

AN ACT concerning telecommunications.

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

Section 5. The Public Utilities Act is amended by
changing Section 13-409 as added by Public Act 93-5 as
follows:

(220 ILCS 5/13-409)

Sec. 13-409. Application of Sec. 13-408 unbundled
network element rates.

(a) During the first 2 years following the effective
date of Section 13-408, for the first 35,000 voice grade
equivalent access lines used by an individual carrier to
provide local exchange service to end users, the monthly
recurring rate for the unbundled network elements associated
with those lines and leased from an incumbent local exchange
carrier to which Section 13-408 applies shall be frozen at
the levels in effect immediately prior to the effective date
of Section 13-408.

(b) Thereafter, the monthly recurring rates for all
unbundled network elements provided by any incumbent local
exchange carrier to which Section 13-408 applies shall be the
rates established by the Commission in accordance with the
provisions of Section 13-408.

(c) If, as of the effective date of Section 13-408 and
this Section, an individual telecommunications carrier uses
unbundled network elements leased from a specific incumbent
local exchange carrier to provide local exchange service over
more than 35,000 voice grade equivalent access lines, that
carrier must designate the 35,000 voice grade equivalent
access lines to which the provisions of subsections (a) and
(b) of this Section apply. If subsequent to such designation,

the individual carrier loses the customer served by a designated access line, and therefore no longer leases the unbundled network elements associated with that line, the individual carrier may not designate a different access line to substitute for the lost line. All unbundled network elements leased to provide service over undesignated voice grade equivalent access lines shall be subject to the full monthly recurring rates established by the Commission in accordance with the provisions of Section 13-408.

(d) If, as of the effective date of this Section, an individual carrier uses unbundled network elements leased from a specific local exchange carrier to provide local exchange service over fewer than 35,000 voice grade equivalent access lines, that carrier must designate the access lines to which the provisions of subsections (a) and (b) of this Section apply. If subsequent to such designation, the individual carrier loses the customer served by a designated access line, and therefore no longer leases the unbundled network elements associated with that line, the individual carrier may not designate a different access line to substitute for the lost line. Subject to these limitations, subsequent to the effective date of this Section, such a carrier may designate additional voice grade equivalent access lines to which it wishes the provisions of subsections (a) and (b) of this Section to apply, until the total designated lines equal 35,000. If a subsequently designated line is lost, the carrier will not be permitted to designate a different line to substitute for that lost line. All unbundled network elements leased to provide service over undesignated voice grade equivalent access lines shall be subject to the full monthly recurring rates established by the Commission in accordance with the provisions of Section 13-408.

(e) For purposes of this Section, in determining when an

individual telecommunications carrier has reached 35,000 voice grade equivalent access lines, a specific carrier, any affiliate of that carrier, any carrier serving as a sales or marketing agent for that carrier, and any carrier with whom that carrier has a cooperative sales or marketing arrangement all shall be treated as a single individual carrier.

(f) (Blank). Notwithstanding--any--other--provisions-of this-Section,--access--lines--provided--to--payphone--service providers--are--not--eligible--for--the--freeze--or--discount provided--for--in--subsections--(a)--and--(b)--of--this-Section. Accordingly,--the--provisions--of--subsections--(a)--and--(b)--shall not--apply--to--unbundled-network-elements--that--are--leased--by individual--telecommunications--carriers--to--provide--local exchange-service-to-payphone-service-providers.

(Source: P.A. 93-5, eff. 5-09-03.)

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