



Sen. Rachel Ventura

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1 AMENDMENT TO SENATE BILL 3612

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3612 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding  
5 Sections 4-620, 4-625, 4-630, and 4-635 as follows:

6 (220 ILCS 5/4-620 new)

7 Sec. 4-620. Low-income high-speed broadband service rates.

8 (a) No later than 90 days after the effective date of this  
9 amendatory Act of the 104th General Assembly, broadband  
10 providers shall offer high-speed broadband service to a  
11 low-income customer whose (1) household is eligible for free  
12 or reduced-priced lunch through the National School Lunch  
13 Program; or (2) annual gross household income is no greater  
14 than 185% of the poverty guidelines updated periodically in  
15 the Federal Register by the U.S. Department of Health and  
16 Human Services under the authority of 42 U.S.C. 9902(2).

1       (b) Broadband providers shall ensure that the high-speed  
2 broadband service offered pursuant to this Section provides a  
3 minimum download speed that is equal to 25 megabits per second  
4 or the download speed of the broadband provider's existing  
5 low-income broadband service that is sold to customers in this  
6 State, whichever is greater.

7       (c) High-speed broadband service for low-income customers  
8 offered pursuant to this Section shall be provided at a cost of  
9 no more than \$15 per month, including any recurring taxes and  
10 fees, such as recurring rental fees for broadband provider  
11 equipment that is required to obtain broadband service and  
12 usage fees. Broadband providers shall allow low-income  
13 broadband service customers to purchase standalone or bundled  
14 cable and phone services separately.

15       (d) Broadband providers may, once every 5 years, after 30  
16 days' notice to its customers and the Commission, increase the  
17 price of the high-speed broadband service offered pursuant to  
18 this Section by the most recent change in the Consumer Price  
19 Index or a maximum of 2% per year of the price for such  
20 broadband service, whichever is lesser.

21       (e) A broadband service provider who offers high-speed  
22 broadband service to eligible low-income customers at a  
23 download speed of 200 megabits per second or greater and at a  
24 cost of no more than \$20 per month, including any recurring  
25 taxes and fees, such as recurring rental fees for broadband  
26 provider equipment that is required to obtain broadband

1 service and usage fees, complies with the requirements of this  
2 Section.

3 (220 ILCS 5/4-625 new)

4 Sec. 4-625. Commission oversight of the provision of  
5 low-income high-speed broadband service.

6 (a) The Commission may adopt rules to require broadband  
7 providers to develop and offer low-income high-speed broadband  
8 service rates under Section 4-620. The Commission may also  
9 adopt rules to allow for the provision of lower-speed  
10 broadband service where a high download speed is not  
11 reasonably practicable.

12 (b) The Commission may adopt rules and implement  
13 procedures necessary for the general supervision of broadband  
14 providers offering low-income high-speed broadband service  
15 rates. The Commission shall inquire into the management of the  
16 broadband providers' businesses to the extent necessary to  
17 verify that the broadband providers are satisfying the  
18 obligations of subsection (a) of Section 4-620. The Commission  
19 shall monitor the adequacy and speed of the high-speed  
20 broadband service provided by broadband providers under  
21 Section 4-620.

22 (c) The Commission shall adopt any rules and implement any  
23 procedures necessary to enforce the provisions of this  
24 Section.

1 (220 ILCS 5/4-630 new)

2 Sec. 4-630. Responsibilities of broadband providers.

3 (a) Each person, business, and corporation and each agent  
4 of such person, business, and corporation that provides or  
5 seeks to provide broadband service in this State shall make  
6 commercially reasonable efforts to promote and advertise the  
7 availability of high-speed broadband service for low-income  
8 customers, including, but not limited to, the prominent  
9 display of and enrollment procedures for such service on its  
10 website and in any written and commercial promotional  
11 materials developed by the broadband provider to inform  
12 customers who may be eligible for such service.

13 (b) Each person, business, and corporation and each agent  
14 of such person, business, and corporation that provides or  
15 seeks to provide high-speed broadband service in this State  
16 pursuant to Section 4-620 shall submit to the Commission, no  
17 later than 6 months after the effective date of this  
18 amendatory act of the 104th General Assembly and annually  
19 thereafter, a compliance report that contains the following:

20 (1) a description of the broadband service offered;

21 (2) the number of customers enrolled in the broadband  
22 service;

23 (3) a description of the procedures being used to  
24 verify the eligibility of customers receiving the  
25 broadband service;

26 (4) a description and samples of the advertising or

1 marketing efforts undertaken to advertise or promote the  
2 broadband service;

3 (5) a description of all retail rates, including  
4 pricing, offered by each person, business, and corporation  
5 and each agent of such person, business, and corporation;

6 (6) a description, including speed and price, of all  
7 broadband products offered in this State by each person,  
8 business, and corporation and each agent of such person,  
9 business, and corporation; and

10 (7) any other information the Commission may require  
11 pursuant to Section 4-625.

12 (220 ILCS 5/4-635 new)

13 Sec. 4-635. Program benchmarks.

14 (a) The Commission shall, within 2 years after the  
15 effective date of this amendatory Act of the 104th General  
16 Assembly and at least every 5 years thereafter, undertake a  
17 proceeding to determine if the minimum download speed for  
18 broadband service under Section 4-620 should be increased to  
19 the Federal Communications Commission's benchmark broadband  
20 download speed or to another minimum broadband download speed  
21 if the Federal Communications Commission has not yet increased  
22 its benchmark at the time of the proceeding.

23 (b) The Commission shall undertake appropriate measures to  
24 inform the public about available broadband products,  
25 including retail rate product offerings and low-income rate

1 product offerings.

2 (c) The Commission shall periodically, but no less than  
3 once every 5 years, review eligibility requirements for the  
4 low-income broadband service required under Section 4-620 and  
5 update the requirements as necessary to meet the needs of  
6 customers.

7 (d) The Attorney General may, in the name of the People of  
8 the State of Illinois and upon notice to the defendant of no  
9 less than 5 days before application, apply to any circuit  
10 court for an injunction to enjoin and restrain a violation of  
11 this Section, Section 4-620, or Section 4-630. If the circuit  
12 court is satisfied that the defendant has violated this  
13 Section, Section 4-620, or Section 4-630, the circuit court  
14 may issue an injunction enjoining and restraining any further  
15 violations, without requiring proof that any person has been  
16 injured or damaged by the violation. In any such proceeding,  
17 the Attorney General may request restitution. If the circuit  
18 court determines that a violation of this Section, Section  
19 4-620, or Section 4-630 has occurred, the circuit court may  
20 impose a civil penalty of no more than \$1,000 per violation.  
21 For any action under this Section, the procedures and rules of  
22 evidence shall comply with the Code of Civil Procedure and any  
23 applicable rules.

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