The Climate and Equitable Jobs Act of 2021 is the most sweeping legislation to be passed in over a decade. With its passage, Illinois will have some of the most significant clean energy and decarbonization commitments in the nation.

CLIMATE AND EQUITABLE JOBS ACT OF 2021

Overview and Summary

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CLIMATE AND EQUITABLE JOBS ACT OF 2021

(SB 2408 HARMON/EVANS)

OVERVIEW AND SUMMARY

It took an extraordinary extension of the 2021 legislative session but in September, the Illinois House and Senate finally agreed and passed an omnibus energy bill that was signed by the Governor. The Climate and Equitable Jobs Act of 2021 is the most sweeping legislation to be passed in over a decade. With its passage, Illinois will have some of the most significant clean energy and decarbonization commitments in the nation. It will require Illinois to be reliant on 100% renewable energy by 2050. It also provides $694 million in subsidies for nuclear power; expands aid programs for renewable energy; and takes steps to provide jobs and clean communities.

The Act is the result of over three years of legislative negotiations in Springfield. Those legislative negotiations were influenced by incumbent energy interest (e.g., Exelon, ComEd and Ameren Illinois), the Clean Jobs Coalition (environmental organizations, social and equity advocates), Climate Jobs Illinois (organized labor), and the Path to 100 (developers of renewable energy generation assets. Truly little time or consideration were granted to consumer groups (AARP, PIRG) or business interests (BOMA/Chicago, IMA, IRMA, Illinois Chamber).

In the end, the 958 pages of the Act establishes a range of new programs, requirements, and costs intended to support clean energy (existing nuclear, proposed renewable energy assets) electric vehicles and infrastructure, energy efficiency programs, and social justice and job training programs.

The legislation does end the formula rate making that was created under IEMA, which virtually amounted to automatic rate increases. The new legislation introduces “performance based rate making” that will go into effect January 1, 2024. The ICC will begin holding workshops to discuss what metrics will be used to determine whether the utility is performing well.

There is still no agreement about what the cost of the legislation will be to consumers, with much of the costs difficult to determine until the Illinois Commerce Commission (ICC) begins to adopt rule-making for many of the programs and policies in the new law.

Analysis done for BOMA/Chicago estimates that for all customers in the ComEd Service Area, the total cost increase will be about $9.5B over the next 10 years and will represent a major rate increase that will be borne by Illinois businesses. For BOMA/Chicago members, that translates into a cumulative increase of about $1.2 million for a large office building; and as much as $7.8 million for those that fall into the Extra Large Commercial Customer rate.

The total cost of this legislation is more than $800 million annually that will be paid by Illinois families and businesses. Annual program costs include (but are not limited to) nuclear ($140 million), energy transition fund or social programs ($185 million), Renewable Portfolio Standard (RPS) rate cap doubled ($230 million), RPS base year change ($115 million), and Coal to Solar ($37 million). This does not include market-based changes or the ROE in rate cases at the Illinois Commerce Commission.

According to industry estimates, the average annual cost increases for all ratepayers will be $1.2B, or approximately $14.6B over the first 10 years. This equates to a levelized average increase of over $12/MWh for all Illinois utility customers.

SUMMARY OF MAJOR CHANGES

- **Nuclear Subsidies:** The legislation will provide $694 million in subsidies over five years for the Braidwood, Byron, and Dresden plants. If federal funds are provided through the infrastructure bill, funds will be returned to Illinois ratepayers, so they do not receive double funding.
- **Renewable Portfolio Standard**: The bill more than doubles funding for the RPS program and revises the policy target to require procurement of 100 percent clean energy by 2050. It requires the Illinois Power Authority to procure 40 percent renewable energy by the year 2030 and 50 percent by 2040. Utility-scale wind and solar projects must have project labor agreements and the prevailing wage shall be paid on all non-residential wind and solar projects.
    - **Renewable Self-Direct Program**: Creates a new **self-direct market** to provide RECs that equal 40% of customer load to customers that use 10MW and up (including C&I customers that can aggregate to 10MW and up). Self-direct program includes projects that generate renewable energy (not just REC purchases); however, RPS credit is based on REC compliance only.
- **Power Sector Decarbonization**: All private coal and gas plants must cease operating by 2045 and reduce emissions by 45 percent by the year 2035. Municipal coal plants (CWLP and Prairie State Generating Campus) must reduce emissions by 45 percent by 2035. If they miss that goal, they have three more years to hit the target or close one of their generating plants. All private-fired coal and oil-fired electric generating units must be closed by January 1, 2030. Additional decarbonization initiatives include:
    - **Coal-to-Solar Program**: Creates a coal to solar program to support the transition of five coal plants to renewable energy/battery storage facilities. Program set to begin March 31, 2022.
    - **Co-Generation**: Requires the closure of all combined heat-power or co-generation plants by 2045 unless those facilities are converted to green hydrogen or other technology that can reduce emissions to zero.
    - **CHP and WHP**: Allows Combined Heat-Power and Waste Heat-Power to operate in Illinois until 2045.
- **Rate Formula**: Replaces current “formula rate” structure with “performance-based” rate cases at the Illinois Commerce Commission that provides a guaranteed return on investment (ROI). Utilities will be required to file multi-year plans with rates based on performance metrics including demand response, supplier diversity, reliability, affordability, customer service, and interconnection response time.

- **Electric Vehicles:** Illinois is creating a goal of 1 million electric vehicles on the road by 2030 through a new $4,000 electric vehicle purchasing incentive that will take effect in July 2022. Authorizes the ICC to initiate a workshop process for the purpose of soliciting input on the design of beneficial electrification programs that a utility shall offer. No later than July 1, 2022, electric utilities serving more than 500,000 customers in the state shall file a Beneficial Electrification Plan with the ICC. Such plan will implement programs that start by January 1, 2023.

SUMMARY OF DETAILED CHANGES

Ethics

- Expands statement of economic interest requirements to include any spouse or immediate family member employed by a public utility in Illinois.
- Subjects the Illinois Power Agency to ex-parte communication requirements.
- Creates a Public Utility Ethics and Compliance Monitor to ensure utility companies are meeting the highest level of ethical standards.
- Requires the ICC to initiate an investigation into how ratepayer funds were used in connection with the conduct outlined in ComEd's Deferred Prosecution Agreement, potentially putting refunds back into residential ratepayers' pockets.
- Requires each utility to establish the position of a Chief Ethics and Compliance Officer who must submit annual reports to the ICC.

Consumer Protections

- Eliminates the customer deposit requirement and late fees for low-income utility residential customers.
- Eliminates the online payment fee for all customers' utility bills.
- Requires utility companies to accurately report to the ICC on the number of shutoffs and reconnections monthly.
- Provides utility-funded compensation to non-profit representatives of consumer interests that intervene in ICC proceedings to increase public engagement and transparency, expand information available to the ICC, and improve decision-making.
- Requires the ICC to conduct a comprehensive study to assess whether low-income discount rates for residential customers are appropriate and consider the design and implementation of such rates.
- Requires the ICC to initiate a docket to provide for the refunding of excess deferred income taxes by the end of 2025.

Decarbonization

- Requires the closure of all private coal-fired and oil-fired electric generating units by January 1, 2030.
- Requires municipal coal, including Prairie State and CWLP Dallman, to be 100% carbon-free by December 31, 2045, with an interim emissions reductions goal of 45% from existing emissions by no later than January 1, 2035.
- Requires the closure of all private natural gas-fired units by 2045, prioritizing those with higher rates of emissions and those in and near environmental justice communities.
- Requires the closure of all municipal natural gas-fired units by 2045, unless companies convert units to green hydrogen or similar technology that can achieve zero carbon emissions.
- Requires the closure of all units that utilize combined heat and power or cogeneration technology by 2045, unless companies convert units to green hydrogen or similar technology that can achieve zero carbon emissions.
- Allows a unit to stay open if it is determined that ongoing operation is necessary to maintain power grid supply and reliability.
- Requires every 5 years, starting in 2025, IEPA, IPA, and ICC to jointly conduct a study on the State's progress toward its renewable energy resources development goals and the current and projected status of electric resource adequacy and reliability throughout the state.
- Provides $694 million in financial support over 5 years for the Byron, Dresden, and Braidwood nuclear plants, which will also keep the LaSalle nuclear plant viable and cost the average residential ratepayer an estimated $0.80/month.
- Creates a coal to solar program to support the transition of coal plants to renewable energy facilities. Sets timeline of coal-to-solar to begin on March 31, 2022 – allowing the Illinois Power Agency (IPA) adequate time to prepare to conduct its initial procurement.
- Authorizes the Governor to create a commission on market-based carbon pricing solutions.
- Creates a Nonprofit Electric Generation Task Force to investigate carbon capture and sequestration and debt financing options for Prairie State.

Renewable Energy and Labor Standards

- Provides that it is the policy of the State to move toward 100% clean energy by 2050.
- Makes changes to the Illinois Power Agency Act to double the state's investment in renewable energy, put the state on a path to 40% renewable energy by 2030 and 50% by 2040, and shift to indexed Renewable Energy Credits, costing residential ratepayers around $1.22/month.
- Requires project labor agreements on all utility-scale wind and solar projects.
- Requires prevailing wage on all non-residential wind and solar projects (except for projects up to 100 kw on houses of worship).

- Requires the ICC to initiate an energy storage proceeding.
- Expands clean energy transmission by allowing the ICC to grant a certificate of public convenience and necessity to construct, operate, and maintain a qualifying direct current project.
- Requires the ICC to open an investigation to develop and adopt a renewable energy access plan to achieve transmission capacity to support renewable energy expansion.
- Permits Ameren to establish up to 2 utility-scale solar pilot projects.
- Permits schools to lease property more than 25 years to support renewable energy projects.
- Prevents municipal and cooperative electric providers from imposing discriminatory financial repercussions on customers who self-generate electricity.
- Requires the IPA to issue upfront REC payments to equity eligible contractors that need assistance in paying the prevailing wage.
- Requires renewable industry reporting on diversity and inclusion efforts.
- Establishes a self-direct program for large commercial and industrial users to offset a portion of their RPS payments through the procurement of RECs from utility-scale renewable projects.

Ratemaking

- Ends formula rates and transitions to performance-based ratemaking.
- Requires an independent audit of the current state of the grid and expenditures made since 2012.
- Requires utilities to file a Multi-Year Rate Plan where they will be rewarded and penalized based on achievement of ICC-approved performance metrics, which will be based on reliability and resiliency, peak load reductions attributable to demand response programs, supplier diversity expansion, affordability, interconnection response time, and customer service performance.
- Requires annual performance evaluations to evaluate utilities' performance on their metric targets during the previous year.
- Requires utilities to file a Multi-Year Integrated Grid Plan to support the state's clean energy goals and comprehensive grid planning.
- Creates a new Division of Integrated Distribution Planning at the ICC.

Workforce Development

- Creates the Energy Transition Assistance Fund to allocate funding from ratepayers to support $180 million in state clean energy programs.
- Allows local governments to engage in community energy and climate planning.
- Creates a displaced energy workers bill of rights, administered by DCEO and IDES, to provide state support to transitioning energy sector workers.

- Creates a Clean Jobs Workforce Network Hubs Program, establishing 13 program delivery hub sites that leverage community-based organizations to ensure members of equity-focused populations have dedicated and sustained support to enter and complete the career pipeline for clean energy and related sector jobs.
- Establishes Energy Transition Navigators to provide education, outreach, and recruitment to equity-focused populations to ensure they are aware of workforce development programs.
- Requires DCEO to develop a Climate Works Pre-apprenticeship Program and provide funding to three Climate Works Hubs throughout the state which will recruit, prescreen, and provide pre-apprenticeship training to equity focused populations.
- Creates a clean energy contractor incubator program to provide access to low-cost capital and financial support for small clean energy businesses and contractors.
- Creates a returning residents clean jobs training program to provide training for careers in the clean energy sector to individuals who are currently incarcerated.
- Creates a clean energy primes contractor accelerator program to mentor and support businesses and contractors through business coaching and operational support.
- Creates a jobs and environmental justice grant program to provide upfront and seed capital to support community ownership and development of renewable energy projects.
- Establishes the Energy Workforce Advisory Council within DCEO to make recommendations to the state on clean energy workforce programs.

Social Justice and Equity for Workforce and Community Transition

- Creates an Energy Transition Workforce Commission to report on the anticipated impact of the energy transition and recommend changes to the workforce through 2050.
- Requires plant owners to provide written notice of a plant closure to DCEO and community leaders and aid impacted communities through displaced energy worker dependent transition scholarships, an energy transition barrier reduction program, and just transition grants to promote economic development in eligible communities.
- Requires DCEO to establish a grant program to award grants to promote economic development in eligible, transitioning communities.
- Requires DCEO, in collaboration with IDES, to implement a displaced worker bill of rights that provides benefits to displaced energy workers, including notice of a plant closure.
- Requires DCEO to administer a transition scholarship program to support youth who are deterred from attending or completing an educational program at an Illinois institution of higher education because of his or her parent's layoff from a retiring power plant.
- Requires DCEO to create or commission a report on the energy worker and transition programs.

- Allows a local unit of government to establish Community Energy and Climate Plans, which are intended to aid local governments in developing a comprehensive approach to combining different energy and climate programs and funding resources.
- Requires plant owners to notify employees and public officials of a plant closure two years in advance.

Climate Financing

- Designates the Illinois Finance Authority as the climate bank and allows the Authority to aid clean energy efforts by providing financial products and programs to finance and otherwise develop and implement clean energy.
- Creates a clean energy jobs and justice fund and board to finance and support clean energy investments.

Transportation

- Establishes a goal of adopting 1,000,000 electric vehicles in Illinois by 2030.
- Authorizes the ICC to initiate a workshop process for the purpose of soliciting input on the design of beneficial electrification programs that a utility shall offer.
- No later than July 1, 2022, electric utilities serving more than 500,000 customers in the state shall file a Beneficial Electrification Plan with the ICC.
- Requires electric utilities to file beneficial electrification plans with the ICC to support the rapid deployment of electric vehicles and make-ready infrastructure statewide. Such plan will include the following:
    - Make-ready investments to facilitate the rapid deployment of charging equipment throughout the state, facilitate the electrification of public transit and other vehicle fleets.
    - Development and implementation of beneficial electrification programs, such as time-of-use rates, optimized charging programs (signals allow EV charging to respond to local system conditions and manage critical peak periods).
    - Optional commercial tariffs utilizing alternatives to traditional demand-based rate structures tofacilitate charging for light duty, heavy duty, and fleet electric vehicles.
    - Financial and other challenges to EV usage in low-income communities.
    - Methods of minimizing ratepayer impacts and exempting/minimizing low-income ratepayers from the costs associated with facilitating the expansion of EV charging.
    - Plans to increase access to Level 3 Public Electric Vehicle Charging Infrastructure.
    - Whether to establish charging standards for type of plugs eligible for investment or incentive programs.

- Opportunities for coordination and cohesion with EV and EV charging equipment incentives established by the state or federal programs.
- Ideas for development of online tools, applications, and data sharing for essential information tocharging EVs and price signals; and
- Customer education, outreach, and incentive programs to increase awareness of programs andbenefits of transportation electrification.

- Requires IEPA to award rebates to help fund up to 80% of the cost of the installation of charging stations and requires recipients to pay prevailing wage on installation projects.
- Creates an Electric Vehicle Coordinator within IEPA.
- Requires IDOT to conduct a study to consider how the adoption of EVs will adversely affect resources needed for transportation infrastructure.
- Creates an up to $4,000 rebate for consumers who purchase an electric vehicle.

Energy Efficiency

- Requires CDB, in consultation with DCEO, to create and adopt a stretch energy code to allow municipalities and projects authorized or funded by CDB to achieve more energy efficiency in buildings than the Illinois Energy Conservation Code.
- Extends electric energy efficiency goals until 2040, expands low-income weatherization, and permits large energy consumers to opt out and develop their own energy efficiency efforts with demonstrated compliance.
- Establishes a Public Schools Carbon-Free Assessment program to analyze the infrastructure necessary for energy efficiency and solar energy installation in public schools, especially those in Tier 1 and Tier 2 districts.
- Requires public utilities to adopt an Equitable Energy Upgrade Program to permit customers to finance the construction of energy projects through tariffs on their bills.

Climate and Equitable Jobs Act of 2021
Cost Center Analysis

ComEd Service Region Cost Impacts											
2021 Energy Bill Cost Centers	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**	**2030**	**2031**	**TOTAL**
Coal to Solar	$28,035,000	$32,760,000	$32,760,000	$32,760,000	$32,760,000	$32,760,000	$32,760,000	$32,760,000	$32,760,000	$32,760,000	$322,875,000
Credit Card Socialization	$9,000,000	$9,000,000	$9,000,000	$9,000,000	$9,000,000	$9,000,000	$9,000,000	$9,000,000	$9,000,000	$9,000,000	$90,000,000
Distributed Generation Incentive	$33,969,986	$46,062,137	$60,361,466	$74,138,875	$87,394,365	$100,127,935	$112,339,586	$124,029,318	$135,197,130	$145,843,023	$919,463,821
DG Storage Incentive	$30,572,987	$41,455,923	$51,947,420	$62,047,477	$71,756,095	$81,073,273	$89,999,012	$98,533,311	$106,676,170	$114,427,590	$748,489,259
Energy Assistance	-$16,750,800	$6,913,052	$30,576,904	$54,240,756	$54,240,756	$54,240,756	$54,240,756	$54,240,756	$54,240,756	$54,240,756	$400,424,452
Energy Efficiency Programs	$18,099,234	$35,623,929	$52,512,657	$68,590,973	$81,749,584	$95,760,797	$110,875,031	$127,211,867	$144,303,460	$162,129,116	$896,856,647
Electric Integrated Grid Planning	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$3,000,000	$30,000,000
Electric Vehicle Incentives	Incentives paid from Existing Alternative Fuels Fund Collections										
Beneficial Electrification	$7,301,382	$14,544,914	$21,729,150	$28,852,608	$35,913,767	$42,911,071	$49,842,923	$56,707,688	$63,503,686	$70,229,201	$391,536,390
Equitable Energy Upgrade Program	$786,667	$786,667	$786,667	$786,667	$786,667	$786,667	$786,667	$786,667	$786,667	$786,667	$7,866,667
Equity Programs	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Exelon Incentive	$138,800,000	$138,800,000	$138,800,000	$138,800,000	$138,800,000	$0	$0	$0	$0	$0	$694,000,000
ICC Division of Int Dist Planning	$5,200,000	$5,200,000	$5,200,000	$5,200,000	$5,200,000	$5,200,000	$5,200,000	$5,200,000	$5,200,000	$5,200,000	$52,000,000
Intervenor Compensation	$450,000	$450,000	$450,000	$450,000	$450,000	$450,000	$450,000	$450,000	$450,000	$450,000	$4,500,000
Performance Based Rates	$0	$0	$97,240,000	$144,716,000	$194,565,800	$246,908,090	$301,867,495	$359,574,869	$420,167,613	$483,789,993	$2,248,829,860
Renewable Portfolio Standard	$265,170,737	$265,416,758	$265,432,884	$264,772,074	$263,615,497	$263,696,304	$264,770,458	$266,345,938	$266,345,938	$266,352,625	$2,651,919,215
Utility-Scale Pilot Projects (Storage)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
TOTAL COST CENTERS	**$523,635,193**	**$600,013,381**	**$769,797,148**	**$887,355,430**	**$979,232,532**	**$935,914,894**	**$1,035,131,928**	**$1,137,840,414**	**$1,241,631,421**	**$1,348,208,971**	**$9,458,761,311**
Annual Consumption (MWh)	84,670,393	84,748,949	84,754,098	84,543,098	84,173,797	84,199,599	84,542,582	85,045,641	85,045,641	85,047,776	846,771,574
Average Rate Impact ($/MWh)	$6.18	$7.08	$9.08	$10.50	$11.63	$11.12	$12.24	$13.38	$14.60	$15.85	$11.17

Climate and Equitable Jobs Act of 2021
Projected Cost Increase by Rate Class and Property Type Analysis

Energy Bill Cost Increases (ComEd)													
Account Types / Examples	**PLC (kW)**	**Annual kWh**	**2022/23**	**2023/24**	**2024/25**	**2025/26**	**2026/27**	**2027/28**	**2028/29**	**2029/30**	**2030/31**	**2031/32**	**10-Year Total**
Large Commercial (400 - 1,000 kW Peak Demand)													
Medium Office Building													
Annual Cost Increase	500	2,759,400	$17,065.22	$19,536.25	$25,062.84	$28,962.37	$32,101.37	$30,671.92	$33,785.85	$36,918.49	$40,286.11	$43,743.03	$308,133.46
Average Monthly Charge Increases			$1,422.10	$1,628.02	$2,088.57	$2,413.53	$2,675.11	$2,555.99	$2,815.49	$3,076.54	$3,357.18	$3,645.25	$2,567.78
Volumetric Charge Increases ($/MWh)			$6.18	$7.08	$9.08	$10.50	$11.63	$11.12	$12.24	$13.38	$14.60	$15.85	$11.17
Walmart													
Annual Cost Increase	650	3,701,100	$22,889.07	$26,203.39	$33,616.03	$38,846.35	$43,056.60	$41,139.32	$45,315.94	$49,517.66	$54,034.54	$58,671.21	$413,290.12
Average Monthly Charge Increases			$1,907.42	$2,183.62	$2,801.34	$3,237.20	$3,588.05	$3,428.28	$3,776.33	$4,126.47	$4,502.88	$4,889.27	$3,444.08
Volumetric Charge Increases ($/MWh)			$6.18	$7.08	$9.08	$10.50	$11.63	$11.12	$12.24	$13.38	$14.60	$15.85	$11.17
Very Large (<1,000 kW Peak Demand)													
Large Downtown Office Building													
Annual Cost Increase	2500	10,950,000	$67,719.13	$77,524.81	$99,455.71	$114,930.04	$127,386.39	$121,713.98	$134,070.84	$146,501.95	$159,865.50	$173,583.47	$1,222,751.83
Average Monthly Charge Increases			$5,643.26	$6,460.40	$8,287.98	$9,577.50	$10,615.53	$10,142.83	$11,172.57	$12,208.50	$13,322.13	$14,465.29	$10,189.60
Volumetric Charge Increases ($/MWh)			$6.18	$7.08	$9.08	$10.50	$11.63	$11.12	$12.24	$13.38	$14.60	$15.85	$11.17
College Campus													
Annual Cost Increase	9000	47,304,000	$292,546.64	$334,907.20	$429,648.66	$496,497.79	$550,309.21	$525,804.38	$579,186.01	$632,888.44	$690,618.97	$749,880.60	$5,282,287.89
Average Monthly Charge Increases			$24,378.89	$27,908.93	$35,804.05	$41,374.82	$45,859.10	$43,817.03	$48,265.50	$52,740.70	$57,551.58	$62,490.05	$44,019.07
Volumetric Charge Increases ($/MWh)			$6.18	$7.08	$9.08	$10.50	$11.63	$11.12	$12.24	$13.38	$14.60	$15.85	$11.17
Extra Large (>10,000 kW Peak Demand)													
Very Large Office Complex													
Annual Cost Increase	12000	70,430,400	$435,569.44	$498,639.60	$639,699.11	$739,230.04	$819,349.27	$782,864.30	$862,343.61	$942,300.56	$1,028,254.91	$1,116,488.89	$7,864,739.75
Average Monthly Charge Increases			$36,297.45	$41,553.30	$53,308.26	$61,602.50	$68,279.11	$65,238.69	$71,861.97	$78,525.05	$85,687.91	$93,040.74	$65,539.50
Volumetric Charge Increases ($/MWh)			$6.18	$7.08	$9.08	$10.50	$11.63	$11.12	$12.24	$13.38	$14.60	$15.85	$11.17
University Campus													
Annual Cost Increase	50000	284,700,000	$1,760,697.38	$2,015,645.17	$2,585,848.39	$2,988,181.14	$3,312,046.17	$3,164,563.41	$3,485,841.72	$3,809,050.79	$4,156,503.04	$4,513,170.27	$31,791,547.49
Average Monthly Charge Increases			$146,724.78	$167,970.43	$215,487.37	$249,015.09	$276,003.85	$263,713.62	$290,486.81	$317,420.90	$346,375.25	$376,097.52	$264,929.56
Volumetric Charge Increases ($/MWh)			$6.18	$7.08	$9.08	$10.50	$11.63	$11.12	$12.24	$13.38	$14.60	$15.85	$11.17