
2. your ability to pay,
3. your payment history with the utility,
4. the reasons the amount became past due,
5. if you are LIHEAP qualified, and
6. any other factors that relate to the situation.

From April 1 through November 30, the utility will allow from 4 to 12 months of installments, unless you are LIHEAP qualified.

From April 1 through November 30, LIHEAP qualified customers are allowed 6 to 12 months of installments.

From December 1 through March 31, the utility must allow between a minimum of 4 monthly installments and a maximum number of installments that should not last past the coming November on its Winter DPA program.

Do I have to pay my regular bills in addition to the installments?

Yes. The DPA will default if you don't pay on time or if you don't pay both the full amount of the installment and the full amount of the current bill. Your bill will tell you the total amount to pay each month in order to keep the DPA going.

Can I be on a Budget Payment Plan at the same time as the DPA?

Yes. In fact, by averaging the yearly cost of your bills, this may be a good way to help you plan how much you will likely have to pay each month. Ask us about our Budget Payment Plan.

What happens if my DPA defaults?

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If you default either by paying late or failing to pay the full installment and current charges, then your account can be subject to disconnection again after we send you notice.

Can I get back on the DPA after default?

Yes. As long as you have not been disconnected, by paying the total amount of the installments and current charges that are due up to the current date, you can reinstate the DPA. **Reinstatement** puts you back on the arrangements you originally made. We may charge you a **reinstatement fee** if you have to reinstate the DPA more than once.

What if my economic situation changes and I cannot afford the original DPA?

Renegotiation allows you to extend your original DPA for a longer term. In order to renegotiate your DPA, you must:

1. not currently be in default on the DPA,
2. have made at least the down payment to get on the DPA, and
3. be willing to discuss the change in your economic situation with us.

How many DPAs can one account have?

As long as your service is still on, you qualify for a DPA any time after you either:

1. complete the last DPA you had, or
2. 12 months have passed since you failed to complete the last DPA you had.

From December 1 through March 31, if your service is used to heat or control the source of heat in your home, then you can get on a Winter DPA for a 10% down payment as long as your service is still on. Heating customers qualify for a Winter DPA whether or not they successfully completed their last DPA.

How soon should I call about a DPA?

Call right away. Do not wait. If your service is shut off, you may not be able to get back on without paying everything you owe us past due. Even if you think you may not qualify for a DPA, please call to see if something can be worked out.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency is updating definitions for "Commencement of Construction" and "Construction" to meet compatibility requirements with the U.S. NRC (76 FR 56951; RATS ID# 2011-2). The U.S. NRC has reviewed this amendment and determined that it meets the compatibility requirement. These definitions were added to Section 310.20 and previous definitions were deleted in 32 Ill. Adm. Code 330, 332 and 346.
- 16) Information and questions regarding this adopted rule shall be directed to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

The full text of the Adopted Amendment begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 310

GENERAL PROVISIONS FOR RADIATION PROTECTION

Section

310.10	Scope
310.15	Incorporations by Reference
310.20	Definitions
310.30	Exemptions
310.40	Records
310.50	Inspections
310.60	Tests
310.70	Additional Requirements
310.74	Cost Assessment
310.75	Emergency Response Cost Recovery
310.78	Deliberate Misconduct
310.80	Violations
310.81	Policy for Assessment of Civil Penalties
310.82	Procedures for Assessment of Civil Penalties
310.90	Impounding
310.100	Prohibited Uses
310.110	Communications
310.120	Plans and Specifications
310.130	The International System of Units (SI) (Repealed)
310.140	Units of Exposure and Radiation Dose
310.150	Units of Activity
310.APPENDIX A	Transport Grouping of Radionuclides (Repealed)
310.APPENDIX B	Tests for Special Form Licensed Material (Repealed)
310.APPENDIX C	Penalty Assessment Worksheet (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 15657; amended at 10 Ill. Reg. 17259, effective September 25, 1986; amended at 15 Ill. Reg. 10604, effective July 15, 1991; amended at 17 Ill. Reg. 18472, effective January 1, 1994; amended at 20 Ill. Reg. 15978, effective December 9, 1996; amended at 23 Ill. Reg. 14454, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20748, effective December 16, 2005; amended at 31 Ill. Reg. 11573, effective July 26, 2007; amended at 35 Ill. Reg. 2908, effective February 7, 2011; amended at 38 Ill. Reg. 21428, effective October 31, 2014

Section 310.20 Definitions

As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the following terms have the definitions set forth in this Section. Additional definitions used only in a certain Part will be found in that Part.

"Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

"Accelerator" or "particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Activity" means the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the Becquerel (Bq) and the curie (Ci).

"Adult" means an individual 18 or more years of age.

"Agency" means the Illinois Emergency Management Agency.

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"Agreement State" means any state with which the U. S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954, as amended (42 USC 2021(b) et seq.).

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors or gases.

"Airborne radioactivity area" means any room, enclosure or operating area in which airborne radioactive material, composed wholly or partly of licensed material, exists in concentrations:

in excess of the derived air concentrations (DACs) specified in appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007, exclusive of subsequent amendments or editions; or

to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

"Annually" means at intervals not to exceed 1 year.

"As low as is reasonably achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Background radiation" means radiation from cosmic sources, naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from

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the testing of nuclear explosive devices, or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. Background radiation does not include radiation from radioactive materials regulated by the Agency.

"Becquerel" or "Bq" means the SI unit of activity. One becquerel (Bq) is equal to 1 disintegration (transformation) per second (dps or tps).

"Bioassay" or "radiobioassay" means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

"Brachytherapy" means a method of radiation therapy in which sealed sources are used to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, intraluminal or interstitial application.

"Brachytherapy source" means a radioactive source, a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

"By-product material" means:

any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material;

the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes;

any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity;

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any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in commercial, medical, or research activity before, on, or after August 8, 2005, and which the U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source or radium-226. [420 ILCS 40/4(a-5)]

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him for determining calendar quarters except at the beginning of a year.

"Calibration" means the determination of:

the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or

the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboic acid, and glucinic acid).

"Collective dose" means the sum of the individual doses received in a given

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period of time by a specified population from exposure to a specified source of radiation.

"Commencement of construction" means, except as specified in 32 Ill. Adm. Code 601.20, taking any action defined as "construction" or any other activity at the site of a facility subject to this Part that has a reasonable nexus to radiological health and safety.

"Committed dose equivalent" or " $H_{T,50}$ " means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" or $H_{E,50}$ means the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum w_T H_{T,50}$).

"Construction" means the installation of foundations or in-place assembly, erection, fabrication or testing for any structure, system, or component of a facility or activity subject to this Part that is related to radiological safety or security. The term "construction" does not include:

changes for temporary use of the land for public recreational purposes;

site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;

preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion control and other environmental mitigation measures, and construction of temporary roads and borrow areas;

erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this Part;

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excavation;

erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;

building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities and transmission lines);

procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or

taking any other action that has no reasonable nexus to radiological health and safety.

"Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

"Curie" means a unit of quantity of radioactivity. One Curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} disintegrations (transformations) per second (dps or tps).

"Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of property for unrestricted use and termination of the license.

"Declared pregnant woman" means any woman who has voluntarily informed the licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

"Dedicated check source" means a radioactive source that is used to assure the constant operation of a radiation detection or measurement device over several months or years.

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"Deep dose equivalent" or " H_d " means the dose equivalent at a tissue depth of 1 centimeter (1000 milligrams per square centimeter) from external whole-body exposure.

"Densitometer" means a device that is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

"Director" means the Director of the Illinois Emergency Management Agency.

"Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical or research activities.

"Distinguishable from background" means the detectable radioactivity is statistically different from background in the vicinity of the site, or, in the case of structures, in similar materials using adequate measurement technology, survey and statistical techniques.

"Dose" or "radiation dose" means either absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent or total effective dose equivalent.

"Dose equivalent" or " H_T " means the product of the absorbed dose in tissue, quality factor and all other necessary modifying factors (e.g., a distribution factor for non-uniform deposition) at the location of interest. The units of dose equivalent are the sievert (Sv) and the rem.

"Dose limits" or "limits" means the permissible upper bounds of radiation doses established by, or in accordance with, 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

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"Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to such devices.

"Effective dose equivalent" or " H_E " means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (W_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum W_T H_T$).

"Embryo/fetus" means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

"Exposure" means:

the quotient of dQ divided by dm where " dQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " dm " are completely stopped in air. (See Section 310.140 for SI unit coulomb per kilogram (C/kg) and the special unit roentgen (R).); or

irradiation by ionizing radiation or radioactive material.

AGENCY NOTE: The context makes clear which is the appropriate definition.

"Exposure rate" means the exposure per unit of time, such as roentgen per minute (R/min) and milliroentgen per hour (mR/h).

"External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

"Extremity" means a hand, elbow, arm below the elbow, foot, knee and leg below the knee.

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"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Gray" or "Gy" means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (J/kg) (100 rad).

"Healing arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

"High radiation area" means any area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

"Human use" means the internal or external administration of radiation or radioactive materials to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

Dose equivalent by the use of individual monitoring devices or by the use of survey data; or

Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed (i.e., DAC-hours). (For the definition of DAC-hours, see 32 Ill. Adm. Code 340.30.)

"Individual monitoring devices" (personnel dosimeter or dosimeter) means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges,

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thermoluminescence dosimeters (TLDs), optically stimulated luminescence dosimeters (OSLs), pocket ionization chambers, personal air sampling devices and electronic dosimeters (e.g., silicon diode dosimeters).

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Agency.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"License" means any license issued by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensed material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Agency.

"Licensee" means any person who is licensed by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensing State" means any state which has been provisionally or finally designated as such by the Conference of Radiation Control Program Directors, Inc., which reviews state regulations to establish equivalency with the Suggested State Regulations and ascertains whether a state has an effective program for control of naturally occurring or accelerator-produced radioactive material (NARM). The Conference will designate as licensing states those states with regulations for control of radiation relating to, and an effective program for the regulatory control of, NARM.

"Lost or missing source of radiation" means any licensed or registered source of radiation whose location is unknown. This definition includes, but is not limited to, radioactive material that has been shipped but has not reached its planned

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destination and whose location cannot be readily traced in the transportation system.

"Major processor" means a person, other than medical programs, universities, industrial radiography services, or wireline service operations, who is licensed to process, handle, or manufacture radioactive material as unsealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20, published at 60 Fed. Reg. 20186, April 25, 1995, exclusive of subsequent amendments or editions, by a factor of at least 10^3 , or radioactive material as sealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20 by a factor of at least 10^{10} .

"Member of the public" means any individual, except an individual who is performing assigned duties for the licensee or registrant involving exposure to sources of radiation.

"Minor" means an individual less than 18 years of age.

"Monitoring" or "radiation monitoring" or "radiation protection monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct, source or special nuclear material.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Nuclear Regulatory Commission" or "NRC" means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released as authorized by the Agency, from voluntary participation in

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medical research programs, or as a member of the public.

"Operator" means an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation. [420 ILCS 40/4(d-7)]

"Package" means the packaging, together with its radioactive contents, as presented for transport.

"Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 32 Ill. Adm. Code 341. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding and devices for cooling or absorbing mechanical shocks. The vehicle, tie down system and auxiliary equipment may be designated as part of the packaging.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV). For purposes of this definition, "accelerator" is an equivalent term.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law. [420 ILCS 40/4(e)]

"Personnel monitoring equipment" (see "Individual monitoring devices").

"PET" means positron emission tomography.

"Pharmacist" means an individual licensed by the State pursuant to the Pharmacy

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Practice Act of 1987 [225 ILCS 85] to compound and dispense drugs, prescriptions, and poisons.

"Physician" means an individual licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25] or the Podiatric Medical Practice Act of 1987 [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure.

"Positron emission tomography radionuclide production facility" means a facility operating a particle accelerator for the purpose of producing PET radionuclides.

"Protective apron" means any apron made of radiation attenuating materials, at least 0.25 millimeter lead equivalent, that may be used to reduce exposure to radiation.

"Qualified engineering expert" means any person qualified under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and/or any required combination thereof.

"Quality factor" or "Q" means the modifying factor (listed in Section 310.140, Tables 1 and 2) that is used to derive dose equivalent from absorbed dose.

"Quarterly" means at intervals not to exceed 3 months.

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg) (0.01 Gy).

"Radiation" or "ionizing radiation" means *gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves, or visible infrared or ultraviolet light.* [420 ILCS 40/4(f)]

"Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in 1 hour at 30 centimeters from the source of radiation or from

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any surface that the radiation penetrates.

"Radiation dose" (see "Dose").

"Radiation emergency" means *the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare and safety.* [420 ILCS 40/4(f-5)]

"Radiation Installation" *is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed or used for any purpose* [420 ILCS 40/4(g)], except where such radioactive materials or facility are subject to regulation by the NRC.

"Radiation machine" means *any device that produces radiation when in use* [420 ILCS 40/4(h)], except those that produce radiation only from radioactive materials.

"Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned that responsibility by the licensee or registrant.

"Radioactive material" means *any solid, liquid, or gaseous substance which emits radiation spontaneously.* [420 ILCS 40/4(i)] It includes material defined as "byproduct material" in the Act.

"Radioactivity" means the disintegration (transformation) of unstable atomic nuclei by the emission of radiation.

"Radiobioassay" (see "Bioassay").

"Registrant" means any person who is registered with the Agency and is legally obligated to register with the Agency pursuant to the Radiation Protection Act of 1990 [420 ILCS 40] and 32 Ill. Adm. Code 320.10.

"Registration" means registration with the Agency in accordance with 32 Ill. Adm. Code 320.10.

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"Regulations of the U.S. Department of Transportation" or "regulations of USDOT" means the regulations in 49 CFR 100-189, revised October 1, 2008, exclusive of subsequent amendments or editions.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

"Research and development" means:

theoretical analysis, exploration, or experimentation; or

the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Residual radioactivity" means radioactivity in structures, materials, soils, groundwater and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 32 Ill. Adm. Code 340 or the equivalent provisions of 10 CFR 20.

"Restricted area" means any area access to which is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to sources of radiation. Restricted area shall not include areas used for residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58×10^{-4} coulombs per kilogram (C/kg). (See "Exposure" and Section 310.140.)

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"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

"Sealed source and device registry" means the national registry that contains all the registration certificates generated by the Agency, U.S. Nuclear Regulatory Commission or an Agreement State that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.

"Sensitometer" means a device that is used to test the setup and stability of film processing procedures and equipment by providing a standard pattern of light exposure of x-ray film.

"Shallow dose equivalent" or "H_s", which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 milligrams per square centimeter).

"SI" means the abbreviation for the International System of Units.

"Sievert" or "Sv" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form; or

ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium or any combination thereof.

Source material does not include special nuclear material.

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

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"Special form radioactive material" means radioactive material that satisfies the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

It satisfies the test requirements specified in 10 CFR 71.75 and 71.77, published at 60 Fed. Reg. 50264, September 28, 1995, exclusive of subsequent amendments or editions, except that special form radioactive material designed or constructed prior to July 1, 1985 need only meet the requirements of 10 CFR 71.75 and 71.77 in effect on June 30, 1983.

"Special nuclear material" means:

plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Agency declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or

any material artificially enriched by any of the foregoing, but does not include source material. [420 ILCS 40/4(1)]

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them, except source material, in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed one. For example, the following quantities in combination would not exceed the limitation and are within the

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formula:

$$\frac{175 (\text{grams contained U - 235})}{350} + \frac{50 (\text{grams U - 233})}{200} + \frac{50 (\text{grams Pu})}{200} = 1$$

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. Such an evaluation includes, but is not limited to, measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

"Test" means the process of verifying compliance with an applicable regulation.

"Total effective dose equivalent" or "TEDE" means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

"Total organ dose equivalent" or "TODE" means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in 32 Ill. Adm. Code 340.1160(a)(6).

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating or refining.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters.
AGENCY NOTE: Licensees or registrants may control access to certain areas for purposes other than radiation protection, but such action does not affect whether the areas are unrestricted areas as defined in this Part.

"Uranium fuel cycle" means the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste

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disposal sites, transportation of radioactive material in support of these operations and the reuse of recovered non-uranium special nuclear and byproduct materials from the cycle.

"U.S. Department of Energy" means the agency created by the Department of Energy Organization Act (established by P.L. 95-91, 91 Stat. 565, 42 USC 7101 et seq.), to the extent that the Department of Energy, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (P.L. 93-438, 88 Stat. 1233 at 1237, 42 USC 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (P.L. 95-91, 91 Stat. 565 at 577-578, 42 USC 7151).

"Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.

AGENCY NOTE: For very high doses received at high dose rates, units of absorbed dose (e.g., gray and rad) are appropriate rather than units of dose equivalent (e.g., sievert and rem).

"Waste" means those low-level radioactive wastes containing source, special nuclear or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 4(a-5)(2) of the Act.

"Waste handling licensee" means a person licensed by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to receive radioactive wastes for storage or treatment, or both storage and treatment, prior to disposal as well as any person licensed to receive radioactive waste for disposal away from the point of generation.

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"Week" means 7 consecutive days starting on Sunday.

"Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow or legs above the knee.

"Worker" means any individual engaged in work under a license or registration issued by the Agency and controlled by a licensee or registrant, but does not include the licensee or registrant.

"Working level" or "WL" means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are for radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212 and polonium-212.

"Working level month" or "WLM" means an exposure to 1 working level (WL) for 170 hours. (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.)

"Year" means the period of time beginning in January used to determine compliance with the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the decision to make the change is made not later than December 31 of the previous year. If a licensee or registrant changes a year, the licensee or registrant shall assure that no day is omitted or duplicated in consecutive years.

(Source: Amended at 38 Ill. Reg. 21428, effective October 31, 2014)

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- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3) Section Number: 330.250 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- 5) Effective Date of Rule: October 31, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 10752; May 23, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:
 1. The last sentence of Section 330.250(b)(1) was changed to "If the Agency, after considering the environmental, economic, technical and other benefits in comparison with the environmental costs and available alternatives, concludes that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values, it shall issue the license;".
 2. In the first sentence of Section 330.250(b)(2), "prior to such conclusion" was changed to "prior to the Agency reaching the conclusion required by subsection (b)(1)".

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3. The following sentence was added to the end of Section 330.250(b)(2): "As used in this subsection (b), "commencement of construction" is defined in 32 Ill. Adm. Code 310.20."
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency is updating definitions for "Commencement of Construction" and "Construction" to meet compatibility requirements with the U.S. NRC (76 FR 56951; RATS ID# 2011-2). The U.S. NRC has reviewed this amendment and determined that it meets the compatibility requirement. The definition in 32 Ill. Adm. Code 332.250(b)(2) was moved to 32 Ill. Adm. Code 310.20 and updated.
- 16) Information and questions regarding this adopted rule shall be directed to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

The full text of the Adopted Amendment begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses

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330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use
330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

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AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013; amended at 38 Ill. Reg. 21451, effective October 31, 2014.

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.250 General Requirements for the Issuance of Specific Licenses

- a) A license application or a request for an amendment to an existing license will be approved only if the Agency determines that:
 - 1) The applicant's Radiation Safety Officer and authorized users are qualified by reason of training and experience to use the material in question for the purpose requested in such a manner as to minimize danger to health and safety or property;
 - 2) The applicant's proposed equipment, facilities and procedures are adequate to minimize danger to health and safety or property;
 - 3) The issuance of the license will not be inimical to the health and safety of

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the public; and

- 4) The applicant satisfies any applicable special requirements in 32 Ill. Adm. Code: Chapter II, Subchapters b and d.
- b) Environmental Report, Commencement of Construction
- 1) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of any other activity the Agency determines will significantly affect the quality of the environment, a license application shall be reviewed and approved by the Agency before commencement of construction of the plant or facility in which the activity will be conducted. ~~If issuance of the license shall be based upon a consideration by the Agency, after considering~~ of the environmental, economic, technical and other benefits in comparison with the environmental costs and available alternatives, ~~concludes and a determination~~ that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values, it shall issue the license;
 - 2) Commencement of construction prior to ~~the Agency reaching the such~~ conclusion required by subsection (b)(1) shall be grounds for denial of a license to receive and possess radioactive material in ~~the such~~ plant or facility. As used in this subsection (b), "commencement of construction" is defined in 32 Ill. Adm. Code 310.20. As used in this subsection (b) the term "commencement of construction" means any clearing of land, excavation or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.
- c) Licensees must satisfy applicable financial assurance requirements specified in 32 Ill. Adm. Code 326.
- d) Long-Term Care Requirements

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- 1) A license application will be approved only if the Agency determines that a long-term care fund for monitoring and maintenance has been established by the waste handling applicant prior to the issuance of the license; or
- 2) The waste handling applicants may choose, at the time of the licensure, to provide a financial surety arrangement in lieu of a long-term care fund.

AGENCY NOTE: Long-term care funding may also be required for former U.S. Atomic Energy Commission or U.S. Nuclear Regulatory Commission licensed facilities, or persons whose activities cause situations that significantly affect health and safety, or the environment by reason of exposure to radiation or radioactive materials.

e) Emergency Plan

- 1) Except as exempted by subsection (e)(2) ~~of this Section~~, each application to possess radioactive materials in excess of the quantities in Appendix C ~~of this Part~~ in unsealed form or sealed in glass or on foils or plated sources shall contain either:
 - A) An evaluation showing that the maximum dose to an individual offsite due to a release of radioactive materials would not exceed 10 mSv (1 rem) total effective dose equivalent or 50 mSv (5 rem) effective dose equivalent to the thyroid; or
 - B) An emergency plan, as described in Section 330.290 ~~of this Part~~, for responding to a release of radioactive material.
- 2) The requirements of this subsection (e) do not apply to licensees that possess only radioactive waste packaged in Type B containers.
- 3) In evaluating the maximum dose to an individual pursuant to subsection (e)(1)(A) ~~of this Section~~, the applicant may take into account whether:
 - A) The radioactive material is physically separated so that only a portion could be involved in an accident;

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- B) All or part of the radioactive material is not subject to release during an accident due to the method of storage or packaging;
- C) The release fraction in the respirable size range is predicted to be lower than the release fraction shown in Appendix C ~~of this Part~~ due to the chemical or physical form of the material;
- D) The solubility of the radioactive material is predicted to reduce the dose received;
- E) Facility design or engineered safety features in the facility are predicted to cause the release fraction to be lower than shown in Appendix C ~~of this Part~~; or
- F) Operating restrictions or procedures are predicted to prevent a release fraction as large or larger than that shown in Appendix C ~~of this Part~~.

(Source: Amended at 38 Ill. Reg. 21451, effective October 31, 2014)

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- 1) Heading of the Part: Licensing Requirements for Source Material Milling Facilities
- 2) Code Citation: 32 Ill. Adm. Code 332
- 3) Section Number: 332.20 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42]
- 5) Effective Date of Rule: October 31, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 10760; May 23, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The first line of Sec. 332.20 was changed to "Unless otherwise indicated, the definitions of 32 Ill. Adm. Code 310 (General Provisions for Radiation Protection) apply to this Part. As used in this Part, each of the following definitions has the specified meaning:".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency is updating definitions for "Commencement of Construction" and "Construction" to meet compatibility

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requirements with the U.S. NRC (76 FR 56951; RATS ID# 2011-2). The U.S. NRC has reviewed this amendment and determined that it meets the compatibility requirement. The definition in 32 Ill. Adm. Code 332.20 was moved to 32 Ill. Adm. Code 310.20 and updated.

- 16) Information and questions regarding this adopted rule shall be directed to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

The full text of the Adopted Amendment begins on the next page:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

Section	
332.10	Purpose and Scope
332.20	Definitions
332.30	License Required
332.40	Application Content and Procedure
332.50	General Information
332.60	Technical Information
332.70	Technical Analyses
332.80	Institutional Information
332.90	Financial Information
332.100	Evaluation of License Application and Issuance of a License
332.110	General Conditions of Licenses
332.120	Application for Renewal or Closure
332.130	Contents of Application for Site Closure and Stabilization
332.140	Postclosure Observation and Maintenance
332.150	Termination of Source Material Milling Facility License
332.160	General Requirements
332.170	Protection of the General Population from Radiation
332.180	Protection of Individuals from Inadvertent Access
332.190	Protection of Individuals During Operations
332.200	Stability of the Byproduct Material Disposal Site After Closure
332.210	Technical Criteria for Byproduct Material Disposal Sites – Siting Criteria
332.220	Technical Criteria for Byproduct Material Disposal Sites – Design Criteria
332.230	Technical Criteria for Byproduct Material Licensed Sites – Groundwater Protection
332.240	Technical Criteria for Byproduct Material Disposal Sites – Control of Radiation Hazards
332.250	Technical Criteria – Source Material Milling Operations
332.260	Financial Surety Requirements
332.270	Long-Term Care Payment
332.280	Land Ownership
332.290	Maintenance of Records, Reports, and Transfers

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AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 18 Ill. Reg. 3128, effective February 22, 1994; emergency amendment adopted at 18 Ill. Reg. 17933, effective December 1, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6601, effective April 28, 1995; amended at 21 Ill. Reg. 3897, effective March 13, 1997; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 16756, effective October 6, 2008; amended at 38 Ill. Reg. 21459, effective October 31, 2014.

Section 332.20 Definitions

Unless otherwise indicated, the definitions of 32 Ill. Adm. Code 310 (General Provisions for Radiation Protection) apply to this Part. As used in this Part, each of the following definitions has the specified meaning.~~The following definitions are applicable for use in this Part only.~~

"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Active maintenance" means any activity, other than minor custodial activities, needed to preserve isolation of the byproduct material. Active maintenance includes ongoing activities such as the pumping, removal, or treatment of surface water or groundwater or one-time measures such as replacement of a disposal area cover.

"Agency" means the Illinois Emergency Management Agency.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Any saturated zone created by uranium or thorium recovery operations would not be considered an aquifer unless the zone is or potentially is:

hydraulically interconnected to a natural aquifer,

capable of discharge to surface water, or

reasonably accessible because of migration beyond the vertical projection of the boundary of the land transferred for long-term government

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ownership and care in accordance with Section 332.280 ~~of this Part.~~

AGENCY NOTE: The determination of "significant" will be based on site specific criteria such as yield of the aquifer in volume per unit time, the degree of use or potential for future use for domestic, industrial or agricultural purposes, the availability of alternative sources and capability of users to change to alternative sources in the event groundwater protection standards are exceeded.

"Buffer zone" means the area surrounding the site used for disposal of either byproduct material or material contaminated with uranium or thorium during, or as a consequence of, source material milling operations. Use of the buffer zone is limited to those activities that would not be detrimental to containment of the wastes, environmental monitoring, interception and processing of any surface or groundwater effluents.

"Byproduct material" means, for purposes of this Part only, the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute byproduct material within this definition.

"Closure" means the activities following operations to decontaminate and decommission the buildings and site used to produce byproduct material, to reclaim the tailings area, to reclaim the waste disposal area and to restore the groundwater to the degree necessary to achieve compliance with the groundwater protection requirements of Section 332.230(a) ~~of this Part.~~

"Closure plan" means the Agency approved plan to accomplish closure.

AGENCY NOTE: The Agency will approve a closure plan if the plan describes how the licensee will decontaminate, reclaim and stabilize the licensed site in accordance with the requirements ~~of this Part.~~

~~"Commencement of construction" means any clearing of land, excavation or other substantial action that would adversely affect the natural environment of a site, but does not include changes desirable for the temporary use of land for public recreational uses, necessary borings to determine site characteristics, or other preconstruction monitoring to establish background information related to the suitability of a site or the protection of environmental values.~~

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"Compliance period" begins when the Agency sets specific secondary groundwater protection standards in accordance with Section 332.230 ~~of this Part~~ and ends when the owner's or operator's license is terminated and the disposal site is transferred to the State or federal agency for long-term care.

"Control boundary" means a physical barrier that separates a restricted area from an unrestricted area.

"Decommissioning" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

AGENCY NOTE: The byproduct material disposal site is not decommissioned because it will neither be released for unrestricted use nor be unlicensed. Land ownership and custody will be maintained by the State or the federal government as required by Section 332.280 ~~of this Part~~. Portions of the licensed site other than the actual byproduct material disposal site are decommissioned.

"Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids or other materials.

"Disposal area" means the area containing byproduct material to which the requirements of Sections 332.170 and 332.240 ~~of this Part~~ apply. The disposal area includes only the surface area of the land immediately underlain by byproduct material and does not include any embankments, dams or other supporting structures that surround the byproduct material.

"Disposal site" means the land transferred to the State or federal government pursuant to Section 332.280 ~~of this Part~~. This land includes the disposal area, any surrounding embankments or dams that contain the byproduct material.

"Existing portion" means that land surface area of an existing surface impoundment or disposal area on which significant quantities of byproduct material have been placed prior to September 30, 1983.

"Fund" means the Radiation Protection Fund (see 420 ILCS 40/35).

"Groundwater" means water below the land surface in a zone of saturation. For purposes of this Part, groundwater is the water contained within an aquifer as

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defined in this Section.

"Leachate" means any liquid, including any suspended or dissolved components in the liquid, that has percolated through or drained from the byproduct material.

"Licensed site" means the area contained within the boundary of a location under the control of persons generating or storing byproduct material under an Agency license.

AGENCY NOTE: The licensed site would include, at a minimum, any actual or proposed disposal areas and sites, any additional land used by the licensee for the generation or storage of byproduct material and any buffer zones. Normally, such additional land areas and buffer zones will be decommissioned and reclaimed and not subject to land transfer pursuant to Section 332.280 ~~of this Part~~.

"Liner" means a continuous layer of natural or man-made material beneath, or on the sides of, a surface impoundment that restricts the downward or lateral escape of byproduct material, hazardous constituents or leachate.

"Long-term care" means the period following postclosure and termination of a license issued pursuant to this Part during which surveillance and monitoring activities are conducted by a State or federal agency.

"Minor custodial activities" means maintenance activities under State specific license, not necessary to preserve the isolation of the byproduct material. ~~These Such~~ activities could include repair of fencing, repair or replacement of monitoring equipment, minor additions to or repair of disposal area cover and general disposal site upkeep such as mowing grass.

"Point of compliance" means the site specific location in the uppermost aquifer where the groundwater protection standard must be met.

"Postclosure" means the period of time from completion of the closure plan for decontamination, reclamation and stabilization of the source material milling facility, byproduct material surface impoundment and disposal area, but prior to the termination of the license.

"Reclamation" means the following activities performed at a licensed site as a part of closure:

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stabilize and isolate byproduct material contained within a disposal site.
This may include relocation of the byproduct material;

backfill with uncontaminated soil any disturbed areas to achieve a
topography compatible with surrounding terrain;

recontour land to support surface drainage; and

revegetate as necessary.

"Source material milling" means any operation in which uranium or thorium is extracted and concentrated from ore processed primarily for its source material content. This includes solution mining and heap leaching and any other operation that generates byproduct material as defined in this Part.

"Surface impoundment" means a natural topographic depression, man-made excavation or diked area that is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and that is not an injection well.

"Surveillance" means monitoring and observation of the disposal site for the purposes of visual detection of the need for maintenance, custodial care, evidence of unauthorized access and compliance with other license and regulatory requirements.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(Source: Amended at 38 Ill. Reg. 21459, effective October 31, 2014)

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- 1) Heading of the Part: Licenses and Radiation Safety Requirements for Irradiators
- 2) Code Citation: 32 Ill. Adm. Code 346
- 3) Section Number: 346.150 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]
- 5) Effective Date of Rule: October 31, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 10768; May 23, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:
 1. In the second line of Section 346.150, the text ~~As used in this Section, the term "construction"~~ was reinstated.
 2. After the reinstated text "is defined in 32 Ill. Adm. Code 310.20." was added.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The Agency is updating definitions for "Commencement of Construction" and "Construction" to meet compatibility requirements with the U.S. NRC (76 FR 56951; RATS ID# 2011-2). The U.S. NRC has reviewed this amendment and determined that it meets the compatibility requirement. The definition in 32 Ill. Adm. Code 346.150 was moved to 32 Ill. Adm. Code 310.20 and updated.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 346

LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

SUBPART A: GENERAL PROVISIONS

Section

- 346.10 Purpose
- 346.20 Scope
- 346.30 Incorporations by Reference
- 346.40 Definitions

SUBPART B: SPECIFIC LICENSING REQUIREMENTS

- 346.110 Application for Specific License
- 346.130 Specific License for Irradiators
- 346.150 Start of Construction

SUBPART C: DESIGN AND PERFORMANCE REQUIREMENTS OF IRRADIATORS

- 346.210 Performance Criteria for Sealed Sources
- 346.230 Access Control
- 346.250 Shielding
- 346.270 Fire Protection
- 346.290 Radiation Monitors
- 346.310 Control of Source Movement
- 346.330 Irradiator Pools
- 346.350 Source Rack Protection
- 346.370 Power Failures
- 346.390 Design Requirements
- 346.410 Construction Monitoring and Acceptance Testing

SUBPART D: OPERATION OF IRRADIATORS

- 346.510 Training
- 346.530 Operating and Emergency Procedures

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346.550	Personnel Monitoring
346.570	Radiation Surveys
346.590	Detection of Leaking Sources
346.610	Inspection and Maintenance
346.630	Pool Water Purity
346.650	Attendance During Operation
346.670	Entering and Leaving the Radiation Room
346.690	Irradiation of Explosive or Flammable Materials

SUBPART E: RECORDS

346.810	Records and Retention Periods
346.830	Reports

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Adopted at 29 Ill. Reg. 20933, effective December 16, 2005; amended at 35 Ill. Reg. 974, effective December 30, 2010; amended at 38 Ill. Reg. 21467, effective October 31, 2014.

SUBPART B: SPECIFIC LICENSING REQUIREMENTS

Section 346.150 Start of Construction

The applicant may not begin construction of a new irradiator prior to submission to the Agency of an application for a license for the irradiator. As used in this Section, the term "construction" ~~is defined in 32 Ill. Adm. Code 310.20, includes the construction of any portion of the permanent irradiator structure on the site but does not include: engineering and design work, purchase of a site, site surveys or soil testing, site preparation, site excavation, construction of warehouse or auxiliary structures, and other similar tasks.~~ Any activities undertaken prior to the issuance of a license are entirely at the risk of the applicant and have no bearing on the issuance of a license with respect to the requirements of the Radiation Protection Act of 1990 and regulations and orders issued under the Act.

(Source: Amended at 38 Ill. Reg. 21467, effective October 31, 2014)

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- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3000.600	Amendment
3000.635	Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2), (3), (7), and (13) [230 ILCS 10/5 (c) (2), (3), (7), and (13)]
- 5) Effective Date of Rule: October 29, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 14641; July 18, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? There have been no changes.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking adopted at 37 Ill. Reg. 18255 (November 15, 2013) amended Sections 3000.100 ("Definitions") and 3000.640 ("Exchange of Chips, Tokens, and Vouchers") to authorize the issuance of vouchers at a cashier cage. Before the adoption of that rulemaking, vouchers could be issued only by an electronic gaming device. In order to achieve regulatory consistency, it is necessary to add the same authorizations for the issuance of vouchers at a cashier cage to Sections

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3000.600 ("Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards") and 3000.635 ("Issuance and Use of Tokens and Vouchers for Gaming").

- 16) Information and questions regarding this adopted rule may be addressed to:

Emily Mattison
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

312/814-7253
fax#: 312/814-7253

The full text of the Adopted Amendments begins on the next page:

ILLINOIS GAMING BOARD

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation

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3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,

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RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips
3000.635	Issuance and Use of Tokens for Gaming

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3000.636	Distribution of Coupons for Complimentary Chips, Tokens, Vouchers, Cash and Electronic Credits
3000.640	Exchange of Chips, Tokens, and Vouchers
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips, Tokens, and Vouchers
3000.660	Minimum Standards for Electronic Gaming Devices
3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

Section	
3000.700	Organization of Subpart
3000.701	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of Board Exclusion List
3000.720	Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
3000.745	Voluntary Self-Exclusion Policy
3000.750	Establishment of a Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.782	Required Information, Recommendations, Forms and Interviews
3000.785	Appeal of a Notice of Denial of Removal
3000.786	Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
3000.787	Placement on the Self-Exclusion List Following Removal
3000.790	Duties of the Board

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SUBPART H: SURVEILLANCE AND SECURITY

Section

3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section

3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability

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NOTICE OF ADOPTED AMENDMENTS

3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended

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at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. 18255, effective November 1, 2013; amended at 38 Ill. Reg. 2808, effective January 8, 2014; amended at 38 Ill. Reg. 21471, effective October 29, 2014.

SUBPART F: CONDUCT OF GAMING

Section 3000.600 Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards

- a) Except as provided in subsection (b), Riverboat Gaming Wagers may be made only with Electronic Credits, Tokens, Chips or promotional coupons issued by the holder of an Owner's license and approved by the Administrator. All Chips, Tokens and Electronic Cards must be approved by the Administrator and purchased from the holder of an Owner's license. Chips, Tokens or Electronic Cards may only be used as set forth in the owner licensee's Internal Control System. Promotional coupons may only be used as wagers as set forth in the Owner's licensee's Internal Control System. At the patron's option, Electronic Credits may either be used as a Wager on an Electronic Gaming Device or be withdrawn only in the form of Tokens and/or a Voucher issued from the Electronic Gaming Device.
- b) Riverboat Gaming Wagers may be made with Electronic Credits downloaded from an owner licensee's computer management system or acquired through the insertion of a Voucher issued by an Electronic Gaming Device authorized for wagering at a holder of an Owner's license or at the cashier cage, or acquired through insertion of a coupon redeemable for complimentary electronic credits, as set forth in the Owner licensee's Internal Control System.
 - 1) Prior to the Redemption Period, Vouchers may, at the patron's option, be:

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- A) used to obtain electronic credits to place a wager in Electronic Gaming Devices registered with the Board;
 - B) withdrawn only in the form of Tokens or Vouchers from the Electronic Gaming Device; or
 - C) redeemed only for United States currency at a Voucher Validation Terminal or at the cage of a holder of an Owner's license.
- 2) At any time prior to the Expiration Date, Vouchers may be redeemed for United States currency at the cage of a holder of an Owner's license.

(Source: Amended at 38 Ill. Reg. 21471, effective October 29, 2014)

Section 3000.635 Issuance and Use of Tokens and Vouchers for Gaming

- a) No holder of an Owner's license shall issue or cause to be utilized in a Riverboat Gaming Operation any Tokens for Gaming unless ~~thosesuch~~ Tokens are approved by the Administrator. In requesting approval of ~~such~~ Tokens, the holder of an Owner's license shall first submit to the Administrator a detailed schematic of its proposed Token ~~that shows which shall show~~ its front, back and edge, its diameter and thickness, and any logo, design or wording to be contained on the Token ~~thereon~~, all of which shall be depicted on ~~thesuch~~ schematic as they will appear, both as to size and location, on the actual Token. Once the design schematics are approved by the Administrator, no Token shall be issued or utilized until a sample of ~~thesuch~~ Token is also submitted and approved by the Administrator.
- b) A holder of an Owner's license may, with the approval of the Administrator, issue metal Tokens designed for Gaming. ~~ThoseSuch~~ Tokens shall:
 - 1) Clearly identify the name and location of the Riverboat Gaming Operation issuing them;
 - 2) Clearly state the face value of the Token;
 - 3) Contain the statement "Not Legal Tender";
 - 4) Not be deceptively similar to any current or past coin of the United States

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or a foreign country;

- 5) Be of a size or shape or have other characteristics ~~that~~which will physically prevent their use to activate lawful vending machines or other machines designed to be operated by coins of the United States; and
 - 6) Not be manufactured from a ferromagnetic material or from a three-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core or from a copper based alloy except if the total zinc, nickel, aluminum, magnesium and other alloying metal exceeds 25 percent of the Token's weight.
- c) Tokens approved for issuance by a holder of an Owner's license shall be:
- 1) Issued to a patron upon payment ~~therefor~~, or in accordance with a complimentary distribution program authorized pursuant to the Act;
 - 2) Capable of insertion into designated Electronic Gaming Devices operated by the holder of an Owner's license for the purpose of activating play;
 - 3) Available as a payout from the hopper of Electronic Gaming Devices equipped with a Token hopper; and
 - 4) Redeemable by the patron in accordance with the Act.
- d) A holder of an Owner's license may, with the prior approval of the Administrator, issue Vouchers through approved Voucher Printers in Electronic Gaming Devices or at the cashier cage. The Vouchers shall:
- 1) Clearly identify the name and location of the Riverboat Gaming Operation issuing them;
 - 2) Clearly identify the specific Electronic Gaming Device or cashier cage location issuing them;
 - 3) Contain a unique validation number, ~~which number~~ or code that shall be automatically generated by or caused to be generated by the Voucher System and not be alterable by any mechanical, electronic, digital or other means prior to issuance;

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- 4) Clearly state the face value of the Voucher in both words and numbers;
- 5) Contain a date and time of issuance;
- 6) Clearly state a 120 day Redemption Period during which the Voucher may be redeemed at an Electronic Gaming Device, Voucher Validation Terminal or cashier cage of a holder of an Owner's license;
- 7) Be available as a payout from Voucher equipped Electronic Gaming Devices connected to the Voucher System, provided that both the Electronic Gaming Device and the Voucher System are functioning;
- 8) Be individually printed for face values of not less than \$0.01 and not more than \$3,000;
- 9) Contain a bar code ~~that~~~~which~~ shall enable the Voucher System to access and validate the alpha or numeric information contained in subsections (d)(1) through (6) and display the information when the Voucher is redeemed, provided that only numeric information must be displayed on the System;
- 10) Clearly state that the Voucher may be redeemed for cash at the cashier cage of the holder of an Owner's license for one year from the date of issuance;
- 11) Clearly state the following: "Vouchers issued by another Riverboat may not be used, exchanged or redeemed at this Riverboat.";
- 12) List the unique validation number on the leading edge of each Voucher issued from a Voucher Printer;
- 13) Not be deceptively similar to the currency of the United States or a foreign country;
- 14) Contain at least one anti-counterfeiting measure, such as a unique bar code, ~~that~~~~which~~ shall appear on one or both sides of the Voucher; and
- 15) Be promptly redeemable by the patron in accordance with this Part.

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- e) Vouchers must be capable of insertion into Voucher equipped Electronic Gaming Devices connected to the Voucher System for the purpose of obtaining Electronic Credits.

(Source: Amended at 38 Ill. Reg. 21471, effective October 29, 2014)

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- 1) Heading of the Part: Workers' Compensation Rate and Manual Filing
- 2) Code Citation: 50 Ill. Adm. Code 2902
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2902.10	Amendment
2902.20	Amendment
2902.30	Amendment
2902.40	Amendment
2902.50	Amendment
2902.60	Amendment
2902.70	Amendment
2902.ILLUSTRATION A	Repeal
- 4) Statutory Authority: Implementing Section 457 and authorized by Sections 454 and 401 of the Illinois Insurance Code [215 ILCS 5/457, 454 and 401]
- 5) Effective Date of Rule: October 31, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 13139; June 27, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The rule is being revised for clarity, to require electronic filing and to delete the requirement of the Summary Sheet (RF-3).
- 16) Information and questions regarding this adopted rule shall be directed to:

John Gatlin, Assistant Deputy Director
Property and Casualty Compliance Unit
Illinois Department of Insurance
320 West Washington Street, 5th Floor
Springfield IL 62767-0001

217/782-1786

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER hh: WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

PART 2902

WORKERS' COMPENSATION RATE AND MANUAL FILING

Section

2902.10	Authority
2902.20	Purpose and Scope
2902.30	Filings Required
2902.40	Manual Filings
2902.50	Rate Filings
2902.60	Exemption From Filings
2902.70	Submission of Filings

2902.ILLUSTRATION A Summary Sheet (Repealed)

AUTHORITY: Implementing Section 457 and authorized by Sections 454 and 401 of the Illinois Insurance Code [215 ILCS 5/457, 454 and 401].

SOURCE: Emergency rule adopted and codified at 7 Ill. Reg. 719, effective December 30, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 11224, effective August 31, 1983; amended at 38 Ill. Reg. 21484, effective October 31, 2014.

Section 2902.10 Authority

This Part is promulgated by the Director of the Illinois Department of Insurance (Director) under Section 401 of the Illinois Insurance Code [215 ILCS 5] (Code)~~(Ill. Rev. Stat. 1981, ch 73, par. 1013)~~, which empowers the Director "to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State. The purpose of this Part is to implement Section 457 of the Illinois Insurance Code~~(Ill. Rev. Stat. 1981, ch. 73, par 1065.4)~~.

(Source: Amended at 38 Ill. Reg. 21484, effective October 31, 2014)

Section 2902.20 Purpose and Scope

- a) This Part establishes a uniform format for the filing of every manual of classifications, every manual of rules and rates, every rating plan, every schedule

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rating plan, loss cost multipliers, dividend plan and every modification ~~that~~which is intended for use in this State.

- b) This Part shall apply to all companies licensed and writing in this State, the kind of insurance commonly referred to as Worker's Compensation and Employer's Liability as authorized by Class 2(c) and (d) of Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 616) and every Rating Organization licensed under Section 459 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1065.6).
- c) All filings shall be submitted using the System for Electronic Rate and Form Filing (SERFF) or in another electronic format approved by the Director.

(Source: Amended at 38 Ill. Reg. 21484, effective October 31, 2014)

Section 2902.30 Filings Required

Except as provided in Section 2902.60 ~~of this Part~~, all companies subject to this Section shall file the following materials with the Illinois Department of Insurance (Department):

- a) All ~~Manuals~~manuals – Every manual of classifications, every manual of rules, every rating plan, every schedule rating plan, loss cost multipliers, dividend plan and every modification of any such manual or plan used in this State or intended for use in this State; and
- b) All ~~Rates~~rates – All rates, and/or modification factors, if adopting a pure premium filed by a rating organization.

(Source: Amended at 38 Ill. Reg. 21484, effective October 31, 2014)

Section 2902.40 Manual Filings

- a) Manual filing requirements can be met either by: ~~1)~~ a company making a direct filing on its own behalf; or ~~2)~~ a company authorizing a rating organization of which it is a member or subscriber to make the filing on the company's behalf.
- 1A) If the filing is made by a rating organization, the rating organization shall indicate whether it will require its members and subscribers to adhere to ~~the~~such filing. If the rating organization~~Rating Organization~~ does not

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require adherence to ~~thesuch~~ filing, ~~then~~ the members and subscribers shall notify ~~thethis~~ Department if they are adopting the Rating Organization filing or, if they do not intend to adopt ~~thesuch~~ filing, they shall notify the Department within 30 days after the first of the year.

2B) A company ~~thatwhich~~ does not adopt a rule or rule change filed by its rating organization ~~which does not require adherence, or submitting a direct filing on its own behalf if it wishes to file its own rule, such company~~ must file:

Ai) Manual size exception pages; ~~in duplicate.~~

Bii) The manual rule number, which must be the same as the rule number being replaced; ~~and.~~

Ciii) The effective date of use.

3) A company shall submit a complete up-to-date manual upon request. The company shall also identify the tracking number of a particular section of the manual upon request.

b) All manual filings must ~~include be accompanied by duplicate copies of a rule submission letter which includes:~~

- 1) The name of the rating organization or company making the filing;
- 2) Identification of the rule with the manual to which it applies;
- 3) Notification as to whether the filing is new or supersedes a present filing. Identification of all superseded filings as well as identification of all changes from the superseded filings is required; and
- 4) The effective date of use.

c) Companies under the same ownership or general management may submit multiple company rate filings under the same SERFF tracking number. ~~are required to make separate individual filings. Company group filings are unacceptable.~~

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(Source: Amended at 38 Ill. Reg. 21484, effective October 31, 2014)

Section 2902.50 Rate Filings

- a) Rate filing requirements can be met by:
- 1) A company making a direct filing on its own behalf; ~~or~~
 - 2) A company adopting its rating organization~~Rating Organization~~ advisory rate filing; ~~or~~
 - 3) A company filing a deviation to its rating organization~~its Rating Organization~~ advisory rate filing; or
 - 4) A company adopting its rating organization~~Rating Organization~~ pure premium rate filing, providing the company files its modification factor or factors used for expenses and profits.
- b) All company rate filings in SERFF must include the Company Rate Information, which shall include:~~All company rate filings must include a Form RF-3 (Illustration A) which provides information on changes in rate level based on the distribution of business with respect to the kinds of insurance to which the rate revision applies. If the rate filing is not a change in rate level, no Form RF-3 is required.~~
- 1) Overall % indicated change;
 - 2) Overall % rate impact (meaning the statewide average percentage change to the accepted rates for the coverage's included for each company);
 - 3) Written premium change for this program (meaning the statewide change in written premium based on the proposed overall percentage rate impact for each company);
 - 4) Number of policyholders affected for this program (meaning the number of policyholders affected by the overall percentage rate impact for each company);

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- 5) Written premium for this program (meaning the statewide written premium for each company);
 - 6) Maximum % change; and
 - 7) Minimum % change.
- c) All ~~rating~~ filings ~~above~~ must ~~include~~ ~~be accompanied by duplicate copies of a rate submission letter which includes:~~
- 1) The name of the company making the filing;
 - 2) Notification of whether the filing is new or supersedes a present filing. Identification of the superseded filing, as well as identification of all changes from the superseded filing, is required; ~~and-~~
 - 3) Effective date of use.
- d) Documentary data for rates and changes filed under this Section ~~above~~ must be maintained by the company or its rating organization to be available upon and in accordance with the Department's request for review by the Department's Property and Casualty Compliance Unit ~~Evaluation Section~~.
- e) ~~Companies under the same ownership or general management are required to make separate individual filings. Company group filings are unacceptable.~~

(Source: Amended at 38 Ill. Reg. 21484, effective October 31, 2014)

Section 2902.60 Exemption From Filings

- a) A company is not required to file under this Part for individual risks in this State ~~that which~~ cannot be rated in the normal course of business because of special or unusual characteristics, as provided in Section 456(1)(c) of the ~~Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1065.3)~~ and ~~that which~~ must be rated on the basis of underwriting ~~judgment~~ judgement.
- b) A company must maintain documentary information regarding rates determined under subsection (a) ~~above~~ for review by the Department's Property and Casualty Compliance Unit ~~Evaluation Section~~.

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(Source: Amended at 38 Ill. Reg. 21484, effective October 31, 2014)

Section 2902.70 Submission of Filings

- a) All manual and rate filings required by this ~~Part~~Rule must be received no later than ~~30~~thirty days after ~~the~~their effective date of use.
- b) All manual filings made by a ~~rating organization~~Rating Organization to which it will require adherence of its members and subscribers must be filed 30 days prior to the effective date of use.

(Source: Amended at 38 Ill. Reg. 21484, effective October 31, 2014)

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Section 2902. ILLUSTRATION A Summary Sheet (Repealed)

Form (RF-3) SUMMARY SHEET
Change in Company's premium or rate level produced by rate revision effective _____ :

(1) <u>Coverage</u>	(2) <u>Annual Premium Volume (Illinois)*</u>	(3) <u>Percent Change (+ or -)**</u>
1. Automobile Liability		
Private Passenger		
Commercial		
2. Automobile Physical Damage		
Private Passenger		
Commercial		
3. Liability Other Than Auto		
4. Burglary and Theft		
5. Glass		
6. Fidelity		
7. Surety		
8. Boiler and Machinery		
9. Fire		
10. Extended Coverage		
11. Inland Marine		
12. Homeowners		
13. Commercial Multi Peril		
14. Crop Hail		
15. Worker's Compensation		
16. Other _____		
<u>Line of Insurance</u>		

Does filing only apply to certain territory (territories) or certain classes? If so, specify

Brief description of filing. (If filing follows rates of an advisory organization, specify organization): _____

*Adjusted to reflect all prior rate changes.

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~~**Change in Company's premium level which will
result from application of new rates.~~

~~Name of Company~~

~~Official—Title~~

(Source: Repealed at 38 Ill. Reg. 21484, effective October 31, 2014)

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- 1) Heading of the Part: Laboratory Service Fees
- 2) Code Citation: 77 Ill. Adm. Code 475
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
475.10	Amendment
475.12	Amendment
475.17	New Section
475.20	Amendment
475.25	Amendment
- 4) Statutory Authority: Section 2310-90 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-90]; the Clinical Laboratory Improvement Amendments (42 USC 263a); and the Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-191)
- 5) Effective Date of Rule: October 31, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments published in the *Illinois Register*: June 13, 2014; 38 Ill. Reg. 12007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made during the first notice or public comment period and no comments were received.

The following changes were made in response to comments and suggestions of JCAR:

1. The following was added to the table of contents: "475.17 Authorization to Submit Specimens or Samples"

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2. In Section 475.10, the definition of "Clinical Laboratory", "(Laboratory Requirements 42 CFR 493)(10/1/13)" was added before "providing".
3. In Section 475.10, the definition of "Person", "a medical provider" was added.
4. A new Section 475.17 was added to describe authorization to submit specimens or samples.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department of Public Health laboratories provide testing to support the Department's programs. The Department's laboratories provide these same tests to public health clinics or community based organizations if funding can be obtained and if the surveillance data that would be created is of value to the Department's programs. The use of the Department's laboratories for testing is voluntary.
- The amendments revise all tests by name and each test's associated fee. The amendments provide for charging fees based on current calculations of costs, including commodity costs, personnel and benefits, building expenses, equipment maintenance and replacement, quality assurance support, information technology applications, and indirect costs. This change will allow the laboratory to collect reimbursement based on current costs, which change with commodity and operating costs. It will allow the laboratory to obtain Medicaid reimbursement at current operating costs.
- The amendments establish a fee to recover costs associated with providing patients with their laboratory test results as required by federal legislation.
- The amendments update information about the acceptability of samples and specimens, the period of time for which they will be retained, and the ability to share those specimens for quality assurance and method development purposes.
- 16) Information and questions regarding this adopted rule shall be directed to:

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Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: LABORATORIES AND BLOOD BANKSPART 475
LABORATORY SERVICE FEES

Section

475.10	Definitions
475.12	Referenced Materials
475.15	Applicability
475.17	Authorization to Submit Specimens or Samples
475.20	Submission of Samples or Specimens
475.25	Fee Schedule
475.30	Statement of Fee Assessment
475.40	Payment of Fees
475.50	Failure to Submit Payment

AUTHORITY: Implementing and authorized by Section 2310-90 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-90]; the Clinical Laboratory Improvement Amendments (42 USC 263a); and the Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-191).

SOURCE: Adopted and codified at 7 Ill. Reg. 1988, effective January 27, 1983; emergency amendment at 18 Ill. Reg. 15887, effective October 12, 1994, for a maximum of 150 days; emergency expired on March 10, 1995; amended at 20 Ill. Reg. 6958, effective May 5, 1996; amended at 37 Ill. Reg. 6784, effective May 6, 2013; amended at 38 Ill. Reg. 21494, effective October 31, 2014.

Section 475.10 Definitions

"Clinical Laboratory Improvement Amendments" or "CLIA" means federal regulations (Centers for Medicare and Medicaid Services, United States Department of Health and Human Services) (Laboratory Requirements; 42 CFR 493) (10/1/13) providing standards applicable to all facilities or sites in the United States that test human specimens for health assessment or to diagnose, prevent or treat disease.

"Department" means the Department of Public Health.

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"Director" means the Director of the Department of Public Health.

"Laboratory" means the Division of Laboratories of the Illinois Department of Public Health, including its Chicago, Springfield and Carbondale Laboratories, and any other site designated by contract to perform Department Laboratory services.

"Person" means:

a medical provider;

the State, its agencies and departments, and its officers and employees;

any local health department and its officers and employees;

any grantee or contractor of the Department that agrees to provide services to the Department, or on behalf of the Department, and officers and employees of a grantee or contractor.

"Quality Control" means a procedure or set of procedures to assure the accuracy of results reported by the Laboratory.

"Supplemental Test" means any test approved by the United States Food and Drug Administration or validated under a laboratory's CLIA certification that is used to further characterize a specimen that had received a positive result when initially screened by the Laboratory.

(Source: Amended at 38 Ill. Reg. 21494, effective October 31, 2014)

Section 475.12 Referenced Materials

a) The following Illinois statutes and administrative rules are referenced in this Part:

1)a) Civil Administrative Code of Illinois [20 ILCS 2310]

2)b) Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)

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- 3)e) [Lead Poisoning Prevention Code \(77 Ill. Adm. Code 845\)](#)
- 4) [Control of Communicable Diseases Code \(77 Ill. Adm. Code 690\)](#)
- 5) [Control of Tuberculosis Code \(77 Ill. Adm. Code 696\)](#)
- b) [The following federal statutes are referenced in this Part:](#)
- [Health Insurance Portability and Accountability Act \(HIPAA\) \(Public Law 104-191\)](#)
- c) [The following federal regulations are incorporated by reference in this Part:](#)
- [HIPAA Privacy Rules: Access of Individuals to Protected Health Information \(45 CFR 164.524\) \(2014\)](#)
- d) [All incorporations by reference of federal regulations refer to the regulations or guidelines on the date specified and do not include any amendments or editions subsequent to the date specified.](#)

(Source: Amended at 38 Ill. Reg. 21494, effective October 31, 2014)

Section 475.17 Authorization to Submit Specimens or Samples

Each test performed by the Department of Public Health Division of Laboratories is in support of the Department of Public Health's mission to support public health programs by providing surveillance data. Testing services are authorized by local health departments or Department of Public Health programs.

- a) [Authorization to obtain testing services is based on criteria including, but not limited to: the need for public health surveillance data with consideration of private testing availability; the need to characterize or identify an outbreak; prior approval from the Department or a local health department; or a submission that is required by the Control of Communicable Diseases Code or the Control of Tuberculosis Code.](#)
- b) [Authorization will be given for submission of clinical specimens if the submissions are part of a routine, ongoing surveillance program. Specimens that are not part of a routine, ongoing surveillance program will require specific](#)

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authorization for each submission. In those situations, medical providers shall discuss submission of the specimen with the relevant local health departments or Department of Public Health programs.

- c) Authorization will be given for continued submission of specified types of non-clinical samples if the submissions are part of a routine, ongoing surveillance program. Examples are water samples, food samples and rabies (animal) samples. Samples that are not part of a routine, ongoing surveillance program will require specific authorization for each submission. In those situations, local health departments shall discuss submission of the sample with Department of Public Health programs.
- d) Samples or specimens submitted to the Laboratory without proper authorization will not be tested. Laboratory staff will contact the submitter and determine whether the sample/specimen will be returned or destroyed.

(Source: Added at 38 Ill. Reg. 21494, effective October 31, 2014)

Section 475.20 Submission of Samples or Specimens

Each sample or specimen submitted to the Laboratory for any analysis shall be delivered or shipped in a container and manner to preserve the sample/specimen from contamination or destruction and to allow it to reach the Laboratory in a condition that permits a reliable laboratory analysis.

- a) The person submitting the sample/specimen shall deliver it to the Laboratory or send it in a package approved by the U.S. Postal Service or another commercial carrier for shipping. Any sample/specimen that is submitted in a package that violates the U.S. Postal Service's guidelines (or another commercial carrier's guidelines if an alternative carrier is used), is damaged in transit, is not received within the prescribed time frame for analysis, or is otherwise received in a condition that does not permit a reliable laboratory analysis, will be discarded. When this occurs, the laboratory result will be reported as indeterminate or unsatisfactory, and the submitter will be notified so that another sample/specimen can be collected and submitted for analysis.
- b) For those laboratory services offered, the Laboratory will provide, upon request, sample/specimen collection materials or devices and mailing containers that meet the U.S. Postal Service regulations.

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- c) Prior to delivering or shipping any sample/specimen to the Laboratory, the person submitting the sample/specimen shall confirm with the Laboratory the availability of the desired laboratory service/analysis and identify which Laboratory site or sites (e.g., Chicago, Springfield, Carbondale or a contract laboratory site) will perform the desired service/analysis and any testing authorization procedures that are required. Samples/specimens shall be delivered or sent only to a specific Laboratory site designated as performing the requested laboratory service or to an alternative site agreed to in advance.
- d) The person submitting the sample/specimen shall pay for the postage or transport fee of the package unless alternative arrangements are made with the Laboratory in advance of mailing or shipping a sample/specimen to the Laboratory.
- e) Clinical specimens received by the Department will be retained for a minimum of one month. If all test results obtained from a specimen are determined to be within normal range, the specimen will be retained for a maximum of four months. If any test result obtained from a specimen is determined to be abnormal (i.e., out of normal range), the specimen may be retained for a maximum of six years. Specimens that the Department retains may be used within the Department for quality control purposes as required under CLIA. Based on the Department's testing capabilities, specimens with an abnormal result may be referred to other clinical laboratories for supplemental testing to further characterize the abnormality. After the maximum time period for retention, the Department will destroy all specimens.
- f) Cultures, isolates and extracts of pathogens that are provided to the Department or result from testing samples/specimens that have been provided to the Department may be shared by the Department with other public health entities for quality assurance or method development purposes, provided that any and all patient identifiable information has been removed.

(Source: Amended at 38 Ill. Reg. 21494, effective October 31, 2014)

Section 475.25 Fee Schedule

The Department has established fees for those diagnostic Laboratory services listed in subsection (b) ~~of this Section~~.

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- a) The Laboratory's service fees, itemized in subsection (b) ~~of this Section~~, shall not exceed the Department's actual costs to provide the Laboratory's services, and shall consider the current fees charged by private laboratories for comparable services. The Department's actual costs to perform the Laboratory's services shall include the costs of Laboratory personnel, materials and equipment; the Laboratory's data processing, quality control and support costs (e.g., facility-related costs, postage, telephones, supervision, etc.); any Laboratory marketing sales cost; and other Department costs outside the Laboratory but necessary to support the Laboratory's services (e.g., personnel and financial management costs). The Laboratory's actual costs per unit of service are integrally dependent upon the current technology used to perform laboratory analyses, the test volumes for each laboratory service, and the unit cost of the materials or chemicals/reagents. Because these actual costs per unit of service are subject to change, every effort will be made to review and update the Laboratory's fees on a regular (e.g., biennial) basis.

- b) Fees
~~Unless the sample/specimen is submitted as part of an agreed upon Department surveillance program, in which case the fee may be reduced, the fees for tests are: Each person who submits to the Laboratory any sample or specimen for any of the following laboratory analyses shall pay the indicated fee:~~

Arbovirus Testing

<u>St. Louis Encephalitis, West Nile Virus, California Encephalitis (Enzyme Immunoassay)</u>	<u>\$73.31</u>
<u>St. Louis Encephalitis, West Nile Virus, California Encephalitis (Supplemental Test)</u>	<u>\$100.22</u>
<u>Dengue Virus (Enzyme Immunoassay)</u>	<u>\$73.31</u>

Dairy Testing

<u>Aflatoxin, Raw Milk</u>	<u>\$214.31</u>
<u>Inhibitor (Beta-lactam)</u>	<u>\$65.16</u>
<u>Petrifilm Aerobic Count</u>	<u>\$134.81</u>
<u>Phosphatase</u>	<u>\$64.66</u>
<u>Container Rinse Test</u>	<u>\$74.60</u>
<u>Dairy Salmonella Test</u>	<u>\$265.51</u>
<u>Total Coliform</u>	<u>\$134.81</u>
<u>Dairy Water, Contained (Coliform)</u>	<u>\$78.66</u>
<u>Dairy Water Well/Plant (Coliform)</u>	<u>\$26.16</u>

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Food Testing

<u>E. coli O157:H7</u>	<u>\$355.12</u>
<u>Listeria monocytogenes</u>	<u>\$261.11</u>
<u>Salmonella</u>	<u>\$265.51</u>
<u>Shigella</u>	<u>\$281.34</u>
<u>Total coliform</u>	<u>\$134.81</u>

Enteric Testing

<u>Salmonella (Amplified Test)</u>	<u>\$306.87</u>
<u>Salmonella (Serology)</u>	<u>\$239.80</u>
<u>Shigella, E coli, Vibrio and Yersinia (Serology)</u>	<u>\$239.80</u>
<u>Shigatoxin 1,2 (Amplified Test)</u>	<u>\$86.70</u>
<u>Enteric PFGE (Pulse Field Gel Electrophoresis)</u>	<u>\$342.33</u>
<u>Norovirus (Amplified Test)</u>	<u>\$86.70</u>

Lead Testing

<u>Blood Lead</u>	<u>\$26.33</u>
<u>Environmental Lead</u>	<u>\$49.79</u>

Parasite Testing

<u>Malaria (Microscopic Observation)</u>	<u>\$82.38</u>
<u>Malaria (Amplified Test)</u>	<u>\$157.72</u>
<u>Cryptosporidium (Enzyme Immunoassay)</u>	<u>\$78.01</u>
<u>Giardia (Enzyme Immunoassay)</u>	<u>\$78.01</u>
<u>Cyclospora (Enzyme Immunoassay)</u>	<u>\$78.01</u>

Rabies Testing

<u>Rabies</u>	<u>\$232.78</u>
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Sexually Transmitted Infection Testing

<u>Chlamydia trachomatis (Amplified Test)</u>	<u>\$53.77</u>
<u>Neisseria gonorrhoea (Amplified Test)</u>	<u>\$53.77</u>
<u>Syphilis Serology (Enzyme Immunoassay)</u>	<u>\$27.86</u>
<u>Syphilis Serology (Rapid Plasma Reagin)</u>	<u>\$14.92</u>
<u>Syphilis Serology (Fluorescent Treponemal Antibody)</u>	<u>\$39.54</u>

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<u>HIV Serology 4th Generation (Chemiluminescent Microparticle Immunoassay)</u>	<u>\$32.19</u>
<u>HIV Serology Differentiation (Enzyme Immunoassay)</u>	<u>\$33.24</u>
<u>HIV Serology Supplemental (Amplified Test)</u>	<u>\$86.70</u>
<u>HIV Oral Fluid (Western Blot)</u>	<u>\$99.88</u>
<u>Herpes Simplex 1 & 2 (Amplified Test)</u>	<u>\$86.70</u>
<u>Tuberculosis (TB) Testing</u>	
<u>TB Acid Fast Bacillus, Smear</u>	<u>\$33.14</u>
<u>TB (Culture)</u>	<u>\$47.59</u>
<u>TB Drug Resistance</u>	<u>\$114.81</u>
<u>TB (Amplified Test)</u>	<u>\$142.72</u>
<u>Vaccine Preventable Disease Testing</u>	
<u>Measles (Amplified Test)</u>	<u>\$86.70</u>
<u>Mumps (Amplified Test)</u>	<u>\$86.70</u>
<u>Pertussis (Amplified Test)</u>	<u>\$86.70</u>
<u>Respiratory Virus Panel (Amplified Test)</u>	<u>\$86.70</u>
<u>Water Testing</u>	
<u>Bathing Beach E. coli (Microbiology)</u>	<u>\$24.12</u>
<u>Private Water Well (Microbiology, Most Probable Number)</u>	<u>\$26.16</u>
<u>Non-Community Public Water Supply (Microbiology, Presence/Absence)</u>	<u>\$24.22</u>
<u>Nitrate-Nitrite (as Nitrogen)</u>	<u>\$47.41</u>

- 1) ~~Except as provided in subsections (b)(1)(A) and (B) of this Section (in which case the service is free), the fees for the analysis of drinking water are:~~

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- ~~For the detection of total coliforms and Escherichia coli (presence/absence), by a Chromogenic Substrate Coliform Test, following "Standard Methods for the Examination of Water and Wastewater, 19th Edition", published by the American Public Health Association, American Water Works Association, and Water Environment Federation, 1015 Fifteenth Street, Washington, D.C. 20005 (1995)~~ \$7.00 per sample
- ~~For the detection of nitrate/nitrite levels, by USEPA Method 353.2, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (August 1993)~~ \$6.00 per sample
- ~~For the combined detection of coliform and nitrates/nitrites, the methods cited in this subsection (b)(1)~~ \$12.00 per sample
- ~~A) unless the sample is submitted for a non-community public water supply; or~~
- ~~B) unless the sample is submitted by a local health department that has entered into a potable water program agreement with the Department or submitted by a Department employee on behalf of a resident of a jurisdiction without any local health department, and under at least one of the following circumstances:~~
- ~~i) for a new water well that has been inspected by the local health department or Department employee;~~
 - ~~ii) for a water well serving an infant under six months of age; or~~
 - ~~iii) in support of an investigation of a suspected waterborne illness.~~

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2) ~~For samples submitted by a public or private Illinois school served by an active non-transient non-community public water supply the services shall be free of charge. For samples submitted by any other entity served by an active non-transient non-community public water supply that serves a population of fewer than 100 individuals the fees for the chemical analysis of drinking water for the following contaminants are:~~

~~Inorganics (Metals), by USEPA Method 200.9, following "Methods for the Determination of Metals in Environmental Samples—Supplement I", EPA 600/R-94-111, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (May 1994)~~

Cadmium	\$6.00 per sample
Chromium	\$6.00 per sample
Copper	\$5.50 per sample
Lead	\$5.50 per sample

~~Herbicides, by USEPA Method 515.1, following "Methods for the Determination of Organic Compounds in Drinking Water", EPA 600/4-88-039, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (July 1991)~~

~~\$117.00 per sample~~

~~Pesticides (chlorinated hydrocarbons and organophosphates), by USEPA Method 508, following "Methods for the Determination of Organic Compounds in Drinking Water", EPA 600/4-88-039, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (July 1991)~~

~~\$81.00 per sample~~

~~Volatile Organic Compounds, by USEPA Method~~

~~\$146.00 per sample~~

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~~524.2, following "Methods for the Determination of Organic Compounds in Drinking Water— Supplement II", EPA 600/R 92-129, published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (August 1992)~~

~~For laboratory services specified in this subsection, the Department will only accept samples from entities served by an active non-transient non-community public water supply that serves a population of fewer than 100 individuals, except for public or private Illinois school.~~

- 3) ~~Unless the specimen is submitted by a Department-funded HIV counseling and testing site or unless such analysis is requested as part of an HIV seroprevalence study that is funded or approved by the Department (in which case the service is free), the fees for analyses of a blood specimen are:~~

~~For the presence of Human Immunodeficiency Virus (HIV) antibodies, using an enzyme-linked immunosorbent assay (ELISA) test with confirmatory Western blot test (if necessary) \$8.00 per specimen~~

~~For the enumeration of CD4 lymphocytes using flow cytometry technology \$91.00 per specimen~~

- 4) ~~Unless the sample/specimen is submitted by a health care provider (including local health department clinics) designated annually by the Department's Division of Infectious Diseases as serving a population with a high incidence of sexually transmitted diseases and exempt from the following laboratory fees (in which case the service is free), the fees for analysis for the presence of the following sexually transmitted diseases are:~~

~~Chlamydia trachomatis and Neisseria gonorrhoea, same swab (GenProbe) \$12.50 per specimen~~

~~Syphilis serology (RPR and FTA) \$6.50 per specimen~~

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- 5) ~~Except for samples/specimens submitted by the Chicago Department of Public Health (in which case the service is free), the fee for pap smear analysis (cytology) shall be:~~ ~~\$11.50 per specimen~~
- 6) ~~The fees for the following services are:~~
- | | |
|---|---------------------------------|
| Hydrocarbons (volatile and extractable) for drinking water, by USEPA SW846 Method 8000A, following "Test Methods for Evaluating Solid Waste—Physical/Chemical Methods (SW846), Revised Update II", published by Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (September 1994) | \$349.00 per sample |
| Prenatal screening panel, which includes testing for Hepatitis, HIV, Rubella and Syphilis | \$31.00 per patient |
| Alpha-fetoprotein screening | \$21.00 per specimen |
- c) Results of clinical laboratory tests will be provided to medical providers that submit a patient specimen. A duplicate copy of a patient's test result will be provided upon written request by the medical provider that originally ordered the test. Other medical providers will be provided a copy of patient test results upon the Department's receipt of proof of the patient's consent to release the patient's test result to that medical provider.
- d) In accordance with the HIPAA Privacy Rules, upon receipt of a written notarized request by a patient or a patient's legal representative, the Department will provide a copy of the patient's clinical test result to the patient, patient's legal representative or persons designated by the patient or the patient's legal representative. The request shall identify the patient, the patient's date of birth, and the test performed. The request shall be accompanied by a payment of \$25.
- e)e) The Director may reduce any of the fees listed in subsection (b) ~~of this Section~~, pursuant to a written agreement, executed prior to submission of the sample/specimen, between the Department and the person to be submitting the

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sample/specimen. Examples of instances when reduced service fees may be considered include, but are not limited to, when the samples/specimens from, or test volumes for, one submitter will be very large; when a large one-time advance payment for all services is desired; and where the Department is participating in a special study requiring laboratory analysis.

- f)↵) The Director may waive any of the standard ~~Laboratory~~laboratory fees prescribed in subsection (b) ~~of this Section~~ when the sample/specimen is submitted by Department staff (to support Department programs or services), another State agency, or any unit of local government, provided ~~that~~ the fee waiver is requested in writing and approved by the Director in writing prior to submission of the sample/specimen.
- g)↵) The Director may enter into a written agreement with any governmental unit (contained within the definition of person) to provide additional laboratory services beyond those listed in this Part. ~~The~~~~Such~~ agreement ~~will~~~~shall~~ specify any conditions established for the submission of samples/specimens and the fees for ~~the~~~~such~~ services.

(Source: Amended at 38 Ill. Reg. 21494, effective October 31, 2014)

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
2. Name of Contributor: Thomas Rakow, IHC Construction Companies, Inc.
3. Date of Violation: September 8, 2014
4. Description of Violation: Thomas Rakow, an affiliated person of the business entity, IHC Construction Companies Inc., made a contribution of \$1,000.00 to Citizens for Rauner, a campaign committee established to support the election of Bruce Rauner to Governor. At the time of the contribution, Bruce Rauner was a declared candidate for the office of Governor, and IHC Construction Companies, Inc. had contracts with the Illinois Toll Highway Authority and had received an August 29, 2014 notice of award of a Capital Development Board contract for a project to construct the Chicago Veterans Home, all of which valued in total over \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. This is IHC Construction Companies, Inc.'s second violation of Section 50-37. This violation occurred prior to the issuance of the CPO's notice of the first violation. The Chief Procurement Officer for the Capital Development Board has notified the entity of the apparent violation, reviewed responsive material, and has considered the value, status, and necessity of the CDB contract. In addition, the Chief Procurement Officer has taken into consideration the recognition by the entity of the violation and its understanding of the necessity to avoid such situations in the future. The Chief Procurement Officer finds that voiding affected CDB contracts, bids or proposals would not be in the best interest of the State.

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

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As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 28, 2014 through November 3, 2014. The Law Enforcement Training and Standards Board rulemaking is scheduled for review at the Committee's November 6, 2014 meeting, while the Secretary of State rulemaking is scheduled for review at the December 16, 2014 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
12/11/14	<u>Illinois Law Enforcement Training and Standards Board</u> , Illinois Police Training Act (20 Ill. Adm. Code 1720)	8/29/14 38 Ill. Reg. 18119	11/6/14
12/17/14	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	08/29/14 38 Ill. Reg. 18148	12/16/14

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 38, Issue 46 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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