

SB2916



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2916

Introduced 2/14/2018, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

220 ILCS 5/8-502

from Ch. 111 2/3, par. 8-502

Amends the Public Utilities Act. Includes telecommunication carriers in provisions allowing a public utility the use of another public utility's conduits, subways, wires, poles, pipes, or other property or equipment. Provides that the Illinois Commerce Commission may not require joint use of the property or equipment where it is used exclusively for providing broadband, interconnected VoIP, information, or wireless services. Effective immediately.

LRB100 18920 SMS 34166 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 Section 8-502 as follows:

6 (220 ILCS 5/8-502) (from Ch. 111 2/3, par. 8-502)

7 Sec. 8-502. Whenever the Commission, after a hearing had
8 upon its own motion or upon complaint, shall find that public
9 convenience and necessity require the use by one public utility
10 or telecommunications carrier of the conduits, subways, wires,
11 poles, pipes or other property or equipment, or any part
12 thereof, on, over or under any street or highway, belonging to
13 another public utility or telecommunications carrier, and that
14 such use will not prevent the owner or other users thereof from
15 performing their public duties nor result in irreparable injury
16 to such owner or other users of such conduits, subways, wires,
17 poles, pipes or other property or equipment, or in any
18 substantial detriment to the service, and that such public
19 utilities have failed to agree upon such use or the terms and
20 conditions or compensation for the same, the Commission may, by
21 order, direct that such use be permitted and prescribe a
22 reasonable compensation and reasonable terms and conditions
23 for such joint use. If such use be directed, the public utility

1 to whom the use is permitted shall be liable to the owner or
2 other users of such conduits, subways, wires, poles, pipes or
3 other property or equipment, for such damage as may result
4 therefrom to the property of such owner or other users thereof;
5 however, the Commission may not require the joint use of
6 conduits, subways, wires, poles, pipes, or other property or
7 equipment, or any part thereof, on, over, or under any street
8 or highway, where the conduits, subways, wires, poles, pipes,
9 or other property or equipment are used exclusively for
10 providing (i) broadband services, (ii) interconnected VoIP
11 services, (iii) information services, or (iv) wireless
12 services, as those terms are defined in Section 13-804 of this
13 Act.

14 (Source: P.A. 84-1308.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.