

SB2072



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2072

Introduced 2/10/2017, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-506.2
220 ILCS 5/13-1200

Amends the Public Utilities Act. Provides that an Electing Provider that has at any time been subject to a certain condition of a specified order issued by the Illinois Commerce Commission shall be subject to specified provisions of the Illinois Administrative Code. Extends the repeal date of the Telecommunications Article to July 1, 2020.

LRB100 11444 RJF 21876 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing
5 Sections 13-506.2 and 13-1200 as follows:

6 (220 ILCS 5/13-506.2)

7 (Section scheduled to be repealed on July 1, 2017)

8 Sec. 13-506.2. Market regulation for competitive retail
9 services.

10 (a) Definitions. As used in this Section:

11 (1) "Electing Provider" means a telecommunications
12 carrier that is subject to either rate regulation pursuant
13 to Section 13-504 or Section 13-505 or alternative
14 regulation pursuant to Section 13-506.1 and that elects to
15 have the rates, terms, and conditions of its competitive
16 retail telecommunications services solely determined and
17 regulated pursuant to the terms of this Article.

18 (2) "Basic local exchange service" means either a
19 stand-alone residence network access line and per-call
20 usage or, for any geographic area in which such stand-alone
21 service is not offered, a stand-alone flat rate residence
22 network access line for which local calls are not charged
23 for frequency or duration. Extended Area Service shall be

1 included in basic local exchange service.

2 (3) "Existing customer" means a residential customer
3 who was subscribing to one of the optional packages
4 described in subsection (d) of this Section as of the
5 effective date of this amendatory Act of the 99th General
6 Assembly. A customer who was subscribing to one of the
7 optional packages on that date but stops subscribing
8 thereafter shall not be considered an "existing customer"
9 as of the date the customer stopped subscribing to the
10 optional package, unless the stoppage is temporary and
11 caused by the customer changing service address locations,
12 or unless the customer resumes subscribing and is eligible
13 to receive discounts on monthly telephone service under the
14 federal Lifeline program, 47 C.F.R. Part 54, Subpart E.

15 (4) "New customer" means a residential customer who was
16 not subscribing to one of the optional packages described
17 in subsection (d) of this Section as of the effective date
18 of this amendatory Act of the 99th General Assembly and who
19 is eligible to receive discounts on monthly telephone
20 service under the federal Lifeline program, 47 C.F.R. Part
21 54, Subpart E.

22 (b) Election for market regulation. Notwithstanding any
23 other provision of this Act, an Electing Provider may elect to
24 have the rates, terms, and conditions of its competitive retail
25 telecommunications services solely determined and regulated
26 pursuant to the terms of this Section by filing written notice

1 of its election for market regulation with the Commission. The
2 notice of election shall designate the geographic area of the
3 Electing Provider's service territory where the market
4 regulation shall apply, either on a state-wide basis or in one
5 or more specified Market Service Areas ("MSA") or Exchange
6 areas. An Electing Provider shall not make an election for
7 market regulation under this Section unless it commits in its
8 written notice of election for market regulation to fulfill the
9 conditions and requirements in this Section in each geographic
10 area in which market regulation is elected. Immediately upon
11 filing the notice of election for market regulation, the
12 Electing Provider shall be subject to the jurisdiction of the
13 Commission to the extent expressly provided in this Section.

14 (c) Competitive classification. Market regulation shall be
15 available for competitive retail telecommunications services
16 as provided in this subsection.

17 (1) For geographic areas in which telecommunications
18 services provided by the Electing Provider were classified
19 as competitive either through legislative action or a
20 tariff filing pursuant to Section 13-502 prior to January
21 1, 2010, and that are included in the Electing Provider's
22 notice of election pursuant to subsection (b) of this
23 Section, such services, and all recurring and nonrecurring
24 charges associated with, related to or used in connection
25 with such services, shall be classified as competitive
26 without further Commission review. For services classified

1 as competitive pursuant to this subsection, the
2 requirements or conditions in any order or decision
3 rendered by the Commission pursuant to Section 13-502 prior
4 to the effective date of this amendatory Act of the 96th
5 General Assembly, except for the commitments made by the
6 Electing Provider in such order or decision concerning the
7 optional packages required in subsection (d) of this
8 Section and basic local exchange service as defined in this
9 Section, shall no longer be in effect and no Commission
10 investigation, review, or proceeding under Section 13-502
11 shall be continued, conducted, or maintained with respect
12 to such services, charges, requirements, or conditions. If
13 an Electing Provider has ceased providing optional
14 packages to customers pursuant to subdivision (d)(8) of
15 this Section, the commitments made by the Electing Provider
16 in such order or decision concerning the optional packages
17 under subsection (d) of this Section shall no longer be in
18 effect and no Commission investigation, review, or
19 proceeding under Section 13-502 shall be continued,
20 conducted, or maintained with respect to such packages.

21 (2) For those geographic areas in which residential
22 local exchange telecommunications services have not been
23 classified as competitive as of the effective date of this
24 amendatory Act of the 96th General Assembly, all
25 telecommunications services provided to residential and
26 business end users by an Electing Provider in the

1 geographic area that is included in its notice of election
2 pursuant to subsection (b) shall be classified as
3 competitive for purposes of this Article without further
4 Commission review.

5 (3) If an Electing Provider was previously subject to
6 alternative regulation pursuant to Section 13-506.1 of
7 this Article, the alternative regulation plan shall
8 terminate in whole for all services subject to that plan
9 and be of no force or effect, without further Commission
10 review or action, when the Electing Provider's residential
11 local exchange telecommunications service in each MSA in
12 its telecommunications service area in the State has been
13 classified as competitive pursuant to either subdivision
14 (c) (1) or (c) (2) of this Section.

15 (4) The service packages described in Section 13-518
16 shall be classified as competitive for purposes of this
17 Section if offered by an Electing Provider in a geographic
18 area in which local exchange telecommunications service
19 has been classified as competitive pursuant to either
20 subdivision (c) (1) or (c) (2) of this Section.

21 (5) Where a service, or its functional equivalent, or a
22 substitute service offered by a carrier that is not an
23 Electing Provider or the incumbent local exchange carrier
24 for that area is also being offered by an Electing Provider
25 for some identifiable class or group of customers in an
26 exchange, group of exchanges, or some other clearly defined

1 geographical area, the service offered by a carrier that is
2 not an Electing Provider or the incumbent local exchange
3 carrier for that area shall be classified as competitive
4 without further Commission review.

5 (6) Notwithstanding any other provision of this Act,
6 retail telecommunications services classified as
7 competitive pursuant to Section 13-502 or subdivision
8 (c)(5) of this Section shall have their rates, terms, and
9 conditions solely determined and regulated pursuant to the
10 terms of this Section in the same manner and to the same
11 extent as the competitive retail telecommunications
12 services of an Electing Provider, except that subsections
13 (d), (g), and (j) of this Section shall not apply to a
14 carrier that is not an Electing Provider or to the
15 competitive telecommunications services of a carrier that
16 is not an Electing Provider. The access services of a
17 carrier that is not an Electing Provider shall remain
18 subject to Section 13-900.2. The requirements in
19 subdivision (e)(3) of this Section shall not apply to
20 retail telecommunications services classified as
21 competitive pursuant to Section 13-502 or subdivision
22 (c)(5) of this Section, except that, upon request from the
23 Commission, the telecommunications carrier providing
24 competitive retail telecommunications services shall
25 provide a report showing the number of credits and
26 exemptions for the requested time period.

1 (d) Consumer choice safe harbor options.

2 (1) Subject to subdivision (d)(8) of this Section, an
3 Electing Provider in each of the MSA or Exchange areas
4 classified as competitive pursuant to subdivision (c)(1)
5 or (c)(2) of this Section shall offer to all residential
6 customers who choose to subscribe the following optional
7 packages of services priced at the same rate levels in
8 effect on January 1, 2010:

9 (A) A basic package, which shall consist of a
10 stand-alone residential network access line and 30
11 local calls. If the Electing Provider offers a
12 stand-alone residential access line and local usage on
13 a per call basis, the price for the basic package shall
14 be the Electing Provider's applicable price in effect
15 on January 1, 2010 for the sum of a residential access
16 line and 30 local calls, additional calls over 30 calls
17 shall be provided at the current per call rate.
18 However, this basic package is not required if
19 stand-alone residential network access lines or
20 per-call local usage are not offered by the Electing
21 Provider in the geographic area on January 1, 2010 or
22 if the Electing Provider has not increased its
23 stand-alone network access line and local usage rates,
24 including Extended Area Service rates, since January
25 1, 2010.

26 (B) An extra package, which shall consist of

1 residential basic local exchange network access line
2 and unlimited local calls. The price for the extra
3 package shall be the Electing Provider's applicable
4 price in effect on January 1, 2010 for a residential
5 access line with unlimited local calls.

6 (C) A plus package, which shall consist of
7 residential basic local exchange network access line,
8 unlimited local calls, and the customer's choice of 2
9 vertical services offered by the Electing Provider.
10 The term "vertical services" as used in this
11 subsection, includes, but is not limited to, call
12 waiting, call forwarding, 3-way calling, caller ID,
13 call tracing, automatic callback, repeat dialing, and
14 voicemail. The price for the plus package shall be the
15 Electing Provider's applicable price in effect on
16 January 1, 2010 for the sum of a residential access
17 line with unlimited local calls and 2 times the average
18 price for the vertical features included in the
19 package.

20 (2) Subject to subdivision (d)(8) of this Section, for
21 those geographic areas in which local exchange
22 telecommunications services were classified as competitive
23 on the effective date of this amendatory Act of the 96th
24 General Assembly, an Electing Provider in each such MSA or
25 Exchange area shall be subject to the same terms and
26 conditions as provided in commitments made by the Electing

1 Provider in connection with such previous competitive
2 classifications, which shall apply with equal force under
3 this Section, except as follows: (i) the limits on price
4 increases on the optional packages required by this Section
5 shall be extended consistent with subsection (d) (1) of this
6 Section and (ii) the price for the extra package required
7 by subsection (d) (1) (B) shall be reduced by one dollar from
8 the price in effect on January 1, 2010. In addition, if an
9 Electing Provider obtains a competitive classification
10 pursuant to subsection (c) (1) and (c) (2), the price for the
11 optional packages shall be determined in such area in
12 compliance with subsection (d) (1), except the price for the
13 plus package required by subsection (d) (1) (C) shall be the
14 lower of the price for such area or the price of the plus
15 package in effect on January 1, 2010 for areas classified
16 as competitive pursuant to subsection (c) (1).

17 (3) To the extent that the requirements in Section
18 13-518 applied to a telecommunications carrier prior to the
19 effective date of this Section and that telecommunications
20 carrier becomes an Electing Provider in accordance with the
21 provisions of this Section, the requirements in Section
22 13-518 shall cease to apply to that Electing Provider in
23 those geographic areas included in the Electing Provider's
24 notice of election pursuant to subsection (b) of this
25 Section.

26 (4) Subject to subdivision (d) (8) of this Section, an

1 Electing Provider shall make the optional packages
2 required by this subsection and stand-alone residential
3 network access lines and local usage, where offered,
4 readily available to the public by providing information,
5 in a clear manner, to residential customers. Information
6 shall be made available on a website, and an Electing
7 Provider shall provide notification to its customers every
8 6 months, provided that notification may consist of a bill
9 page message that provides an objective description of the
10 safe harbor options that includes a telephone number and
11 website address where the customer may obtain additional
12 information about the packages from the Electing Provider.
13 The optional packages shall be offered on a monthly basis
14 with no term of service requirement. An Electing Provider
15 shall allow online electronic ordering of the optional
16 packages and stand-alone residential network access lines
17 and local usage, where offered, on its website in a manner
18 similar to the online electronic ordering of its other
19 residential services.

20 (5) Subject to subdivision (d)(8) of this Section, an
21 Electing Provider shall comply with the Commission's
22 existing rules, regulations, and notices in Title 83, Part
23 735 of the Illinois Administrative Code when offering or
24 providing the optional packages required by this
25 subsection (d) and stand-alone residential network access
26 lines.

1 (6) Subject to subdivision (d)(8) of this Section, an
2 Electing Provider shall provide to the Commission
3 semi-annual subscribership reports as of June 30 and
4 December 31 that contain the number of its customers
5 subscribing to each of the consumer choice safe harbor
6 packages required by subsection (d)(1) of this Section and
7 the number of its customers subscribing to retail
8 residential basic local exchange service as defined in
9 subsection (a)(2) of this Section. The first semi-annual
10 reports shall be made on April 1, 2011 for December 31,
11 2010, and on September 1, 2011 for June 30, 2011, and
12 semi-annually on April 1 and September 1 thereafter. Such
13 subscribership information shall be accorded confidential
14 and proprietary treatment upon request by the Electing
15 Provider.

16 (7) The Commission shall have the power, after notice
17 and hearing as provided in this Article, upon complaint or
18 upon its own motion, to take corrective action if the
19 requirements of this Section are not complied with by an
20 Electing Provider.

21 (8) On and after the effective date of this amendatory
22 Act of the 99th General Assembly, an Electing Provider
23 shall continue to offer and provide the optional packages
24 described in this subsection (d) to existing customers and
25 new customers. On and after July 1, 2017, an Electing
26 Provider may immediately stop offering the optional

1 packages described in this subsection (d) and, upon
2 providing two notices to affected customers and to the
3 Commission, may stop providing the optional packages
4 described in this subsection (d) to all customers who
5 subscribe to one of the optional packages. The first notice
6 shall be provided at least 90 days before the date upon
7 which the Electing Provider intends to stop providing the
8 optional packages, and the second notice must be provided
9 at least 30 days before that date. The first notice shall
10 not be provided prior to July 1, 2017. Each notice must
11 identify the date on which the Electing Provider intends to
12 stop providing the optional packages, at least one
13 alternative service available to the customer, and a
14 telephone number by which the customer may contact a
15 service representative of the Electing Provider. After
16 July 1, 2017 with respect to new customers, and upon the
17 expiration of the second notice period with respect to
18 customers who were subscribing to one of the optional
19 packages, subdivisions (d)(1), (d)(2), (d)(4), (d)(5),
20 (d)(6), and (d)(7) of this Section shall not apply to the
21 Electing Provider. Notwithstanding any other provision of
22 this Article, an Electing Provider that has ceased
23 providing the optional packages under this subdivision
24 (d)(8) is not subject to Section 13-301(1)(c) of this Act.
25 Notwithstanding any other provision of this Act, and
26 subject to subdivision (d)(7) of this Section, the

1 Commission's authority over the discontinuance of the
2 optional packages described in this subsection (d) by an
3 Electing Provider shall be governed solely by this
4 subsection (d) (8).

5 (e) Service quality and customer credits for basic local
6 exchange service.

7 (1) An Electing Provider shall meet the following
8 service quality standards in providing basic local
9 exchange service, which for purposes of this subsection
10 (e), includes both basic local exchange service and any
11 consumer choice safe harbor options that may be required by
12 subsection (d) of this Section.

13 (A) Install basic local exchange service within 5
14 business days after receipt of an order from the
15 customer unless the customer requests an installation
16 date that is beyond 5 business days after placing the
17 order for basic service and to inform the customer of
18 the Electing Provider's duty to install service within
19 this timeframe. If installation of service is
20 requested on or by a date more than 5 business days in
21 the future, the Electing Provider shall install
22 service by the date requested.

23 (B) Restore basic local exchange service for the
24 customer within 30 hours after receiving notice that
25 the customer is out of service.

26 (C) Keep all repair and installation appointments

1 for basic local exchange service if a customer premises
2 visit requires a customer to be present. The
3 appointment window shall be either a specific time or,
4 at a maximum, a 4-hour time block during evening,
5 weekend, and normal business hours.

6 (D) Inform a customer when a repair or installation
7 appointment requires the customer to be present.

8 (2) Customers shall be credited by the Electing
9 Provider for violations of basic local exchange service
10 quality standards described in subdivision (e) (1) of this
11 Section. The credits shall be applied automatically on the
12 statement issued to the customer for the next monthly
13 billing cycle following the violation or following the
14 discovery of the violation. The next monthly billing cycle
15 following the violation or the discovery of the violation
16 means the billing cycle immediately following the billing
17 cycle in process at the time of the violation or discovery
18 of the violation, provided the total time between the
19 violation or discovery of the violation and the issuance of
20 the credit shall not exceed 60 calendar days. The Electing
21 Provider is responsible for providing the credits and the
22 customer is under no obligation to request such credits.
23 The following credits shall apply:

24 (A) If an Electing Provider fails to repair an
25 out-of-service condition for basic local exchange
26 service within 30 hours, the Electing Provider shall

1 provide a credit to the customer. If the service
2 disruption is for more than 30 hours, but not more than
3 48 hours, the credit must be equal to a pro-rata
4 portion of the monthly recurring charges for all basic
5 local exchange services disrupted. If the service
6 disruption is for more than 48 hours, but not more than
7 72 hours, the credit must be equal to at least 33% of
8 one month's recurring charges for all local services
9 disrupted. If the service disruption is for more than
10 72 hours, but not more than 96 hours, the credit must
11 be equal to at least 67% of one month's recurring
12 charges for all basic local exchange services
13 disrupted. If the service disruption is for more than
14 96 hours, but not more than 120 hours, the credit must
15 be equal to one month's recurring charges for all basic
16 local exchange services disrupted. For each day or
17 portion thereof that the service disruption continues
18 beyond the initial 120-hour period, the Electing
19 Provider shall also provide an additional credit of \$20
20 per calendar day.

21 (B) If an Electing Provider fails to install basic
22 local exchange service as required under subdivision
23 (e)(1) of this Section, the Electing Provider shall
24 waive 50% of any installation charges, or in the
25 absence of an installation charge or where
26 installation is pursuant to the Link Up program, the

1 Electing Provider shall provide a credit of \$25. If an
2 Electing Provider fails to install service within 10
3 business days after the service application is placed,
4 or fails to install service within 5 business days
5 after the customer's requested installation date, if
6 the requested date was more than 5 business days after
7 the date of the order, the Electing Provider shall
8 waive 100% of the installation charge, or in the
9 absence of an installation charge or where
10 installation is provided pursuant to the Link Up
11 program, the Electing Provider shall provide a credit
12 of \$50. For each day that the failure to install
13 service continues beyond the initial 10 business days,
14 or beyond 5 business days after the customer's
15 requested installation date, if the requested date was
16 more than 5 business days after the date of the order,
17 the Electing Provider shall also provide an additional
18 credit of \$20 per calendar day until the basic local
19 exchange service is installed.

20 (C) If an Electing Provider fails to keep a
21 scheduled repair or installation appointment when a
22 customer premises visit requires a customer to be
23 present as required under subdivision (e)(1) of this
24 Section, the Electing Provider shall credit the
25 customer \$25 per missed appointment. A credit required
26 by this subdivision does not apply when the Electing

1 Provider provides the customer notice of its inability
2 to keep the appointment no later than 8:00 pm of the
3 day prior to the scheduled date of the appointment.

4 (D) Credits required by this subsection do not
5 apply if the violation of a service quality standard:

6 (i) occurs as a result of a negligent or
7 willful act on the part of the customer;

8 (ii) occurs as a result of a malfunction of
9 customer-owned telephone equipment or inside
10 wiring;

11 (iii) occurs as a result of, or is extended by,
12 an emergency situation as defined in 83 Ill. Adm.
13 Code 732.10;

14 (iv) is extended by the Electing Provider's
15 inability to gain access to the customer's
16 premises due to the customer missing an
17 appointment, provided that the violation is not
18 further extended by the Electing Provider;

19 (v) occurs as a result of a customer request to
20 change the scheduled appointment, provided that
21 the violation is not further extended by the
22 Electing Provider;

23 (vi) occurs as a result of an Electing
24 Provider's right to refuse service to a customer as
25 provided in Commission rules; or

26 (vii) occurs as a result of a lack of

1 facilities where a customer requests service at a
2 geographically remote location, where a customer
3 requests service in a geographic area where the
4 Electing Provider is not currently offering
5 service, or where there are insufficient
6 facilities to meet the customer's request for
7 service, subject to an Electing Provider's
8 obligation for reasonable facilities planning.

9 (3) Each Electing Provider shall provide to the
10 Commission on a quarterly basis and in a form suitable for
11 posting on the Commission's website in conformance with the
12 rules adopted by the Commission and in effect on April 1,
13 2010, a public report that includes the following data for
14 basic local exchange service quality of service:

15 (A) With regard to credits due in accordance with
16 subdivision (e) (2) (A) as a result of out-of-service
17 conditions lasting more than 30 hours:

18 (i) the total dollar amount of any customer
19 credits paid;

20 (ii) the number of credits issued for repairs
21 between 30 and 48 hours;

22 (iii) the number of credits issued for repairs
23 between 49 and 72 hours;

24 (iv) the number of credits issued for repairs
25 between 73 and 96 hours;

26 (v) the number of credits used for repairs

1 between 97 and 120 hours;

2 (vi) the number of credits issued for repairs
3 greater than 120 hours; and

4 (vii) the number of exemptions claimed for
5 each of the categories identified in subdivision
6 (e) (2) (D).

7 (B) With regard to credits due in accordance with
8 subdivision (e) (2) (B) as a result of failure to install
9 basic local exchange service:

10 (i) the total dollar amount of any customer
11 credits paid;

12 (ii) the number of installations after 5
13 business days;

14 (iii) the number of installations after 10
15 business days;

16 (iv) the number of installations after 11
17 business days; and

18 (v) the number of exemptions claimed for each
19 of the categories identified in subdivision
20 (e) (2) (D).

21 (C) With regard to credits due in accordance with
22 subdivision (e) (2) (C) as a result of missed
23 appointments:

24 (i) the total dollar amount of any customer
25 credits paid;

26 (ii) the number of any customers receiving

1 credits; and

2 (iii) the number of exemptions claimed for
3 each of the categories identified in subdivision
4 (e) (2) (D).

5 (D) The Electing Provider's annual report required
6 by this subsection shall also include, for
7 informational reporting, the performance data
8 described in subdivisions (e) (2) (A), (e) (2) (B), and
9 (e) (2) (C), and trouble reports per 100 access lines
10 calculated using the Commission's existing applicable
11 rules and regulations for such measures, including the
12 requirements for service standards established in this
13 Section.

14 (4) It is the intent of the General Assembly that the
15 service quality rules and customer credits in this
16 subsection (e) of this Section and other enforcement
17 mechanisms, including fines and penalties authorized by
18 Section 13-305, shall apply on a nondiscriminatory basis to
19 all Electing Providers. Accordingly, notwithstanding any
20 provision of any service quality rules promulgated by the
21 Commission, any alternative regulation plan adopted by the
22 Commission, or any other order of the Commission, any
23 Electing Provider that is subject to any other order of the
24 Commission and that violates or fails to comply with the
25 service quality standards promulgated pursuant to this
26 subsection (e) or any other order of the Commission shall

1 not be subject to any fines, penalties, customer credits,
2 or enforcement mechanisms other than such fines or
3 penalties or customer credits as may be imposed by the
4 Commission in accordance with the provisions of this
5 subsection (e) and Section 13-305, which are to be
6 generally applicable to all Electing Providers. The amount
7 of any fines or penalties imposed by the Commission for
8 failure to comply with the requirements of this subsection
9 (e) shall be an appropriate amount, taking into account, at
10 a minimum, the Electing Provider's gross annual intrastate
11 revenue; the frequency, duration, and recurrence of the
12 violation; and the relative harm caused to the affected
13 customers or other users of the network. In imposing fines
14 and penalties, the Commission shall take into account
15 compensation or credits paid by the Electing Provider to
16 its customers pursuant to this subsection (e) in
17 compensation for any violation found pursuant to this
18 subsection (e), and in any event the fine or penalty shall
19 not exceed an amount equal to the maximum amount of a civil
20 penalty that may be imposed under Section 13-305.

21 (5) An Electing Provider in each of the MSA or Exchange
22 areas classified as competitive pursuant to subsection (c)
23 of this Section shall fulfill the requirements in
24 subdivision (e)(3) of this Section for 3 years after its
25 notice of election becomes effective. After such 3 years,
26 the requirements in subdivision (e)(3) of this Section

1 shall not apply to such Electing Provider, except that,
2 upon request from the Commission, the Electing Provider
3 shall provide a report showing the number of credits and
4 exemptions for the requested time period.

5 (e-5) In addition to the provisions of subsection (e), an
6 Electing Provider that has at any time been subject to
7 Condition One of the order issued by the Commission on April
8 21, 2010 in Docket 09-0268 shall be subject to the provisions
9 of Title 83 of Parts 730 and 732 of the Illinois Administrative
10 Code.

11 (f) Commission jurisdiction over competitive retail
12 telecommunications services. Except as otherwise expressly
13 stated in this Section, the Commission shall thereafter have no
14 jurisdiction or authority over any aspect of competitive retail
15 telecommunications service of an Electing Provider in those
16 geographic areas included in the Electing Provider's notice of
17 election pursuant to subsection (b) of this Section or of a
18 retail telecommunications service classified as competitive
19 pursuant to Section 13-502 or subdivision (c)(5) of this
20 Section, heretofore subject to the jurisdiction of the
21 Commission, including but not limited to, any requirements of
22 this Article related to the terms, conditions, rates, quality
23 of service, availability, classification or any other aspect of
24 any competitive retail telecommunications services. No
25 telecommunications carrier shall commit any unfair or
26 deceptive act or practice in connection with any aspect of the

1 offering or provision of any competitive retail
2 telecommunications service. Nothing in this Article shall
3 limit or affect any provisions in the Consumer Fraud and
4 Deceptive Business Practices Act with respect to any unfair or
5 deceptive act or practice by a telecommunications carrier.

6 (g) Commission authority over access services upon
7 election for market regulation.

8 (1) As part of its Notice of Election for Market
9 Regulation, the Electing Provider shall reduce its
10 intrastate switched access rates to rates no higher than
11 its interstate switched access rates in 4 installments. The
12 first reduction must be made 30 days after submission of
13 its complete application for Notice of Election for Market
14 Regulation, and the Electing Provider must reduce its
15 intrastate switched access rates by an amount equal to 33%
16 of the difference between its current intrastate switched
17 access rates and its current interstate switched access
18 rates. The second reduction must be made no later than one
19 year after the first reduction, and the Electing Provider
20 must reduce its then current intrastate switched access
21 rates by an amount equal to 41% of the difference between
22 its then current intrastate switched access rates and its
23 then current interstate switched access rates. The third
24 reduction must be made no later than one year after the
25 second reduction, and the Electing Provider must reduce its
26 then current intrastate switched access rates by an amount

1 equal to 50% of the difference between its then current
2 intrastate switched access rate and its then current
3 interstate switched access rates. The fourth reduction
4 must be made on or before June 30, 2013, and the Electing
5 Provider must reduce its intrastate switched access rate to
6 mirror its then current interstate switched access rates
7 and rate structure. Following the fourth reduction, each
8 Electing Provider must continue to set its intrastate
9 switched access rates to mirror its interstate switched
10 access rates and rate structure. For purposes of this
11 subsection, the rate for intrastate switched access
12 service means the composite, per-minute rate for that
13 service, including all applicable fixed and
14 traffic-sensitive charges, including, but not limited to,
15 carrier common line charges.

16 (2) Nothing in paragraph (1) of this subsection (g)
17 prohibits an Electing Provider from electing to offer
18 intrastate switched access service at rates lower than its
19 interstate switched access rates.

20 (3) The Commission shall have no authority to order an
21 Electing Provider to set its rates for intrastate switched
22 access at a level lower than its interstate switched access
23 rates.

24 (4) The Commission's authority under this subsection
25 (g) shall only apply to Electing Providers under Market
26 Regulation. The Commission's authority over switched

1 access services for all other carriers is retained under
2 Section 13-900.2 of this Act.

3 (h) Safety of service equipment and facilities.

4 (1) An Electing Provider shall furnish, provide, and
5 maintain such service instrumentalities, equipment, and
6 facilities as shall promote the safety, health, comfort,
7 and convenience of its patrons, employees, and public and
8 as shall be in all respects adequate, reliable, and
9 efficient without discrimination or delay. Every Electing
10 Provider shall provide service and facilities that are in
11 all respects environmentally safe.

12 (2) The Commission is authorized to conduct an
13 investigation of any Electing Provider or part thereof. The
14 investigation may examine the reasonableness, prudence, or
15 efficiency of any aspect of the Electing Provider's
16 operations or functions that may affect the adequacy,
17 safety, efficiency, or reliability of telecommunications
18 service. The Commission may conduct or order an
19 investigation only when it has reasonable grounds to
20 believe that the investigation is necessary to assure that
21 the Electing Provider is providing adequate, efficient,
22 reliable, and safe service. The Commission shall, before
23 initiating any such investigation, issue an order
24 describing the grounds for the investigation and the
25 appropriate scope and nature of the investigation, which
26 shall be reasonably related to the grounds relied upon by

1 the Commission in its order.

2 (i) (Blank).

3 (j) Application of Article VII. The provisions of Sections
4 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are
5 applicable to an Electing Provider offering or providing retail
6 telecommunications service, and the Commission's regulation
7 thereof, except that (1) the approval of contracts and
8 arrangements with affiliated interests required by paragraph
9 (3) of Section 7-101 shall not apply to such telecommunications
10 carriers provided that, except as provided in item (2), those
11 contracts and arrangements shall be filed with the Commission;
12 (2) affiliated interest contracts or arrangements entered into
13 by such telecommunications carriers where the increased
14 obligation thereunder does not exceed the lesser of \$5,000,000
15 or 5% of such carrier's prior annual revenue from
16 noncompetitive services are not required to be filed with the
17 Commission; and (3) any consent and approval of the Commission
18 required by Section 7-102 is not required for the sale, lease,
19 assignment, or transfer by any Electing Provider of any
20 property that is not necessary or useful in the performance of
21 its duties to the public.

22 (k) Notwithstanding other provisions of this Section, the
23 Commission retains its existing authority to enforce the
24 provisions, conditions, and requirements of the following
25 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
26 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,

1 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
2 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,
3 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,
4 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,
5 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,
6 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully
7 and equally applicable to Electing Providers and to
8 telecommunications carriers providing retail
9 telecommunications service classified as competitive pursuant
10 to Section 13-502 or subdivision (c) (5) of this Section subject
11 to the provisions of this Section. On the effective date of
12 this amendatory Act of the 98th General Assembly, the following
13 Sections of this Article shall cease to apply to Electing
14 Providers and to telecommunications carriers providing retail
15 telecommunications service classified as competitive pursuant
16 to Section 13-502 or subdivision (c) (5) of this Section:
17 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,
18 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,
19 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,
20 and 13-712.

21 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

22 (220 ILCS 5/13-1200)

23 (Section scheduled to be repealed on July 1, 2017)

24 Sec. 13-1200. Repealer. This Article is repealed July 1,
25 2020. ~~2017~~.

1 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)