



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1317

Introduced 2/9/2005, by Rep. Julie Hamos - Joseph M. Lyons -
Karen May

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-712

Amends the Telecommunications Article of the Public Utilities Act. Increases the service credit that must be provided to a customer by a basic local exchange carrier if the carrier fails to repair an out-of-service phone within a specified time, fails to install service within a specified time, or fails to keep a scheduled repair or installation appointment at which a customer is required to be present. Effective immediately.

LRB094 09068 MKM 39292 b

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 13-712 as follows:

6 (220 ILCS 5/13-712)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-712. Basic local exchange service quality;
9 customer credits.

10 (a) It is the intent of the General Assembly that every
11 telecommunications carrier meet minimum service quality
12 standards in providing basic local exchange service on a
13 non-discriminatory basis to all classes of customers.

14 (b) Definitions:

15 (1) "Alternative telephone service" means, except
16 where technically impracticable, a wireless telephone
17 capable of making local calls, and may also include, but is
18 not limited to, call forwarding, voice mail, or paging
19 services.

20 (2) "Basic local exchange service" means residential
21 and business lines used for local exchange
22 telecommunications service as defined in Section 13-204 of
23 this Act, excluding:

24 (A) services that employ advanced
25 telecommunications capability as defined in Section
26 706(c)(1) of the federal Telecommunications Act of
27 1996;

28 (B) vertical services;

29 (C) company official lines; and

30 (D) records work only.

31 (3) "Link Up" refers to the Link Up Assistance program
32 defined and established at 47 C.F.R. Section 54.411 et seq.

1 as amended.

2 (c) The Commission shall promulgate service quality rules
3 for basic local exchange service, which may include fines,
4 penalties, customer credits, and other enforcement mechanisms.
5 In developing such service quality rules, the Commission shall
6 consider, at a minimum, the carrier's gross annual intrastate
7 revenue; the frequency, duration, and recurrence of the
8 violation; and the relative harm caused to the affected
9 customer or other users of the network. In imposing fines, the
10 Commission shall take into account compensation or credits paid
11 by the telecommunications carrier to its customers pursuant to
12 this Section in compensation for the violation found pursuant
13 to this Section. These rules shall become effective within one
14 year after the effective date of this amendatory Act of the
15 92nd General Assembly.

16 (d) The rules shall, at a minimum, require each
17 telecommunications carrier to do all of the following:

18 (1) Install basic local exchange service within 5
19 business days after receipt of an order from the customer
20 unless the customer requests an installation date that is
21 beyond 5 business days after placing the order for basic
22 service and to inform the customer of its duty to install
23 service within this timeframe. If installation of service
24 is requested on or by a date more than 5 business days in
25 the future, the telecommunications carrier shall install
26 service by the date requested. A telecommunications
27 carrier offering basic local exchange service utilizing
28 the network or network elements of another carrier shall
29 install new lines for basic local exchange service within 3
30 business days after provisioning of the line or lines by
31 the carrier whose network or network elements are being
32 utilized is complete. This subdivision (d)(1) does not
33 apply to the migration of a customer between
34 telecommunications carriers, so long as the customer
35 maintains dial tone.

36 (2) Restore basic local exchange service for a customer

1 within 24 hours of receiving notice that a customer is out
2 of service. This provision applies to service disruptions
3 that occur when a customer switches existing basic local
4 exchange service from one carrier to another.

5 (3) Keep all repair and installation appointments for
6 basic local exchange service, when a customer premises
7 visit requires a customer to be present.

8 (4) Inform a customer when a repair or installation
9 appointment requires the customer to be present.

10 (e) The rules shall include provisions for customers to be
11 credited by the telecommunications carrier for violations of
12 basic local exchange service quality standards as described in
13 subsection (d). The credits shall be applied on the statement
14 issued to the customer for the next monthly billing cycle
15 following the violation or following the discovery of the
16 violation. The performance levels established in subsection
17 (c) are solely for the purposes of consumer credits and shall
18 not be used as performance levels for the purposes of assessing
19 penalties under Section 13-305. At a minimum, the rules shall
20 include the following:

21 (1) If a carrier fails to repair an out-of-service
22 condition for basic local exchange service within 24 hours,
23 the carrier shall provide a credit to the customer. If the
24 service disruption is for 48 hours or less, the credit must
25 be equal to 33% of ~~a pro-rata portion of~~ the monthly
26 recurring charges for all local services disrupted. If the
27 service disruption is for more than 48 hours, but not more
28 than 72 hours, the credit must be equal to at least 50% ~~33%~~
29 of one month's recurring charges for all local services
30 disrupted. If the service disruption is for more than 72
31 hours, but not more than 96 hours, the credit must be equal
32 to at least 75% ~~67%~~ of one month's recurring charges for
33 all local services disrupted. If the service disruption is
34 for more than 96 hours, but not more than 120 hours, the
35 credit must be equal to one month's recurring charges for
36 all local services disrupted. For each day or portion

1 thereof that the service disruption continues beyond the
2 initial 120-hour period, the carrier shall also provide
3 either alternative telephone service or an additional
4 credit of \$30 ~~\$20~~ per day, at the customer's ~~customers~~
5 option.

6 (2) If a carrier fails to install basic local exchange
7 service as required under subdivision (d)(1), the carrier
8 shall waive 67% ~~50%~~ of any installation charges, or in the
9 absence of an installation charge or where installation is
10 pursuant to the Link Up program, the carrier shall provide
11 a credit of \$25. If a carrier fails to install service
12 within 10 business days after the service application is
13 placed, or fails to install service within 5 business days
14 after the customer's requested installation date, if the
15 requested date was more than 5 business days after the date
16 of the order, the carrier shall waive 100% of the
17 installation charge, or in the absence of an installation
18 charge or where installation is provided pursuant to the
19 Link Up program, the carrier shall provide a credit of \$50.
20 For each day that the failure to install service continues
21 beyond the initial 10 business days, or beyond 5 business
22 days after the customer's requested installation date, if
23 the requested date was more than 5 business days after the
24 date of the order, the carrier shall also provide either
25 alternative telephone service or an additional credit of
26 \$30 ~~\$20~~ per day, at the customer's option until service is
27 installed.

28 (3) If a carrier fails to keep a scheduled repair or
29 installation appointment when a customer premises visit
30 requires a customer to be present, the carrier shall credit
31 the customer \$75 ~~\$50~~ per missed appointment. A credit
32 required by this subsection does not apply when the carrier
33 provides the customer with 24-hour notice of its inability
34 to keep the appointment.

35 (4) If the violation of a basic local exchange service
36 quality standard is caused by a carrier other than the

1 carrier providing retail service to the customer, the
2 carrier providing retail service to the customer shall
3 credit the customer as provided in this Section. The
4 carrier causing the violation shall reimburse the carrier
5 providing retail service the amount credited the customer.
6 When applicable, an interconnection agreement shall govern
7 compensation between the carrier causing the violation, in
8 whole or in part, and the retail carrier providing the
9 credit to the customer.

10 (5) When alternative telephone service is appropriate,
11 the customer may select one of the alternative telephone
12 services offered by the carrier. The alternative telephone
13 service shall be provided at no cost to the customer for
14 the provision of local service.

15 (6) Credits required by this subsection do not apply if
16 the violation of a service quality standard:

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

19 (ii) occurs as a result of a malfunction of
20 customer-owned telephone equipment or inside wiring;

21 (iii) occurs as a result of, or is extended by, an
22 emergency situation as defined in Commission rules;

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

27 (v) occurs as a result of a customer request to
28 change the scheduled appointment, provided that the
29 violation is not further extended by the carrier;

30 (vi) occurs as a result of a carrier's right to
31 refuse service to a customer as provided in Commission
32 rules; or

33 (vii) occurs as a result of a lack of facilities
34 where a customer requests service at a geographically
35 remote location, a customer requests service in a
36 geographic area where the carrier is not currently

1 offering service, or there are insufficient facilities
2 to meet the customer's request for service, subject to
3 a carrier's obligation for reasonable facilities
4 planning.

5 (7) The provisions of this subsection are cumulative
6 and shall not in any way diminish or replace other civil or
7 administrative remedies available to a customer or a class
8 of customers.

9 (f) The rules shall require each telecommunications
10 carrier to provide to the Commission, on a quarterly basis and
11 in a form suitable for posting on the Commission's website, a
12 public report that includes performance data for basic local
13 exchange service quality of service. The performance data shall
14 be disaggregated for each geographic area and each customer
15 class of the State for which the telecommunications carrier
16 internally monitored performance data as of a date 120 days
17 preceding the effective date of this amendatory Act of the 92nd
18 General Assembly. The report shall include, at a minimum,
19 performance data on basic local exchange service
20 installations, lines out of service for more than 24 hours,
21 carrier response to customer calls, trouble reports, and missed
22 repair and installation commitments.

23 (g) The Commission shall establish and implement carrier to
24 carrier wholesale service quality rules and establish remedies
25 to ensure enforcement of the rules.

26 (Source: P.A. 92-22, eff. 6-30-01.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.