



Sen. Wm. Sam McCann

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10000SB2072sam001

LRB100 11444 RJF 26139 a

1 AMENDMENT TO SENATE BILL 2072

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2072 by replacing  
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on July 1, 2017)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 ~~regulation~~ for  
9 competitive retail 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

1 regulated pursuant to the terms of this Article.

2 (2) "Basic local exchange service" means either a  
3 stand-alone residence network access line and per-call  
4 usage or, for any geographic area in which such stand-alone  
5 service is not offered, a stand-alone flat rate residence  
6 network access line for which local calls are not charged  
7 for frequency or duration. Extended Area Service shall be  
8 included in basic local exchange service.

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

22 (4) "New customer" means a residential customer who was  
23 not subscribing to one of the optional packages described  
24 in subsection (d) of this Section as of the effective date  
25 of this amendatory Act of the 99th General Assembly and who  
26 is eligible to receive discounts on monthly telephone

1 service under the federal Lifeline program, 47 C.F.R. Part  
2 54, Subpart E.

3 (b) Election for market regulation. Notwithstanding any  
4 other provision of this Act, an Electing Provider may elect to  
5 have the rates, terms, and conditions of its competitive retail  
6 telecommunications services solely determined and regulated  
7 pursuant to the terms of this Section by filing written notice  
8 of its election for market regulation with the Commission. The  
9 notice of election shall designate the geographic area of the  
10 Electing Provider's service territory where the market  
11 regulation shall apply, either on a state-wide basis or in one  
12 or more specified Market Service Areas ("MSA") or Exchange  
13 areas. An Electing Provider shall not make an election for  
14 market regulation under this Section unless it commits in its  
15 written notice of election for market regulation to fulfill the  
16 conditions and requirements in this Section in each geographic  
17 area in which market regulation is elected. Immediately upon  
18 filing the notice of election for market regulation, the  
19 Electing Provider shall be subject to the jurisdiction of the  
20 Commission to the extent expressly provided in this Section.

21 (c) Competitive classification. Market regulation shall be  
22 available for competitive retail telecommunications services  
23 as provided in this subsection.

24 (1) For geographic areas in which telecommunications  
25 services provided by the Electing Provider were classified  
26 as competitive either through legislative action or a

1 tariff filing pursuant to Section 13-502 prior to January  
2 1, 2010, and that are included in the Electing Provider's  
3 notice of election pursuant to subsection (b) of this  
4 Section, such services, and all recurring and nonrecurring  
5 charges associated with, related to or used in connection  
6 with such services, shall be classified as competitive  
7 without further Commission review. For services classified  
8 as competitive pursuant to this subsection, the  
9 requirements or conditions in any order or decision  
10 rendered by the Commission pursuant to Section 13-502 prior  
11 to the effective date of this amendatory Act of the 96th  
12 General Assembly, except for the commitments made by the  
13 Electing Provider in such order or decision concerning the  
14 optional packages required in subsection (d) of this  
15 Section and basic local exchange service as defined in this  
16 Section, shall no longer be in effect and no Commission  
17 investigation, review, or proceeding under Section 13-502  
18 shall be continued, conducted, or maintained with respect  
19 to such services, charges, requirements, or conditions. If  
20 an Electing Provider has ceased providing optional  
21 packages to customers pursuant to subdivision (d)(8) of  
22 this Section, the commitments made by the Electing Provider  
23 in such order or decision concerning the optional packages  
24 under subsection (d) of this Section shall no longer be in  
25 effect and no Commission investigation, review, or  
26 proceeding under Section 13-502 shall be continued,

1 conducted, or maintained with respect to such packages.

2 (2) For those geographic areas in which residential  
3 local exchange telecommunications services have not been  
4 classified as competitive as of the effective date of this  
5 amendatory Act of the 96th General Assembly, all  
6 telecommunications services provided to residential and  
7 business end users by an Electing Provider in the  
8 geographic area that is included in its notice of election  
9 pursuant to subsection (b) shall be classified as  
10 competitive for purposes of this Article without further  
11 Commission review.

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

22 (4) The service packages described in Section 13-518  
23 shall be classified as competitive for purposes of this  
24 Section if offered by an Electing Provider in a geographic  
25 area in which local exchange telecommunications service  
26 has been classified as competitive pursuant to either

1 subdivision (c) (1) or (c) (2) of this Section.

2 (5) Where a service, or its functional equivalent, or a  
3 substitute service offered by a carrier that is not an  
4 Electing Provider or the incumbent local exchange carrier  
5 for that area is also being offered by an Electing Provider  
6 for some identifiable class or group of customers in an  
7 exchange, group of exchanges, or some other clearly defined  
8 geographical area, the service offered by a carrier that is  
9 not an Electing Provider or the incumbent local exchange  
10 carrier for that area shall be classified as competitive  
11 without further Commission review.

12 (6) Notwithstanding any other provision of this Act,  
13 retail telecommunications services classified as  
14 competitive pursuant to Section 13-502 or subdivision  
15 (c) (5) of this Section shall have their rates, terms, and  
16 conditions solely determined and regulated pursuant to the  
17 terms of this Section in the same manner and to the same  
18 extent as the competitive retail telecommunications  
19 services of an Electing Provider, except that subsections  
20 (d), (g), and (j) of this Section shall not apply to a  
21 carrier that is not an Electing Provider or to the  
22 competitive telecommunications services of a carrier that  
23 is not an Electing Provider. The access services of a  
24 carrier that is not an Electing Provider shall remain  
25 subject to Section 13-900.2. The requirements in  
26 subdivision (e) (3) of this Section shall not apply to

1 retail telecommunications services classified as  
2 competitive pursuant to Section 13-502 or subdivision  
3 (c)(5) of this Section, except that, upon request from the  
4 Commission, the telecommunications carrier providing  
5 competitive retail telecommunications services shall  
6 provide a report showing the number of credits and  
7 exemptions for the requested time period.

8 (d) Consumer choice safe harbor options.

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

16 (A) A basic package, which shall consist of a  
17 stand-alone residential network access line and 30  
18 local calls. If the Electing Provider offers a  
19 stand-alone residential access line and local usage on  
20 a per call basis, the price for the basic package shall  
21 be the Electing Provider's applicable price in effect  
22 on January 1, 2010 for the sum of a residential access  
23 line and 30 local calls, additional calls over 30 calls  
24 shall be provided at the current per call rate.  
25 However, this basic package is not required if  
26 stand-alone residential network access lines or

1 per-call local usage are not offered by the Electing  
2 Provider in the geographic area on January 1, 2010 or  
3 if the Electing Provider has not increased its  
4 stand-alone network access line and local usage rates,  
5 including Extended Area Service rates, since January  
6 1, 2010.

7 (B) An extra package, which shall consist of  
8 residential basic local exchange network access line  
9 and unlimited local calls. The price for the extra  
10 package shall be the Electing Provider's applicable  
11 price in effect on January 1, 2010 for a residential  
12 access line with unlimited local calls.

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



1           (2) Subject to subdivision (d) (8) of this Section, for  
2 those geographic areas in which local exchange  
3 telecommunications services were classified as competitive  
4 on the effective date of this amendatory Act of the 96th  
5 General Assembly, an Electing Provider in each such MSA or  
6 Exchange area shall be subject to the same terms and  
7 conditions as provided in commitments made by the Electing  
8 Provider in connection with such previous competitive  
9 classifications, which shall apply with equal force under  
10 this Section, except as follows: (i) the limits on price  
11 increases on the optional packages required by this Section  
12 shall be extended consistent with subsection (d) (1) of this  
13 Section and (ii) the price for the extra package required  
14 by subsection (d) (1) (B) shall be reduced by one dollar from  
15 the price in effect on January 1, 2010. In addition, if an  
16 Electing Provider obtains a competitive classification  
17 pursuant to subsection (c) (1) and (c) (2), the price for the  
18 optional packages shall be determined in such area in  
19 compliance with subsection (d) (1), except the price for the  
20 plus package required by subsection (d) (1) (C) shall be the  
21 lower of the price for such area or the price of the plus  
22 package in effect on January 1, 2010 for areas classified  
23 as competitive pursuant to subsection (c) (1).

24           (3) To the extent that the requirements in Section  
25 13-518 applied to a telecommunications carrier prior to the  
26 effective date of this Section and that telecommunications

1 carrier becomes an Electing Provider in accordance with the  
2 provisions of this Section, the requirements in Section  
3 13-518 shall cease to apply to that Electing Provider in  
4 those geographic areas included in the Electing Provider's  
5 notice of election pursuant to subsection (b) of this  
6 Section.

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

1           (5) Subject to subdivision (d)(8) of this Section, an  
2           Electing Provider shall comply with the Commission's  
3           existing rules, regulations, and notices in Title 83, Part  
4           735 of the Illinois Administrative Code when offering or  
5           providing the optional packages required by this  
6           subsection (d) and stand-alone residential network access  
7           lines.

8           (6) Subject to subdivision (d)(8) of this Section, an  
9           Electing Provider shall provide to the Commission  
10          semi-annual subscribership reports as of June 30 and  
11          December 31 that contain the number of its customers  
12          subscribing to each of the consumer choice safe harbor  
13          packages required by subsection (d)(1) of this Section and  
14          the number of its customers subscribing to retail  
15          residential basic local exchange service as defined in  
16          subsection (a)(2) of this Section. The first semi-annual  
17          reports shall be made on April 1, 2011 for December 31,  
18          2010, and on September 1, 2011 for June 30, 2011, and  
19          semi-annually on April 1 and September 1 thereafter. Such  
20          subscribership information shall be accorded confidential  
21          and proprietary treatment upon request by the Electing  
22          Provider.

23          (7) The Commission shall have the power, after notice  
24          and hearing as provided in this Article, upon complaint or  
25          upon its own motion, to take corrective action if the  
26          requirements of this Section are not complied with by an

1 Electing Provider.

2 (8) On and after the effective date of this amendatory  
3 Act of the 99th General Assembly, an Electing Provider  
4 shall continue to offer and provide the optional packages  
5 described in this subsection (d) to existing customers and  
6 new customers. On and after July 1, 2017, an Electing  
7 Provider may immediately stop offering the optional  
8 packages described in this subsection (d) and, upon  
9 providing two notices to affected customers and to the  
10 Commission, may stop providing the optional packages  
11 described in this subsection (d) to all customers who  
12 subscribe to one of the optional packages. The first notice  
13 shall be provided at least 90 days before the date upon  
14 which the Electing Provider intends to stop providing the  
15 optional packages, and the second notice must be provided  
16 at least 30 days before that date. The first notice shall  
17 not be provided prior to July 1, 2017. Each notice must  
18 identify the date on which the Electing Provider intends to  
19 stop providing the optional packages, at least one  
20 alternative service available to the customer, and a  
21 telephone number by which the customer may contact a  
22 service representative of the Electing Provider. After  
23 July 1, 2017 with respect to new customers, and upon the  
24 expiration of the second notice period with respect to  
25 customers who were subscribing to one of the optional  
26 packages, subdivisions (d)(1), (d)(2), (d)(4), (d)(5),

1 (d) (6), and (d) (7) of this Section shall not apply to the  
2 Electing Provider. Notwithstanding any other provision of  
3 this Article, an Electing Provider that has ceased  
4 providing the optional packages under this subdivision  
5 (d) (8) is not subject to Section 13-301(1) (c) of this Act.  
6 Notwithstanding any other provision of this Act, and  
7 subject to subdivision (d) (7) of this Section, the  
8 Commission's authority over the discontinuance of the  
9 optional packages described in this subsection (d) by an  
10 Electing Provider shall be governed solely by this  
11 subsection (d) (8).

12 (e) Service quality and customer credits for basic local  
13 exchange service.

14 (1) An Electing Provider shall meet the following  
15 service quality standards in providing basic local  
16 exchange service, which for purposes of this subsection  
17 (e), includes both basic local exchange service and any  
18 consumer choice safe harbor options that may be required by  
19 subsection (d) of this Section.

20 (A) Install basic local exchange service within 5  
21 business days after receipt of an order from the  
22 customer unless the customer requests an installation  
23 date that is beyond 5 business days after placing the  
24 order for basic service and to inform the customer of  
25 the Electing Provider's duty to install service within  
26 this timeframe. If installation of service is

1 requested on or by a date more than 5 business days in  
2 the future, the Electing Provider shall install  
3 service by the date requested.

4 (B) Restore basic local exchange service for the  
5 customer within 30 hours after receiving notice that  
6 the customer is out of service.

7 (C) Keep all repair and installation appointments  
8 for basic local exchange service if a customer premises  
9 visit requires a customer to be present. The  
10 appointment window shall be either a specific time or,  
11 at a maximum, a 4-hour time block during evening,  
12 weekend, and normal business hours.

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

15 (2) Customers shall be credited by the Electing  
16 Provider for violations of basic local exchange service  
17 quality standards described in subdivision (e)(1) of this  
18 Section. The credits shall be applied automatically on the  
19 statement issued to the customer for the next monthly  
20 billing cycle following the violation or following the  
21 discovery of the violation. The next monthly billing cycle  
22 following the violation or the discovery of the violation  
23 means the billing cycle immediately following the billing  
24 cycle in process at the time of the violation or discovery  
25 of the violation, provided the total time between the  
26 violation or discovery of the violation and the issuance of

1 the credit shall not exceed 60 calendar days. The Electing  
2 Provider is responsible for providing the credits and the  
3 customer is under no obligation to request such credits.  
4 The following credits shall apply:

5 (A) If an Electing Provider fails to repair an  
6 out-of-service condition for basic local exchange  
7 service within 30 hours, the Electing Provider shall  
8 provide a credit to the customer. If the service  
9 disruption is for more than 30 hours, but not more than  
10 48 hours, the credit must be equal to a pro-rata  
11 portion of the monthly recurring charges for all basic  
12 local exchange services disrupted. If the service  
13 disruption is for more than 48 hours, but not more than  
14 72 hours, the credit must be equal to at least 33% of  
15 one month's recurring charges for all local services  
16 disrupted. If the service disruption is for more than  
17 72 hours, but not more than 96 hours, the credit must  
18 be equal to at least 67% of one month's recurring  
19 charges for all basic local exchange services  
20 disrupted. If the service disruption is for more than  
21 96 hours, but not more than 120 hours, the credit must  
22 be equal to one month's recurring charges for all basic  
23 local exchange services disrupted. For each day or  
24 portion thereof that the service disruption continues  
25 beyond the initial 120-hour period, the Electing  
26 Provider shall also provide an additional credit of \$20

1 per calendar day.

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



1           (C) If an Electing Provider fails to keep a  
2 scheduled repair or installation appointment when a  
3 customer premises visit requires a customer to be  
4 present as required under subdivision (e)(1) of this  
5 Section, the Electing Provider shall credit the  
6 customer \$25 per missed appointment. A credit required  
7 by this subdivision does not apply when the Electing  
8 Provider provides the customer notice of its inability  
9 to keep the appointment no later than 8:00 pm of the  
10 day prior to the scheduled date of the appointment.

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

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

15                 (ii) occurs as a result of a malfunction of  
16 customer-owned telephone equipment or inside  
17 wiring;

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

21                 (iv) is extended by the Electing Provider's  
22 inability to gain access to the customer's  
23 premises due to the customer missing an  
24 appointment, provided that the violation is not  
25 further extended by the Electing Provider;

26                 (v) occurs as a result of a customer request to

1 change the scheduled appointment, provided that  
2 the violation is not further extended by the  
3 Electing Provider;

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

7 (vii) occurs as a result of a lack of  
8 facilities where a customer requests service at a  
9 geographically remote location, where a customer  
10 requests service in a geographic area where the  
11 Electing Provider is not currently offering  
12 service, or where there are insufficient  
13 facilities to meet the customer's request for  
14 service, subject to an Electing Provider's  
15 obligation for reasonable facilities planning.

16 (3) Each Electing Provider shall provide to the  
17 Commission on a quarterly basis and in a form suitable for  
18 posting on the Commission's website in conformance with the  
19 rules adopted by the Commission and in effect on April 1,  
20 2010, a public report that includes the following data for  
21 basic local exchange service quality of service:

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

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

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

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

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

7 (v) the number of credits used for repairs  
8 between 97 and 120 hours;

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

11 (vii) the number of exemptions claimed for  
12 each of the categories identified in subdivision  
13 (e) (2) (D) .

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

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

19 (ii) the number of installations after 5  
20 business days;

21 (iii) the number of installations after 10  
22 business days;

23 (iv) the number of installations after 11  
24 business days; and

25 (v) the number of exemptions claimed for each  
26 of the categories identified in subdivision

1 (e) (2) (D) .

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

5 (i) the total dollar amount of any customer  
6 credits paid;

7 (ii) the number of any customers receiving  
8 credits; and

9 (iii) the number of exemptions claimed for  
10 each of the categories identified in subdivision  
11 (e) (2) (D) .

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

21 (4) It is the intent of the General Assembly that the  
22 service quality rules and customer credits in this  
23 subsection (e) of this Section and other enforcement  
24 mechanisms, including fines and penalties authorized by  
25 Section 13-305, shall apply on a nondiscriminatory basis to  
26 all Electing Providers. Accordingly, notwithstanding any

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

1 penalty that may be imposed under Section 13-305.

2 (5) An Electing Provider in each of the MSA or Exchange  
3 areas classified as competitive pursuant to subsection (c)  
4 of this Section shall fulfill the requirements in  
5 subdivision (e)(3) of this Section for 3 years after its  
6 notice of election becomes effective. After such 3 years,  
7 the requirements in subdivision (e)(3) of this Section  
8 shall not apply to such Electing Provider, except that,  
9 upon request from the Commission, the Electing Provider  
10 shall provide a report showing the number of credits and  
11 exemptions for the requested time period.

12 (e-5) In addition to the provisions of subsection (e), an  
13 Electing Provider that has at any time been subject to  
14 Condition One of the order issued by the Commission on April  
15 21, 2010 in Docket 09-0268 shall be subject to the provisions  
16 of Title 83 of Parts 730 and 732 of the Illinois Administrative  
17 Code.

18 (f) Commission jurisdiction over competitive retail  
19 telecommunications services. Except as otherwise expressly  
20 stated in this Section, the Commission shall thereafter have no  
21 jurisdiction or authority over any aspect of competitive retail  
22 telecommunications service of an Electing Provider in those  
23 geographic areas included in the Electing Provider's notice of  
24 election pursuant to subsection (b) of this Section or of a  
25 retail telecommunications service classified as competitive  
26 pursuant to Section 13-502 or subdivision (c)(5) of this

1 Section, heretofore subject to the jurisdiction of the  
2 Commission, including but not limited to, any requirements of  
3 this Article related to the terms, conditions, rates, quality  
4 of service, availability, classification or any other aspect of  
5 any competitive retail telecommunications services. No  
6 telecommunications carrier shall commit any unfair or  
7 deceptive act or practice in connection with any aspect of the  
8 offering or provision of any competitive retail  
9 telecommunications service. Nothing in this Article shall  
10 limit or affect any provisions in the Consumer Fraud and  
11 Deceptive Business Practices Act with respect to any unfair or  
12 deceptive act or practice by a telecommunications carrier.

13 (g) Commission authority over access services upon  
14 election for market regulation.

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

1 must reduce its then current intrastate switched access  
2 rates by an amount equal to 41% of the difference between  
3 its then current intrastate switched access rates and its  
4 then current interstate switched access rates. The third  
5 reduction must be made no later than one year after the  
6 second reduction, and the Electing Provider must reduce its  
7 then current intrastate switched access rates by an amount  
8 equal to 50% of the difference between its then current  
9 intrastate switched access rate and its then current  
10 interstate switched access rates. The fourth reduction  
11 must be made on or before June 30, 2013, and the Electing  
12 Provider must reduce its intrastate switched access rate to  
13 mirror its then current interstate switched access rates  
14 and rate structure. Following the fourth reduction, each  
15 Electing Provider must continue to set its intrastate  
16 switched access rates to mirror its interstate switched  
17 access rates and rate structure. For purposes of this  
18 subsection, the rate for intrastate switched access  
19 service means the composite, per-minute rate for that  
20 service, including all applicable fixed and  
21 traffic-sensitive charges, including, but not limited to,  
22 carrier common line charges.

23 (2) Nothing in paragraph (1) of this subsection (g)  
24 prohibits an Electing Provider from electing to offer  
25 intrastate switched access service at rates lower than its  
26 interstate switched access rates.



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

5           (4) The Commission's authority under this subsection  
6           (g) shall only apply to Electing Providers under Market  
7           Regulation. The Commission's authority over switched  
8           access services for all other carriers is retained under  
9           Section 13-900.2 of this Act.

10          (h) Safety of service equipment and facilities.

11          (1) An Electing Provider shall furnish, provide, and  
12          maintain such service instrumentalities, equipment, and  
13          facilities as shall promote the safety, health, comfort,  
14          and convenience of its patrons, employees, and public and  
15          as shall be in all respects adequate, reliable, and  
16          efficient without discrimination or delay. Every Electing  
17          Provider shall provide service and facilities that are in  
18          all respects environmentally safe.

19          (2) The Commission is authorized to conduct an  
20          investigation of any Electing Provider or part thereof. The  
21          investigation may examine the reasonableness, prudence, or  
22          efficiency of any aspect of the Electing Provider's  
23          operations or functions that may affect the adequacy,  
24          safety, efficiency, or reliability of telecommunications  
25          service. The Commission may conduct or order an  
26          investigation only when it has reasonable grounds to

1 believe that the investigation is necessary to assure that  
2 the Electing Provider is providing adequate, efficient,  
3 reliable, and safe service. The Commission shall, before  
4 initiating any such investigation, issue an order  
5 describing the grounds for the investigation and the  
6 appropriate scope and nature of the investigation, which  
7 shall be reasonably related to the grounds relied upon by  
8 the Commission in its order.

9 (i) (Blank).

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

1 property that is not necessary or useful in the performance of  
2 its duties to the public.

3 (k) Notwithstanding other provisions of this Section, the  
4 Commission retains its existing authority to enforce the  
5 provisions, conditions, and requirements of the following  
6 Sections of this Article: 13-101, 13-103, 13-201, 13-301,  
7 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,  
8 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,  
9 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,  
10 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,  
11 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,  
12 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,  
13 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully  
14 and equally applicable to Electing Providers and to  
15 telecommunications carriers providing retail  
16 telecommunications service classified as competitive pursuant  
17 to Section 13-502 or subdivision (c) (5) of this Section subject  
18 to the provisions of this Section. On the effective date of  
19 this amendatory Act of the 98th General Assembly, the following  
20 Sections of this Article shall cease to apply to Electing  
21 Providers and to telecommunications carriers providing retail  
22 telecommunications service classified as competitive pursuant  
23 to Section 13-502 or subdivision (c) (5) of this Section:  
24 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,  
25 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,  
26 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,

1 and 13-712.

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

3 (220 ILCS 5/13-1200)

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

5 Sec. 13-1200. Repealer. This Article is repealed July 1,  
6 2020 ~~2017~~.

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