## LRB093 10793 LRD 16451 a

- 1 AMENDMENT TO SENATE BILL 553
- 2 AMENDMENT NO. \_\_\_\_. Amend Senate Bill 553 on page 1, by
- 3 replacing line 1 with the following:
- 4 "AN ACT concerning computer technology."; and
- on page 3, after line 21, by inserting the following:
- 6 "Section 50. The Public Utilities Act is amended by
- 7 changing Section 13-301.3 as follows:
- 8 (220 ILCS 5/13-301.3)
- 9 (Section scheduled to be repealed on July 1, 2005)
- 10 Sec. 13-301.3. Digital Divide Elimination Infrastructure
- 11 Program.
- 12 (a) The Digital Divide Elimination Infrastructure Fund
- is created as a special fund in the State treasury. All
- 14 moneys in the Fund shall be used, subject to appropriation,
- 15 by the Commission to fund the construction of facilities
- specified in Commission rules adopted under this Section. The
- 17 Commission may accept private and public funds, including
- 18 federal funds, for deposit into the Fund. Earnings
- 19 attributable to moneys in the Fund shall be deposited into
- the Fund.
- 21 (b) The Commission shall adopt rules under which it will

1 make grants out of funds appropriated from the Digital Divide 2 Elimination Infrastructure Fund to eligible entities as specified in the rules for the construction of high-speed 3 4 data transmission facilities in <u>eligible</u> areas of the State. 5 For purposes of determining whether an area is an eligible area, the Commission shall consider, among other things, 6 whether (i) in such area, advanced telecommunications 7 8 services, as defined in subsection (c) of Section 13-517 of 9 this Act, are under-provided to residential or small business 10 end users, either directly or indirectly through an Internet 11 Service Provider, (ii) such area has a low population density, and (iii) such area has not yet developed a 12 13 competitive market for advanced services. In addition, if an entity seeking a grant of funds from the Digital Divide 14 15 Elimination Infrastructure Fund is an for-which-the incumbent 16 local exchange carrier having the duty to serve such area, and the obligation to provide advanced services to such area 17 pursuant to Section 13-517 of this Act, the entity shall 18 19 demonstrate that it has sought and obtained an exemption from 20 such obligation pursuant to subsection (b) of Section 13-517. 21 Any entity seeking a grant of funds from the Digital Divide 22 Elimination Infrastructure Fund shall demonstrate to the 23 Commission that the grant shall be used for the construction of high-speed data transmission facilities in an eligible 24 area and demonstrate that it satisfies all other 25 26 requirements of the Commission's rules. The Commission shall 2.7 determine the information that it deems necessary to award grants pursuant to this Section. based-upon-a-Commission 28 29 finding-that-provision-of-such-advanced-services-to-customers 30 in-such-area-is-either-unduly-economically-burdensome-or-will 31 impose-a-significant-adverse--economic--impact--on--users--of 32 telecommunications-services-generally. 33 (c) The rules of the Commission shall provide for the

competitive selection of recipients of grant funds available

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- 1 from the Digital Divide Elimination Infrastructure Fund
- 2 pursuant to the Illinois Procurement Code. Grants shall be
- 3 awarded to bidders chosen on the basis of the criteria
- 4 established in such rules.
- 5 (d) All entities awarded grant moneys under this Section
- 6 shall maintain all records required by Commission rule for
- 7 the period of time specified in the rules. Such records shall
- 8 be subject to audit by the Commission, by any auditor
- 9 appointed by the State, or by any State officer authorized to
- 10 conduct audits.
- 11 (Source: P.A. 92-22, eff. 6-30-01.)".