

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

**Illinois Commerce Commission** :  
**On Its Own Motion** :  
 : **07-0483**  
**Development of net metering** :  
**Standards required by P.A. 95-0420.** :

**INTERIM ORDER**

By the Commission:

On August 24, 2007, PA 95-420 became law. It added a new section to the Public Utilities Act, Section 16-107.5, which is entitled "Electricity Net Metering" (the "Net Metering Statute"). Section 16-107.5 requires electric providers (electric utilities or alternative retail electric suppliers) to provide net metering facilities with metering equipment that can measure the flow of electricity in both directions at the same rate. (220 ILCS 5/16-107.5(e)). It also provides that:

Within 120 days after the effective date of this amendatory Act . . . the Commission shall establish standards for net metering.

(220 ILCS 5/16-107.5(h)). The Commission Staff has adopted 83 Ill. Adm. Code 465(c), entitled "Net Metering," to implement this statutory provision. In a Staff Report dated November 2, 2007, the Staff of the Commission's Energy Division recommended that the Commission use the emergency rulemaking procedure in order to ensure that the Net Metering Statute is implemented in a timely fashion. The Staff also recommends that this docket proceed forward to develop permanent rules, as soon as possible, as emergency rules are only effective for 150 days. Staff's recommendations are reasonable and they should be adopted.

The Commission, being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has subject-matter jurisdiction;
- (2) the recitals of fact set forth herein are supported by the record and are hereby adopted as findings of fact;
- (3) the Commission takes administrative notice of P.A. 95-0420;

- (4) the use of emergency rulemaking is necessary to effectuate 220 ILCS 5/16-107.5 in a timely manner;
- (5) 83 Ill. Adm. Code 485(c), as reflected in the Appendix to this Order, should be adopted on an emergency basis pursuant to Section 5-45 of the Illinois Administrative Procedure Act and a Notice of Emergency Rule should be submitted to the Secretary of State pursuant to Section 5-45 of the Illinois Administrative Procedure Act;
- (6) the Notice of the Rule, 83 Ill. Adm. Code 485(c), as reflected in the Appendix to this Order, should be submitted to the Illinois Secretary of State pursuant to Section 5-40 of the Administrative Procedure Act;
- (7) this proceeding should be conducted as a rulemaking; the scope of this proceeding is limited to implementation of P.A. 95-0420;
- (8) the Staff Report dated November 2, 2007, is hereby made part of the record of this proceeding;
- (9) the Commission's Chief Clerk's office is hereby directed to serve a copy of this Order upon all Illinois electric suppliers, including, but not limited to, Alternative Retail Electrical Suppliers;
- (10) because emergency rules are only effective for 150 days the parties and Commission Staff shall proceed in this docket to develop a permanent rule in this docket, with a status hearing to convene on November 29, 2007 at 11:00 a.m., or, at a date and time agreed to by the parties and Commission Staff.

IT IS THEREFORE ORDERED that 83 Ill. Adm. Code 485( c), as reflected in the Appendix to this Order, are adopted on an emergency basis pursuant to Section 5-45 of the Illinois Administrative Procedure Act, to be effective December 1, 2007, and that the Notice of Emergency Rule shall be submitted to the Illinois Secretary of State.

IT IS FURTHER ORDERED that the Notice of Emergency Rule for 83 Ill. Adm. Code 485(c) shall be submitted to the Illinois Secretary of State pursuant to Section 5-40 of the Illinois Administrative Procedure Act.

IT IS FURTHER ORDERED that the Commission takes administrative notice of P.A. 95-0420.

IT IS FURTHER ORDERED that the Staff Report dated November 2, 2007, is made a part of the record of this proceeding.

IT IS FURTHER ORDERED that the Chief Clerk shall serve a copy of this Order upon all Illinois electric suppliers, including, but not limited to, Alternative Retail Electric Suppliers.

IT IS FURTHER ORDERED that this Order is not final; it is not subject to the Administrative Review Law.

By Order of the Commission this 20<sup>th</sup> Day of November, 2007.

(SIGNED) CHARLES E. BOX

Chairman