



Sen. Bill Cunningham

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1 AMENDMENT TO HOUSE BILL 1811

2 AMENDMENT NO. _____. Amend House Bill 1811, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 3. The Freedom of Information Act is amended by
6 changing Section 7.5 as follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be exempt
10 from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other records
4 prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

13 (e) Information the disclosure of which is exempted
14 under Section 30 of the Radon Industry Licensing Act.

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

1 (i) Information contained in a local emergency energy
2 plan submitted to a municipality in accordance with a local
3 emergency energy plan ordinance that is adopted under
4 Section 11-21.5-5 of the Illinois Municipal Code.

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by ~~wireless~~
7 carriers under the ~~Wireless~~ Emergency Telephone System
8 ~~Safety~~ Act.

9 (k) Law enforcement officer identification information
10 or driver identification information compiled by a law
11 enforcement agency or the Department of Transportation
12 under Section 11-212 of the Illinois Vehicle Code.

13 (l) Records and information provided to a residential
14 health care facility resident sexual assault and death
15 review team or the Executive Council under the Abuse
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending
18 database created pursuant to Article 3 of the Residential
19 Real Property Disclosure Act, except to the extent
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of
22 compensation and expenses for court appointed trial
23 counsel as provided under Sections 10 and 15 of the Capital
24 Crimes Litigation Act. This subsection (n) shall apply
25 until the conclusion of the trial of the case, even if the
26 prosecution chooses not to pursue the death penalty prior

1 to trial or sentencing.

2 (o) Information that is prohibited from being
3 disclosed under Section 4 of the Illinois Health and
4 Hazardous Substances Registry Act.

5 (p) Security portions of system safety program plans,
6 investigation reports, surveys, schedules, lists, data, or
7 information compiled, collected, or prepared by or for the
8 Regional Transportation Authority under Section 2.11 of
9 the Regional Transportation Authority Act or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act.

12 (q) Information prohibited from being disclosed by the
13 Personnel Records Review Act.

14 (r) Information prohibited from being disclosed by the
15 Illinois School Student Records Act.

16 (s) Information the disclosure of which is restricted
17 under Section 5-108 of the Public Utilities Act.

18 (t) All identified or deidentified health information
19 in the form of health data or medical records contained in,
20 stored in, submitted to, transferred by, or released from
21 the Illinois Health Information Exchange, and identified
22 or deidentified health information in the form of health
23 data and medical records of the Illinois Health Information
24 Exchange in the possession of the Illinois Health
25 Information Exchange Authority due to its administration
26 of the Illinois Health Information Exchange. The terms

1 "identified" and "deidentified" shall be given the same
2 meaning as in the Health Insurance Portability and
3 Accountability Act of 1996, Public Law 104-191, or any
4 subsequent amendments thereto, and any regulations
5 promulgated thereunder.

6 (u) Records and information provided to an independent
7 team of experts under Brian's Law.

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act or applied for
11 or received a concealed carry license under the Firearm
12 Concealed Carry Act, unless otherwise authorized by the
13 Firearm Concealed Carry Act; and databases under the
14 Firearm Concealed Carry Act, records of the Concealed Carry
15 Licensing Review Board under the Firearm Concealed Carry
16 Act, and law enforcement agency objections under the
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of an
4 eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality
7 review team or the Illinois Fatality Review Team Advisory
8 Council under Section 15 of the Adult Protective Services
9 Act.

10 (aa) Information which is exempted from disclosure
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement
15 Officer-Worn Body Camera Act, except to the extent
16 authorized under that Act.

17 (dd) Information that is prohibited from being
18 disclosed under Section 45 of the Condominium and Common
19 Interest Community Ombudsperson Act.

20 (ee) ~~(dd)~~ Information that is exempted from disclosure
21 under Section 30.1 of the Pharmacy Practice Act.

22 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
23 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
24 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
25 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
26 8-19-16; revised 9-1-16.)

1 Section 5. The Department of State Police Law of the Civil
2 Administrative Code of Illinois is amended by changing Sections
3 2605-52 and 2605-475 as follows:

4 (20 ILCS 2605/2605-52)

5 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

6 (a) There shall be established an Office of the Statewide
7 9-1-1 Administrator within the Department. Beginning January
8 1, 2016, the Office of the Statewide 9-1-1 Administrator shall
9 be responsible for developing, implementing, and overseeing a
10 uniform statewide 9-1-1 system for all areas of the State
11 outside of municipalities having a population over 500,000.

12 (b) The Governor shall appoint, with the advice and consent
13 of the Senate, a Statewide 9-1-1 Administrator. The
14 Administrator shall serve for a term of 2 years, and until a
15 successor is appointed and qualified; except that the term of
16 the first 9-1-1 Administrator appointed under this Act shall
17 expire on the third Monday in January, 2017. The Administrator
18 shall not hold any other remunerative public office. The
19 Administrator shall receive an annual salary as set by the
20 Governor.

21 (c) The Department, from appropriations made to it for that
22 purpose, shall make grants to 9-1-1 Authorities for the purpose
23 of defraying costs associated with 9-1-1 system consolidations
24 awarded by the Administrator under Section 15.4b of the

1 Emergency Telephone System Act.

2 (Source: P.A. 99-6, eff. 6-29-15.)

3 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-475. ~~Wireless~~ Emergency Telephone System Safety
5 Act. The Department and Statewide 9-1-1 Administrator shall ~~To~~
6 exercise the powers and perform the duties specifically
7 assigned to each ~~the Department~~ under the ~~Wireless~~ Emergency
8 Telephone System Safety Act ~~with respect to the development and~~
9 ~~improvement of emergency communications procedures and~~
10 ~~facilities in such a manner as to facilitate a quick response~~
11 ~~to any person calling the number "9-1-1" seeking police, fire,~~
12 ~~medical, or other emergency services through a wireless carrier~~
13 ~~as defined in Section 10 of the Wireless Emergency Telephone~~
14 ~~Safety Act.~~ Nothing in the ~~Wireless~~ Emergency Telephone System
15 Safety Act shall require the Department of Illinois State
16 Police to provide wireless enhanced 9-1-1 services.

17 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

18 Section 10. The State Finance Act is amended by changing
19 Section 8.37 as follows:

20 (30 ILCS 105/8.37)

21 Sec. 8.37. State Police Wireless Service Emergency Fund.

22 (a) The State Police Wireless Service Emergency Fund is
23 created as a special fund in the State Treasury.

1 (b) Grants or surcharge funds allocated to the Department
2 of State Police from the Statewide 9-1-1 ~~Wireless Service~~
3 ~~Emergency~~ Fund shall be deposited into the State Police
4 Wireless Service Emergency Fund and shall be used in accordance
5 with Section 30 ~~20~~ of the ~~Wireless~~ Emergency Telephone System
6 Safety Act.

7 (c) On July 1, 1999, the State Comptroller and State
8 Treasurer shall transfer \$1,300,000 from the General Revenue
9 Fund to the State Police Wireless Service Emergency Fund. On
10 June 30, 2003 the State Comptroller and State Treasurer shall
11 transfer \$1,300,000 from the State Police Wireless Service
12 Emergency Fund to the General Revenue Fund.

13 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

14 Section 15. The Emergency Telephone System Act is reenacted
15 and is amended by changing Sections 2, 8, 10, 10.3, 12, 14,
16 15.2a, 15.3, 15.3a, 15.4, 15.4a, 15.6a, 19, 20, 30, 35, 40, 55,
17 and 99 and by adding Sections 17.5 and 80 as follows:

18 (50 ILCS 750/Act title)

19 An Act in relation to the designation of an emergency
20 telephone number for use throughout the State.

21 (50 ILCS 750/0.01) (from Ch. 134, par. 30.01)

22 Sec. 0.01. This Act shall be known and may be cited as the
23 "Emergency Telephone System Act".

1 (Source: P.A. 85-978.)

2 (50 ILCS 750/1) (from Ch. 134, par. 31)

3 Sec. 1. The General Assembly finds and declares that it is
4 in the public interest to shorten the time required for a
5 citizen to request and receive emergency aid. There currently
6 exist thousands of different emergency phone numbers
7 throughout the state, and present telephone exchange
8 boundaries and central office service areas do not necessarily
9 correspond to public safety and political boundaries.
10 Provision of a single, primary three-digit emergency number
11 through which emergency services can be quickly and efficiently
12 obtained would provide a significant contribution to law
13 enforcement and other public service efforts by making it less
14 difficult to quickly notify public safety personnel. Such a
15 simplified means of procuring emergency services will result in
16 the saving of life, a reduction in the destruction of property,
17 quicker apprehension of criminals, and ultimately the saving of
18 money. The General Assembly further finds and declares that the
19 establishment of a uniform, statewide emergency number is a
20 matter of statewide concern and interest to all inhabitants and
21 citizens of this State. It is the purpose of this Act to
22 establish the number "9-1-1" as the primary emergency telephone
23 number for use in this State and to encourage units of local
24 government and combinations of such units to develop and
25 improve emergency communication procedures and facilities in

1 such a manner as to be able to quickly respond to any person
2 calling the telephone number "9-1-1" seeking police, fire,
3 medical, rescue, and other emergency services.

4 (Source: P.A. 85-978.)

5 (50 ILCS 750/2) (from Ch. 134, par. 32)

6 Sec. 2. Definitions. As used in this Act, unless the
7 context otherwise requires:

8 "9-1-1 network" means the network used for the delivery of
9 9-1-1 calls and messages over dedicated and redundant
10 facilities to a primary or backup 9-1-1 PSAP that meets P.01
11 grade of service standards for basic 9-1-1 and enhanced 9-1-1
12 services or meets national I3 industry call delivery standards
13 for Next Generation 9-1-1 services.

14 "9-1-1 system" means the geographic area that has been
15 granted an order of authority by the Commission or the
16 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
17 emergency telephone number.

18 "9-1-1 Authority" includes an Emergency Telephone System
19 Board, Joint Emergency Telephone System Board, and a qualified
20 governmental entity. "9-1-1 Authority" includes the Department
21 of State Police only to the extent it provides 9-1-1 services
22 under this Act.

23 "Administrator" means the Statewide 9-1-1 Administrator.

24 "Advanced service" means any telecommunications service
25 with or without dynamic bandwidth allocation, including, but

1 not limited to, ISDN Primary Rate Interface (PRI), that,
2 through the use of a DS-1, T-1, or other ~~similar~~ un-channelized
3 or multi-channel transmission facility, is capable of
4 transporting either the subscriber's inter-premises voice
5 telecommunications services to the public switched network or
6 the subscriber's 9-1-1 calls to the public agency.

7 "ALI" or "automatic location identification" means, in an
8 E9-1-1 system, the automatic display at the public safety
9 answering point of the caller's telephone number, the address
10 or location of the telephone, and supplementary emergency
11 services information.

12 "ANI" or "automatic number identification" means the
13 automatic display of the 9-1-1 calling party's number on the
14 PSAP monitor.

15 "Automatic alarm" and "automatic alerting device" mean any
16 device that will access the 9-1-1 system for emergency services
17 upon activation.

18 "Backup PSAP" means a public safety answering point that
19 serves as an alternate to the PSAP for enhanced systems and is
20 at a different location and operates independently from the
21 PSAP. A backup PSAP may accept overflow calls from the PSAP or
22 be activated if the primary PSAP is disabled.

23 "Board" means an Emergency Telephone System Board or a
24 Joint Emergency Telephone System Board created pursuant to
25 Section 15.4.

26 "Carrier" includes a telecommunications carrier and a

1 wireless carrier.

2 "Commission" means the Illinois Commerce Commission.

3 "Computer aided dispatch" or "CAD" means a computer-based
4 system that aids PSAP telecommunicators by automating selected
5 dispatching and recordkeeping activities ~~database maintained~~
6 ~~by the public safety agency or public safety answering point~~
7 ~~used in conjunction with 9-1-1 caller data.~~

8 "Direct dispatch method" means a 9-1-1 service that
9 provides for the direct dispatch by a PSAP telecommunicator of
10 the appropriate unit upon receipt of an emergency call and the
11 decision as to the proper action to be taken.

12 "Department" means the Department of State Police.

13 "DS-1, T-1, or similar un-channelized or multi-channel
14 transmission facility" means a facility that can transmit and
15 receive a bit rate of at least 1.544 megabits per second
16 (Mbps).

17 "Dynamic bandwidth allocation" means the ability of the
18 facility or customer to drop and add channels, or adjust
19 bandwidth, when needed in real time for voice or data purposes.

20 "Enhanced 9-1-1" or "E9-1-1" means a ~~an emergency~~ telephone
21 system that includes ~~dedicated~~ network switching, database and
22 PSAP premise elements capable of providing automatic location
23 identification data, selective routing, ~~database, ALI, ANI,~~
24 selective transfer, fixed transfer, and a call back number, including any enhanced 9-1-1 service so designated by the
25 Federal Communications Commission in its report and order in WC
26

1 Dockets Nos. 04-36 and 05-196, or any successor proceeding.

2 "ETSB" means an emergency telephone system board appointed
3 by the corporate authorities of any county or municipality that
4 provides for the management and operation of a 9-1-1 system.

5 "Hearing-impaired individual" means a person with a
6 permanent hearing loss who can regularly and routinely
7 communicate by telephone only through the aid of devices which
8 can send and receive written messages over the telephone
9 network.

10 "Hosted supplemental 9-1-1 service" means a database
11 service that:

12 (1) electronically provides information to 9-1-1 call
13 takers when a call is placed to 9-1-1;

14 (2) allows telephone subscribers to provide
15 information to 9-1-1 to be used in emergency scenarios;

16 (3) collects a variety of formatted data relevant to
17 9-1-1 and first responder needs, which may include, but is
18 not limited to, photographs of the telephone subscribers,
19 physical descriptions, medical information, household
20 data, and emergency contacts;

21 (4) allows for information to be entered by telephone
22 subscribers through a secure website where they can elect
23 to provide as little or as much information as they choose;

24 (5) automatically displays data provided by telephone
25 subscribers to 9-1-1 call takers for all types of
26 telephones when a call is placed to 9-1-1 from a registered

1 and confirmed phone number;

2 (6) supports the delivery of telephone subscriber
3 information through a secure internet connection to all
4 emergency telephone system boards;

5 (7) works across all 9-1-1 call taking equipment and
6 allows for the easy transfer of information into a computer
7 aided dispatch system; and

8 (8) may be used to collect information pursuant to an
9 Illinois Premise Alert Program as defined in the Illinois
10 Premise Alert Program (PAP) Act.

11 "Interconnected voice over Internet protocol provider" or
12 "Interconnected VoIP provider" has the meaning given to that
13 term under Section 13-235 of the Public Utilities Act.

14 "Joint ETSB" means a Joint Emergency Telephone System Board
15 established by intergovernmental agreement of two or more
16 municipalities or counties, or a combination thereof, to
17 provide for the management and operation of a 9-1-1 system.

18 "Local public agency" means any unit of local government or
19 special purpose district located in whole or in part within
20 this State that provides or has authority to provide
21 firefighting, police, ambulance, medical, or other emergency
22 services.

23 "Mechanical dialer" means any device that either manually
24 or remotely triggers a dialing device to access the 9-1-1
25 system.

26 "Master Street Address Guide" or "MSAG" is a database of

1 street names and house ranges within their associated
2 communities defining emergency service zones (ESZs) and their
3 associated emergency service numbers (ESNs) to enable proper
4 routing of 9-1-1 calls ~~means the computerized geographical~~
5 ~~database that consists of all street and address data within a~~
6 ~~9-1-1 system.~~

7 "Mobile telephone number" or "MTN" means the telephone
8 number assigned to a wireless telephone at the time of initial
9 activation.

10 "Network connections" means the number of voice grade
11 communications channels directly between a subscriber and a
12 telecommunications carrier's public switched network, without
13 the intervention of any other telecommunications carrier's
14 switched network, which would be required to carry the
15 subscriber's inter-premises traffic and which connection
16 either (1) is capable of providing access through the public
17 switched network to a 9-1-1 Emergency Telephone System, if one
18 exists, or (2) if no system exists at the time a surcharge is
19 imposed under Section 15.3, that would be capable of providing
20 access through the public switched network to the local 9-1-1
21 Emergency Telephone System if one existed. Where multiple voice
22 grade communications channels are connected to a
23 telecommunications carrier's public switched network through a
24 private branch exchange (PBX) service, there shall be
25 determined to be one network connection for each trunk line
26 capable of transporting either the subscriber's inter-premises

1 traffic to the public switched network or the subscriber's
2 9-1-1 calls to the public agency. Where multiple voice grade
3 communications channels are connected to a telecommunications
4 carrier's public switched network through centrex type
5 service, the number of network connections shall be equal to
6 the number of PBX trunk equivalents for the subscriber's
7 service or other multiple voice grade communication channels
8 facility, as determined by reference to any generally
9 applicable exchange access service tariff filed by the
10 subscriber's telecommunications carrier with the Commission.

11 "Network costs" means those recurring costs that directly
12 relate to the operation of the 9-1-1 network as determined by
13 the Statewide 9-1-1 Administrator with the advice of the
14 Statewide 9-1-1 Advisory Board, which may include including,
15 but need not be limited to, some or all of the following: costs
16 for interoffice trunks, selective routing charges, transfer
17 lines and toll charges for 9-1-1 services, Automatic Location
18 Information (ALI) database charges, ~~call box trunk circuit~~
19 ~~(including central office only and not including extensions to~~
20 ~~fire stations)~~, independent local exchange carrier charges and
21 non-system provider charges, carrier charges for third party
22 database for on-site customer premises equipment, back-up PSAP
23 trunks for non-system providers, periodic database updates as
24 provided by carrier (also known as "ALI data dump"), regional
25 ALI storage charges, circuits for call delivery (fiber or
26 circuit connection), NG9-1-1 costs, and all associated fees,

1 taxes, and surcharges on each invoice. "Network costs" shall
2 not include radio circuits or toll charges that are other than
3 for 9-1-1 services.

4 "Next generation 9-1-1" or "NG9-1-1" means an Internet
5 Protocol-based (IP-based) system comprised of managed ESInets,
6 functional elements and applications, and databases that
7 replicate traditional E9-1-1 features and functions and
8 provide additional capabilities. "NG9-1-1" systems are
9 designed to provide access to emergency services from all
10 connected communications sources, and provide multimedia data
11 capabilities for PSAPs and other emergency services
12 organizations.

13 "NG9-1-1 costs" means those recurring costs that directly
14 relate to the Next Generation 9-1-1 service as determined by
15 the Statewide 9-1-1 Advisory Board, including, but not limited
16 to, costs for Emergency System Routing Proxy (ESRP), Emergency
17 Call Routing Function/Location Validation Function (ECRF/LVF),
18 Spatial Information Function (SIF), the Border Control
19 Function (BCF), and the Emergency Services Internet Protocol
20 networks (ESInets), legacy network gateways, and all
21 associated fees, taxes, and surcharges on each invoice.

22 "Private branch exchange" or "PBX" means a private
23 telephone system and associated equipment located on the user's
24 property that provides communications between internal
25 stations and external networks.

26 ~~"Private business switch service" means a~~

1 ~~telecommunications service including centrex type service and~~
2 ~~PBX service, even though key telephone systems or equivalent~~
3 ~~telephone systems registered with the Federal Communications~~
4 ~~Commission under 47 C.F.R. Part 68 are directly connected to~~
5 ~~centrex type and PBX systems providing 9 1 1 services equipped~~
6 ~~for switched local network connections or 9 1 1 system access~~
7 ~~to business end users through a private telephone switch.~~

8 "Private business switch service" means network and
9 premises based systems including a VoIP, Centrex type service,
10 or PBX service, even though ~~does not include~~ key telephone
11 systems or equivalent telephone systems registered with the
12 Federal Communications Commission under 47 C.F.R. Part 68 are
13 directly connected to Centrex ~~when not used in conjunction with~~
14 ~~centrex~~ type and PBX systems. "Private business switch service"
15 does not include key telephone systems or equivalent telephone
16 systems registered with the Federal Communications Commission
17 under 47 C.F.R. Part 68 when not used in conjunction with a
18 VoIP, Centrex type, or PBX systems. "Private business switch
19 service" typically includes, but is not limited to, private
20 businesses, corporations, and industries where the
21 telecommunications service is primarily for conducting
22 business.

23 "Private residential switch service" means network and
24 premise based systems ~~a telecommunications service~~ including a
25 VoIP, Centrex ~~centrex~~ type service, or ~~and~~ PBX service or, ~~even~~
26 ~~though~~ key telephone systems or equivalent telephone systems

1 registered with the Federal Communications Commission under 47
2 C.F.R. Part 68 that are directly connected to a VoIP, Centrex
3 ~~centrex~~ type service, or and PBX systems ~~providing 9-1-1~~
4 ~~services~~ equipped for switched local network connections or
5 9-1-1 system access to residential end users through a private
6 telephone switch. "Private residential switch service" does
7 not include key telephone systems or equivalent telephone
8 systems registered with the Federal Communications Commission
9 under 47 C.F.R. Part 68 when not used in conjunction with a
10 VoIP, Centrex ~~centrex~~ type, or and PBX systems. "Private
11 residential switch service" typically includes, but is not
12 limited to, apartment complexes, condominiums, and campus or
13 university environments where shared tenant service is
14 provided and where the usage of the telecommunications service
15 is primarily residential.

16 "Public agency" means the State, and any unit of local
17 government or special purpose district located in whole or in
18 part within this State, that provides or has authority to
19 provide firefighting, police, ambulance, medical, or other
20 emergency services.

21 "Public safety agency" means a functional division of a
22 public agency that provides firefighting, police, medical, or
23 other emergency services to respond to and manage emergency
24 incidents. For the purpose of providing wireless service to
25 users of 9-1-1 emergency services, as expressly provided for in
26 this Act, the Department of State Police may be considered a

1 public safety agency.

2 "Public safety answering point" or "PSAP" is a set of
3 call-takers authorized by a governing body and operating under
4 common management that receive 9-1-1 calls and asynchronous
5 event notifications for a defined geographic area and processes
6 those calls and events according to a specified operational
7 policy ~~means the initial answering location of an emergency~~
8 ~~call.~~

9 "Qualified governmental entity" means a unit of local
10 government authorized to provide 9-1-1 services pursuant to
11 this Act where no emergency telephone system board exists.

12 "Referral method" means a 9-1-1 service in which the PSAP
13 telecommunicator provides the calling party with the telephone
14 number of the appropriate public safety agency or other
15 provider of emergency services.

16 "Regular service" means any telecommunications service,
17 other than advanced service, that is capable of transporting
18 either the subscriber's inter-premises voice
19 telecommunications services to the public switched network or
20 the subscriber's 9-1-1 calls to the public agency.

21 "Relay method" means a 9-1-1 service in which the PSAP
22 telecommunicator takes the pertinent information from a caller
23 and relays that information to the appropriate public safety
24 agency or other provider of emergency services.

25 "Remit period" means the billing period, one month in
26 duration, for which a wireless carrier remits a surcharge and

1 provides subscriber information by zip code to the Department,
2 in accordance with Section 20 of this Act.

3 "Secondary Answering Point" or "SAP" means a location,
4 other than a PSAP, that is able to receive the voice, data, and
5 call back number of E9-1-1 or NG9-1-1 emergency calls
6 transferred from a PSAP and completes the call taking process
7 by dispatching police, medical, fire, or other emergency
8 responders.

9 "Statewide wireless emergency 9-1-1 system" means all
10 areas of the State where an emergency telephone system board
11 or, in the absence of an emergency telephone system board, a
12 qualified governmental entity, has not declared its intention
13 for one or more of its public safety answering points to serve
14 as a primary wireless 9-1-1 public safety answering point for
15 its jurisdiction. The operator of the statewide wireless
16 emergency 9-1-1 system shall be the Department of State Police.

17 "System" means the communications equipment and related
18 software applications required to produce a response by the
19 appropriate emergency public safety agency or other provider of
20 emergency services as a result of an emergency call being
21 placed to 9-1-1.

22 "System provider" means the contracted entity providing
23 9-1-1 network and database services.

24 "Telecommunications carrier" means those entities included
25 within the definition specified in Section 13-202 of the Public
26 Utilities Act, and includes those carriers acting as resellers

1 of telecommunications services. "Telecommunications carrier"
2 includes telephone systems operating as mutual concerns.
3 "Telecommunications carrier" does not include a wireless
4 carrier.

5 "Telecommunications technology" means equipment that can
6 send and receive written messages over the telephone network.

7 "Transfer method" means a 9-1-1 service in which the PSAP
8 telecommunicator receiving a call transfers that call to the
9 appropriate public safety agency or other provider of emergency
10 services.

11 "Transmitting messages" shall have the meaning given to
12 that term under Section 8-11-2 of the Illinois Municipal Code.

13 "Trunk line" means a transmission path, or group of
14 transmission paths, connecting a subscriber's PBX to a
15 telecommunications carrier's public switched network. In the
16 case of regular service, each voice grade communications
17 channel or equivalent amount of bandwidth capable of
18 transporting either the subscriber's inter-premises voice
19 telecommunications services to the public switched network or
20 the subscriber's 9-1-1 calls to the public agency shall be
21 considered a trunk line, even if it is bundled with other
22 channels or additional bandwidth. In the case of advanced
23 service, each DS-1, T-1, or other ~~similar~~ un-channelized or
24 multi-channel transmission facility that is capable of
25 transporting either the subscriber's inter-premises voice
26 telecommunications services to the public switched network or

1 the subscriber's 9-1-1 calls to the public agency shall be
2 considered a single trunk line, even if it contains multiple
3 voice grade communications channels or otherwise supports 2 or
4 more voice grade calls at a time; provided, however, that each
5 additional increment of up to 24 voice grade channels ~~1.544~~
6 ~~Mbps~~ of transmission capacity that is capable of transporting
7 either the subscriber's inter-premises voice
8 telecommunications services to the public switched network or
9 the subscriber's 9-1-1 calls to the public agency shall be
10 considered an additional trunk line.

11 "Unmanned backup PSAP" means a public safety answering
12 point that serves as an alternate to the PSAP at an alternate
13 location and is typically unmanned but can be activated if the
14 primary PSAP is disabled.

15 "Virtual answering point" or "VAP" means a temporary or
16 nonpermanent location that is capable of receiving an emergency
17 call, contains a fully functional worksite that is not bound to
18 a specific location, but rather is portable and scalable,
19 connecting emergency call takers or dispatchers to the work
20 process, and is capable of completing the call dispatching
21 process.

22 "Voice-impaired individual" means a person with a
23 permanent speech disability which precludes oral
24 communication, who can regularly and routinely communicate by
25 telephone only through the aid of devices which can send and
26 receive written messages over the telephone network.

1 "Wireless carrier" means a provider of two-way cellular,
2 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
3 Mobile Radio Service (CMRS), Wireless Communications Service
4 (WCS), or other Commercial Mobile Radio Service (CMRS), as
5 defined by the Federal Communications Commission, offering
6 radio communications that may provide fixed, mobile, radio
7 location, or satellite communication services to individuals
8 or businesses within its assigned spectrum block and
9 geographical area or that offers real-time, two-way voice
10 service that is interconnected with the public switched
11 network, including a reseller of such service.

12 "Wireless enhanced 9-1-1" means the ability to relay the
13 telephone number of the originator of a 9-1-1 call and location
14 information from any mobile handset or text telephone device
15 accessing the wireless system to the designated wireless public
16 safety answering point as set forth in the order of the Federal
17 Communications Commission, FCC Docket No. 94-102, adopted June
18 12, 1996, with an effective date of October 1, 1996, and any
19 subsequent amendment thereto.

20 "Wireless public safety answering point" means the
21 functional division of a 9-1-1 authority accepting wireless
22 9-1-1 calls.

23 "Wireless subscriber" means an individual or entity to whom
24 a wireless service account or number has been assigned by a
25 wireless carrier, other than an account or number associated
26 with prepaid wireless telecommunication service.

1 (Source: P.A. 99-6, eff. 1-1-16.)

2 (50 ILCS 750/3) (from Ch. 134, par. 33)

3 Sec. 3. (a) By July 1, 2017, every local public agency
4 shall be within the jurisdiction of a 9-1-1 system.

5 (b) By July 1, 2020, every 9-1-1 system in Illinois shall
6 provide Next Generation 9-1-1 service.

7 (c) Nothing in this Act shall be construed to prohibit or
8 discourage in any way the formation of multijurisdictional or
9 regional systems, and any system established pursuant to this
10 Act may include the territory of more than one public agency or
11 may include a segment of the territory of a public agency.

12 (Source: P.A. 99-6, eff. 1-1-16.)

13 (50 ILCS 750/4) (from Ch. 134, par. 34)

14 Sec. 4. Every system shall include police, firefighting,
15 and emergency medical and ambulance services, and may include
16 other emergency services. The system may incorporate private
17 ambulance service. In those areas in which a public safety
18 agency of the State provides such emergency services, the
19 system shall include such public safety agencies.

20 (Source: P.A. 99-6, eff. 1-1-16.)

21 (50 ILCS 750/5) (from Ch. 134, par. 35)

22 Sec. 5. The digits "9-1-1" shall be the primary emergency
23 telephone number within the system, but a public agency or

1 public safety agency shall maintain a separate secondary seven
2 digit emergency backup number for at least six months after the
3 "9-1-1" system is established and in operation, and shall
4 maintain a separate number for nonemergency telephone calls.

5 (Source: P.A. 85-978.)

6 (50 ILCS 750/6) (from Ch. 134, par. 36)

7 Sec. 6. Capabilities of system; pay telephones. All systems
8 shall be designed to meet the specific requirements of each
9 community and public agency served by the system. Every system
10 shall be designed to have the capability of utilizing the
11 direct dispatch method, relay method, transfer method, or
12 referral method in response to emergency calls. The General
13 Assembly finds and declares that the most critical aspect of
14 the design of any system is the procedure established for
15 handling a telephone request for emergency services.

16 In addition, to maximize efficiency and utilization of the
17 system, all pay telephones within each system shall enable a
18 caller to dial "9-1-1" for emergency services without the
19 necessity of inserting a coin. This paragraph does not apply to
20 pay telephones located in penal institutions, as defined in
21 Section 2-14 of the Criminal Code of 2012, that have been
22 designated for the exclusive use of committed persons.

23 (Source: P.A. 99-6, eff. 1-1-16.)

24 (50 ILCS 750/6.1) (from Ch. 134, par. 36.1)

1 Sec. 6.1. Every 9-1-1 system shall be readily accessible to
2 hearing-impaired and voice-impaired individuals through the
3 use of telecommunications technology for hearing-impaired and
4 speech-impaired individuals.

5 (Source: P.A. 99-6, eff. 1-1-16.)

6 (50 ILCS 750/7) (from Ch. 134, par. 37)

7 Sec. 7. The General Assembly finds that, because of
8 overlapping jurisdiction of public agencies, public safety
9 agencies and telephone service areas, the Administrator, with
10 the advice and recommendation of the Statewide 9-1-1 Advisory
11 Board, shall establish a general overview or plan to effectuate
12 the purposes of this Act within the time frame provided in this
13 Act. In order to insure that proper preparation and
14 implementation of emergency telephone systems are accomplished
15 by all public agencies as required under this Act, the
16 Department, with the advice and assistance of the Attorney
17 General, shall secure compliance by public agencies as provided
18 in this Act.

19 (Source: P.A. 99-6, eff. 1-1-16.)

20 (50 ILCS 750/8) (from Ch. 134, par. 38)

21 Sec. 8. The Administrator, with the advice and
22 recommendation of the Statewide 9-1-1 Advisory Board, shall
23 coordinate the implementation of systems established under
24 this Act. To assist with this coordination, all systems

1 authorized to operate under this Act shall register with the
2 Administrator information regarding its composition and
3 organization, including, but not limited to, identification of
4 all PSAPs, SAPs, VAPs, Backup PSAPs, and Unmanned Backup PSAPs.
5 The Department may adopt rules for the administration of this
6 Section.

7 (Source: P.A. 99-6, eff. 1-1-16.)

8 (50 ILCS 750/10) (from Ch. 134, par. 40)

9 Sec. 10. (a) The Administrator, with the advice and
10 recommendation of the Statewide 9-1-1 Advisory Board, shall
11 establish uniform technical and operational standards for all
12 9-1-1 systems in Illinois. All findings, orders, decisions,
13 rules, and regulations issued or promulgated by the Commission
14 under this Act or any other Act establishing or conferring
15 power on the Commission with respect to emergency
16 telecommunications services, shall continue in force.
17 Notwithstanding the provisions of this Section, where
18 applicable, the Administrator shall, with the advice and
19 recommendation of the Statewide 9-1-1 Advisory Board, amend the
20 Commission's findings, orders, decisions, rules, and
21 regulations to conform to the specific provisions of this Act
22 as soon as practicable after the effective date of this
23 amendatory Act of the 99th General Assembly.

24 (b) The Department may adopt emergency rules necessary to
25 implement the provisions of this amendatory Act of the 99th

1 General Assembly under subsection (t) of Section 5-45 of the
2 Illinois Administrative Procedure Act.

3 (c) Nothing in this Act shall deprive the Commission of any
4 authority to regulate the provision by telecommunication
5 carriers or 9-1-1 system service providers of
6 telecommunication or other services under the Public Utilities
7 Act.

8 (d) For rules that implicate both the regulation of 9-1-1
9 authorities under this Act and the regulation of
10 telecommunication carriers and 9-1-1 system service providers
11 under the Public Utilities Act, the Department and the
12 Commission may adopt joint rules necessary for implementation.

13 (e) Any findings, orders, or decisions of the Administrator
14 under this Section shall be deemed a final administrative
15 decision and shall be subject to judicial review under the
16 Administrative Review Law.

17 (Source: P.A. 99-6, eff. 1-1-16.)

18 (50 ILCS 750/10.1) (from Ch. 134, par. 40.1)

19 Sec. 10.1. Confidentiality.

20 (a) 9-1-1 information consisting of names, addresses and
21 telephone numbers of telephone customers whose listings are not
22 published in directories or listed in Directory Assistance
23 Offices is confidential. Except as provided in subsection (b),
24 information shall be provided on a call-by-call basis only for
25 the purpose of responding to emergency calls. For the purposes

1 of this subsection (a), "emergency" means a situation in which
2 property or human life is in jeopardy and the prompt
3 notification of the public safety agency is essential.

4 (b) 9-1-1 information, including information described in
5 subsection (a), may be used by a public safety agency for the
6 purpose of placing out-going emergency calls.

7 (c) Nothing in this Section prohibits a municipality with a
8 population of more than 500,000 from using 9-1-1 information,
9 including information described in subsection (a), for the
10 purpose of responding to calls made to a non-emergency
11 telephone system that is under the supervision and control of a
12 public safety agency and that shares all or some facilities
13 with an emergency telephone system.

14 (d) Any public safety agency that uses 9-1-1 information
15 for the purposes of subsection (b) must establish methods and
16 procedures that ensure the confidentiality of information as
17 required by subsection (a).

18 (e) Divulging confidential information in violation of
19 this Section is a Class A misdemeanor.

20 (Source: P.A. 92-383, eff. 1-1-02.)

21 (50 ILCS 750/10.2) (from Ch. 134, par. 40.2)

22 Sec. 10.2. The Emergency Telephone System Board and the
23 Chairman of the County Board in any county implementing a 9-1-1
24 system shall ensure that all areas of the county are included
25 in the system.

1 (Source: P.A. 99-6, eff. 1-1-16.)

2 (50 ILCS 750/10.3)

3 Sec. 10.3. Notice of address change. The Emergency
4 Telephone System Board or qualified governmental entity in any
5 county implementing a 9-1-1 system that changes any person's
6 address (when the person whose address has changed has not
7 moved to a new residence) shall notify the person (i) of the
8 person's new address and (ii) that the person should contact
9 the local election authority to determine if the person should
10 re-register to vote.

11 (Source: P.A. 90-664, eff. 7-30-98.)

12 (50 ILCS 750/11) (from Ch. 134, par. 41)

13 Sec. 11. All local public agencies operating a 9-1-1 system
14 shall operate under a plan that has been filed with and
15 approved by the Commission prior to January 1, 2016, or the
16 Administrator. Plans filed under this Section shall conform to
17 minimum standards established pursuant to Section 10.

18 (Source: P.A. 99-6, eff. 1-1-16.)

19 (50 ILCS 750/12) (from Ch. 134, par. 42)

20 Sec. 12. The Attorney General may, on ~~in~~ behalf of the
21 Department or on his own initiative, commence judicial
22 proceedings to enforce compliance by any public agency or
23 public utility providing telephone service with this Act.

1 (Source: P.A. 99-6, eff. 1-1-16.)

2 (50 ILCS 750/14) (from Ch. 134, par. 44)

3 Sec. 14. The General Assembly declares that a major purpose
4 of in enacting this Act is to ensure that 9-1-1 systems have
5 redundant methods of dispatch for: (1) each public safety
6 agency within its jurisdiction, herein known as participating
7 agencies; and (2) 9-1-1 systems whose jurisdictional
8 boundaries are contiguous, herein known as adjacent 9-1-1
9 systems, when an emergency request for service is received for
10 a public safety agency that needs to be dispatched by the
11 adjacent 9-1-1 system. Another primary purpose of this Section
12 is to eliminate instances in which a public safety agency
13 responding emergency service refuses, once dispatched, to
14 render aid to the requester because the requester is outside of
15 the jurisdictional boundaries of the public safety agency
16 emergency service. Therefore, in implementing a 9-1-1 system
17 systems under this Act, all 9-1-1 authorities public agencies
18 in a single system shall enter into call handling and aid
19 outside jurisdictional boundaries agreements with each
20 participating agency and adjacent 9-1-1 system a joint powers
21 agreement or any other form of written cooperative agreement
22 which is applicable when need arises on a day-to-day basis.
23 Certified notification of the continuation of such agreements
24 shall be made among the involved parties on an annual basis. In
25 addition, such agreements shall be entered into between public

1 ~~agencies and public safety agencies which are part of different~~
2 ~~systems but whose jurisdictional boundaries are contiguous.~~
3 The agreements shall provide a primary and secondary means of
4 dispatch. It must also provide that, once an emergency unit is
5 dispatched in response to a request through the system, such
6 unit shall render its services to the requesting party without
7 regard to whether the unit is operating outside its normal
8 jurisdictional boundaries. Certified notification of the
9 continuation of call handling and aid outside jurisdictional
10 boundaries agreements shall be made among the involved parties
11 on an annual basis.

12 (Source: P.A. 86-101.)

13 (50 ILCS 750/15) (from Ch. 134, par. 45)

14 Sec. 15. Copies of the annual certified notification of
15 continuing agreement required by Section 14 shall be filed with
16 the Attorney General and the Administrator. All such agreements
17 shall be so filed prior to the 31st day of January. The
18 Attorney General shall commence judicial proceedings to
19 enforce compliance with this Section and Section 14, where a
20 public agency or public safety agency has failed to timely
21 enter into such agreement or file copies thereof.

22 (Source: P.A. 99-6, eff. 1-1-16.)

23 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

24 Sec. 15.1. Public body; exemption from civil liability for

1 developing or operating emergency telephone system.

2 (a) In no event shall a public agency, the Commission, the
3 Statewide 9-1-1 Advisory Board, the Administrator, the
4 Department of State Police, public safety agency, public safety
5 answering point, emergency telephone system board, or unit of
6 local government assuming the duties of an emergency telephone
7 system board, or carrier, or its officers, employees, assigns,
8 or agents be liable for any civil damages or criminal liability
9 that directly or indirectly results from, or is caused by, any
10 act or omission in the development, design, installation,
11 operation, maintenance, performance, or provision of 9-1-1
12 service required by this Act, unless the act or omission
13 constitutes gross negligence, recklessness, or intentional
14 misconduct.

15 A unit of local government, the Commission, the Statewide
16 9-1-1 Advisory Board, the Administrator, the Department of
17 State Police, public safety agency, public safety answering
18 point, emergency telephone system board, or carrier, or its
19 officers, employees, assigns, or agents, shall not be liable
20 for any form of civil damages or criminal liability that
21 directly or indirectly results from, or is caused by, the
22 release of subscriber information to any governmental entity as
23 required under the provisions of this Act, unless the release
24 constitutes gross negligence, recklessness, or intentional
25 misconduct.

26 (b) Exemption from civil liability for emergency

1 instructions is as provided in the Good Samaritan Act.

2 (c) This Section may not be offered as a defense in any
3 judicial proceeding brought by the Attorney General under
4 Section 12 to compel compliance with this Act.

5 (Source: P.A. 99-6, eff. 1-1-16.)

6 (50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

7 Sec. 15.2. Any person calling the number "911" for the
8 purpose of making a false alarm or complaint and reporting
9 false information is subject to the provisions of Section 26-1
10 of the Criminal Code of 2012.

11 (Source: P.A. 97-1150, eff. 1-25-13.)

12 (50 ILCS 750/15.2a) (from Ch. 134, par. 45.2a)

13 Sec. 15.2a. The installation of or connection to a
14 telephone company's network of any automatic alarm, automatic
15 alerting device, or mechanical dialer that causes the number
16 9-1-1 to be dialed in order to directly access emergency
17 services is prohibited in a 9-1-1 system.

18 This Section does not apply to a person who connects to a
19 9-1-1 network using automatic crash notification technology
20 subject to an established protocol.

21 This Section does not apply to devices used to enable
22 access to the 9-1-1 system for cognitively-impaired or special
23 needs persons or for persons with disabilities in an emergency
24 situation reported by a caregiver after initiating a missing

1 person's report. The device must have the capability to be
2 activated and controlled remotely by trained personnel at a
3 service center to prevent falsely activated or repeated calls
4 to the 9-1-1 system in a single incident. The device must have
5 the technical capability to generate location information to
6 the 9-1-1 system. Under no circumstances shall a device be sold
7 for use in a geographical jurisdiction where the 9-1-1 system
8 has not deployed wireless phase II location technology. The
9 alerting device shall also provide for either 2-way
10 communication or send a pre-recorded message to a 9-1-1
11 provider explaining the nature of the emergency so that the
12 9-1-1 provider will be able to dispatch the appropriate
13 emergency responder.

14 Violation of this Section is a Class A misdemeanor. A
15 second or subsequent violation of this Section is a Class 4
16 felony.

17 (Source: P.A. 99-143, eff. 7-27-15.)

18 (50 ILCS 750/15.2b)

19 Sec. 15.2b. Emergency telephone number; advertising. No
20 person or private entity may advertise or otherwise publicize
21 the availability of services provided by a specific provider
22 and indicate that a consumer should obtain access to services
23 provided by a specific provider by use of the emergency
24 telephone number (9-1-1).

25 (Source: P.A. 88-497.)

1 (50 ILCS 750/15.2c)

2 Sec. 15.2c. Call boxes. No carrier shall be required to
3 provide a call box. For purposes of this Section, the term
4 "call box" means a device that is normally mounted to an
5 outside wall of the serving telecommunications carrier central
6 office and designed to provide emergency on-site answering by
7 authorized personnel at the central office location in the
8 event a central office is isolated from the 9-1-1 network.

9 (Source: P.A. 99-6, eff. 1-1-16.)

10 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

11 Sec. 15.3. Local non-wireless surcharge.

12 (a) Except as provided in subsection (1) of this Section,
13 the corporate authorities of any municipality or any county
14 may, subject to the limitations of subsections (c), (d), and
15 (h), and in addition to any tax levied pursuant to the
16 Simplified Municipal Telecommunications Tax Act, impose a
17 monthly surcharge on billed subscribers of network connection
18 provided by telecommunication carriers engaged in the business
19 of transmitting messages by means of electricity originating
20 within the corporate limits of the municipality or county
21 imposing the surcharge at a rate per network connection
22 determined in accordance with subsection (c), however the
23 monthly surcharge shall not apply to a network connection
24 provided for use with pay telephone services. Provided,

1 however, that where multiple voice grade communications
2 channels are connected between the subscriber's premises and a
3 public switched network through private branch exchange (PBX)
4 or centrex type service, a municipality imposing a surcharge at
5 a rate per network connection, as determined in accordance with
6 this Act, shall impose:

7 (i) in a municipality with a population of 500,000 or
8 less or in any county, 5 such surcharges per network
9 connection, as defined under Section 2 ~~determined in~~
10 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
11 this Act, for both regular service and advanced service
12 provisioned trunk lines;

13 (ii) in a municipality with a population, prior to
14 March 1, 2010, of 500,000 or more, 5 surcharges per network
15 connection, as defined under Section 2 ~~determined in~~
16 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
17 this Act, for both regular service and advanced service
18 provisioned trunk lines;

19 (iii) in a municipality with a population, as of March
20 1, 2010, of 500,000 or more, 5 surcharges per network
21 connection, as defined under Section 2 ~~determined in~~
22 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
23 this Act, for regular service provisioned trunk lines, and
24 12 surcharges per network connection, as defined under
25 Section 2 ~~determined in accordance with subsections (a) and~~
26 ~~(d) of Section 2.12~~ of this Act, for advanced service

1 provisioned trunk lines, except where an advanced service
2 provisioned trunk line supports at least 2 but fewer than
3 23 simultaneous voice grade calls ("VGC's"), a
4 telecommunication carrier may elect to impose fewer than 12
5 surcharges per trunk line as provided in subsection (iv) of
6 this Section; or

7 (iv) for an advanced service provisioned trunk line
8 connected between the subscriber's premises and the public
9 switched network through a P.B.X., where the advanced
10 service provisioned trunk line is capable of transporting
11 at least 2 but fewer than 23 simultaneous VGC's per trunk
12 line, the telecommunications carrier collecting the
13 surcharge may elect to impose surcharges in accordance with
14 the table provided in this Section, without limiting any
15 telecommunications carrier's obligations to otherwise keep
16 and maintain records. Any telecommunications carrier
17 electing to impose fewer than 12 surcharges per an advanced
18 service provisioned trunk line shall keep and maintain
19 records adequately to demonstrate the VGC capability of
20 each advanced service provisioned trunk line with fewer
21 than 12 surcharges imposed, provided that 12 surcharges
22 shall be imposed on an advanced service provisioned trunk
23 line regardless of the VGC capability where a
24 telecommunications carrier cannot demonstrate the VGC
25 capability of the advanced service provisioned trunk line.

| | Facility | VGC's | 911 Surcharges |
|---|---|-------|----------------|
| 1 | | | |
| 2 | Advanced service provisioned trunk line | 18-23 | 12 |
| 3 | Advanced service provisioned trunk line | 12-17 | 10 |
| 4 | Advanced service provisioned trunk line | 2-11 | 8 |

5 Subsections (i), (ii), (iii), and (iv) are not intended to
6 make any change in the meaning of this Section, but are
7 intended to remove possible ambiguity, thereby confirming the
8 intent of paragraph (a) as it existed prior to and following
9 the effective date of this amendatory Act of the 97th General
10 Assembly.

11 For mobile telecommunications services, if a surcharge is
12 imposed it shall be imposed based upon the municipality or
13 county that encompasses the customer's place of primary use as
14 defined in the Mobile Telecommunications Sourcing Conformity
15 Act. A municipality may enter into an intergovernmental
16 agreement with any county in which it is partially located,
17 when the county has adopted an ordinance to impose a surcharge
18 as provided in subsection (c), to include that portion of the
19 municipality lying outside the county in that county's
20 surcharge referendum. If the county's surcharge referendum is
21 approved, the portion of the municipality identified in the
22 intergovernmental agreement shall automatically be
23 disconnected from the county in which it lies and connected to
24 the county which approved the referendum for purposes of a
25 surcharge on telecommunications carriers.

1 (b) For purposes of computing the surcharge imposed by
 2 subsection (a), the network connections to which the surcharge
 3 shall apply shall be those in-service network connections,
 4 other than those network connections assigned to the
 5 municipality or county, where the service address for each such
 6 network connection or connections is located within the
 7 corporate limits of the municipality or county levying the
 8 surcharge. Except for mobile telecommunication services, the
 9 "service address" shall mean the location of the primary use of
 10 the network connection or connections. For mobile
 11 telecommunication services, "service address" means the
 12 customer's place of primary use as defined in the Mobile
 13 Telecommunications Sourcing Conformity Act.

14 (c) Upon the passage of an ordinance to impose a surcharge
 15 under this Section the clerk of the municipality or county
 16 shall certify the question of whether the surcharge may be
 17 imposed to the proper election authority who shall submit the
 18 public question to the electors of the municipality or county
 19 in accordance with the general election law; provided that such
 20 question shall not be submitted at a consolidated primary
 21 election. The public question shall be in substantially the
 22 following form:

23 -----
 24 Shall the county (or city, village
 25 or incorporated town) of impose YES
 26 a surcharge of up to ...¢ per month per

1 network connection, which surcharge will
 2 be added to the monthly bill you receive -----
 3 for telephone or telecommunications
 4 charges, for the purpose of installing
 5 (or improving) a 9-1-1 Emergency Telephone System? NO
 6

7 -----

8 If a majority of the votes cast upon the public question
 9 are in favor thereof, the surcharge shall be imposed.

10 However, if a Joint Emergency Telephone System Board is to
 11 be created pursuant to an intergovernmental agreement under
 12 Section 15.4, the ordinance to impose the surcharge shall be
 13 subject to the approval of a majority of the total number of
 14 votes cast upon the public question by the electors of all of
 15 the municipalities or counties, or combination thereof, that
 16 are parties to the intergovernmental agreement.

17 The referendum requirement of this subsection (c) shall not
 18 apply to any municipality with a population over 500,000 or to
 19 any county in which a proposition as to whether a sophisticated
 20 9-1-1 Emergency Telephone System should be installed in the
 21 county, at a cost not to exceed a specified monthly amount per
 22 network connection, has previously been approved by a majority
 23 of the electors of the county voting on the proposition at an
 24 election conducted before the effective date of this amendatory
 25 Act of 1987.

26 (d) A county may not impose a surcharge, unless requested

1 by a municipality, in any incorporated area which has
2 previously approved a surcharge as provided in subsection (c)
3 or in any incorporated area where the corporate authorities of
4 the municipality have previously entered into a binding
5 contract or letter of intent with a telecommunications carrier
6 to provide sophisticated 9-1-1 service through municipal
7 funds.

8 (e) A municipality or county may at any time by ordinance
9 change the rate of the surcharge imposed under this Section if
10 the new rate does not exceed the rate specified in the
11 referendum held pursuant to subsection (c).

12 (f) The surcharge authorized by this Section shall be
13 collected from the subscriber by the telecommunications
14 carrier providing the subscriber the network connection as a
15 separately stated item on the subscriber's bill.

16 (g) The amount of surcharge collected by the
17 telecommunications carrier shall be paid to the particular
18 municipality or county or Joint Emergency Telephone System
19 Board not later than 30 days after the surcharge is collected,
20 net of any network or other 9-1-1 or sophisticated 9-1-1 system
21 charges then due the particular telecommunications carrier, as
22 shown on an itemized bill. The telecommunications carrier
23 collecting the surcharge shall also be entitled to deduct 3% of
24 the gross amount of surcharge collected to reimburse the
25 telecommunications carrier for the expense of accounting and
26 collecting the surcharge.

1 (h) Except as expressly provided in subsection (a) of this
2 Section, on or after the effective date of this amendatory Act
3 of the 98th General Assembly and until December 31, 2017, ~~July~~
4 ~~1, 2017,~~ a municipality with a population of 500,000 or more
5 shall not impose a monthly surcharge per network connection in
6 excess of the highest monthly surcharge imposed as of January
7 1, 2014 by any county or municipality under subsection (c) of
8 this Section. Beginning January 1, 2018 and until December 31,
9 2020, a municipality with a population over 500,000 may not
10 impose a monthly surcharge in excess of \$5.00 per network
11 connection. On or after January 1, 2021, ~~July 1, 2017,~~ a
12 municipality with a population over 500,000 may not impose a
13 monthly surcharge in excess of \$2.50 per network connection.

14 (i) Any municipality or county or joint emergency telephone
15 system board that has imposed a surcharge pursuant to this
16 Section prior to the effective date of this amendatory Act of
17 1990 shall hereafter impose the surcharge in accordance with
18 subsection (b) of this Section.

19 (j) The corporate authorities of any municipality or county
20 may issue, in accordance with Illinois law, bonds, notes or
21 other obligations secured in whole or in part by the proceeds
22 of the surcharge described in this Section. The State of
23 Illinois pledges and agrees that it will not limit or alter the
24 rights and powers vested in municipalities and counties by this
25 Section to impose the surcharge so as to impair the terms of or
26 affect the security for bonds, notes or other obligations

1 secured in whole or in part with the proceeds of the surcharge
2 described in this Section. The pledge and agreement set forth
3 in this Section survive the termination of the surcharge under
4 subsection (l) by virtue of the replacement of the surcharge
5 monies guaranteed under Section 20; the State of Illinois
6 pledges and agrees that it will not limit or alter the rights
7 vested in municipalities and counties to the surcharge
8 replacement funds guaranteed under Section 20 so as to impair
9 the terms of or affect the security for bonds, notes or other
10 obligations secured in whole or in part with the proceeds of
11 the surcharge described in this Section.

12 (k) Any surcharge collected by or imposed on a
13 telecommunications carrier pursuant to this Section shall be
14 held to be a special fund in trust for the municipality, county
15 or Joint Emergency Telephone Board imposing the surcharge.
16 Except for the 3% deduction provided in subsection (g) above,
17 the special fund shall not be subject to the claims of
18 creditors of the telecommunication carrier.

19 ~~(l) On and after the effective date of this amendatory Act~~
20 ~~of the 99th General Assembly, no county or municipality, other~~
21 ~~than a municipality with a population over 500,000, may impose~~
22 ~~a monthly surcharge under this Section in excess of the amount~~
23 ~~imposed by it on the effective date of this Act. Any surcharge~~
24 imposed pursuant to this Section by a county or municipality,
25 other than a municipality with a population in excess of
26 500,000, shall cease to be imposed on January 1, 2016.

1 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

2 (50 ILCS 750/15.3a)

3 Sec. 15.3a. Local wireless surcharge.

4 (a) Notwithstanding any other provision of this Act, a unit
5 of local government or emergency telephone system board
6 providing wireless 9-1-1 service and imposing and collecting a
7 wireless carrier surcharge prior to July 1, 1998 may continue
8 its practices of imposing and collecting its wireless carrier
9 surcharge, but, except as provided in subsection (b) of this
10 Section, in no event shall that monthly surcharge exceed \$2.50
11 per commercial mobile radio service (CMRS) connection or
12 in-service telephone number billed on a monthly basis. For
13 mobile telecommunications services provided on and after
14 August 1, 2002, any surcharge imposed shall be imposed based
15 upon the municipality or county that encompasses the customer's
16 place of primary use as defined in the Mobile
17 Telecommunications Sourcing Conformity Act.

18 (b) Until December 31, 2017, ~~July 1, 2017~~, the corporate
19 authorities of a municipality with a population in excess of
20 500,000 on the effective date of this amendatory Act of the
21 99th General Assembly may by ordinance continue to impose and
22 collect a monthly surcharge per commercial mobile radio service
23 (CMRS) connection or in-service telephone number billed on a
24 monthly basis that does not exceed the highest monthly
25 surcharge imposed as of January 1, 2014 by any county or

1 municipality under subsection (c) of Section 15.3 of this Act.
2 Beginning January 1, 2018, and until December 31, 2020, a
3 municipality with a population in excess of 500,000 may by
4 ordinance continue to impose and collect a monthly surcharge
5 per commercial mobile radio service (CMRS) connection or
6 in-service telephone number billed on a monthly basis that does
7 not exceed \$5.00. On or after January 1, 2021, ~~July 1, 2017,~~
8 the municipality may continue imposing and collecting its
9 wireless carrier surcharge as provided in and subject to the
10 limitations of subsection (a) of this Section.

11 (c) In addition to any other lawful purpose, a municipality
12 with a population over 500,000 may use the moneys collected
13 under this Section for any anti-terrorism or emergency
14 preparedness measures, including, but not limited to,
15 preparedness planning, providing local matching funds for
16 federal or State grants, personnel training, and specialized
17 equipment, including surveillance cameras, as needed to deal
18 with natural and terrorist-inspired emergency situations or
19 events.

20 (Source: P.A. 99-6, eff. 1-1-16.)

21 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

22 Sec. 15.4. Emergency Telephone System Board; powers.

23 (a) Except as provided in subsection (e) of this Section,
24 the corporate authorities of any county or municipality may
25 establish an Emergency Telephone System Board.

1 The corporate authorities shall provide for the manner of
2 appointment and the number of members of the Board, provided
3 that the board shall consist of not fewer than 5 members, one
4 of whom must be a public member who is a resident of the local
5 exchange service territory included in the 9-1-1 coverage area,
6 one of whom (in counties with a population less than 100,000)
7 may be a member of the county board, and at least 3 of whom
8 shall be representative of the 9-1-1 public safety agencies,
9 including but not limited to police departments, fire
10 departments, emergency medical services providers, and
11 emergency services and disaster agencies, and appointed on the
12 basis of their ability or experience. In counties with a
13 population of more than 100,000 but less than 2,000,000, a
14 member of the county board may serve on the Emergency Telephone
15 System Board. Elected officials, including members of a county
16 board, are also eligible to serve on the board. Members of the
17 board shall serve without compensation but shall be reimbursed
18 for their actual and necessary expenses. Any 2 or more
19 municipalities, counties, or combination thereof, may, instead
20 of establishing individual boards, establish by
21 intergovernmental agreement a Joint Emergency Telephone System
22 Board pursuant to this Section. The manner of appointment of
23 such a joint board shall be prescribed in the agreement. On or
24 after the effective date of this amendatory Act of the 100th
25 General Assembly, any new intergovernmental agreement entered
26 into to establish or join a Joint Emergency Telephone System

1 Board shall provide for the appointment of a PSAP
2 representative to the board.

3 Upon the effective date of this amendatory Act of the 98th
4 General Assembly, appointed members of the Emergency Telephone
5 System Board shall serve staggered 3-year terms if: (1) the
6 Board serves a county with a population of 100,000 or less; and
7 (2) appointments, on the effective date of this amendatory Act
8 of the 98th General Assembly, are not for a stated term. The
9 corporate authorities of the county or municipality shall
10 assign terms to the board members serving on the effective date
11 of this amendatory Act of the 98th General Assembly in the
12 following manner: (1) one-third of board members' terms shall
13 expire on January 1, 2015; (2) one-third of board members'
14 terms shall expire on January 1, 2016; and (3) remaining board
15 members' terms shall expire on January 1, 2017. Board members
16 may be re-appointed upon the expiration of their terms by the
17 corporate authorities of the county or municipality.

18 The corporate authorities of a county or municipality may,
19 by a vote of the majority of the members elected, remove an
20 Emergency Telephone System Board member for misconduct,
21 official misconduct, or neglect of office.

22 (b) The powers and duties of the board shall be defined by
23 ordinance of the municipality or county, or by
24 intergovernmental agreement in the case of a joint board. The
25 powers and duties shall include, but need not be limited to the
26 following:

1 (1) Planning a 9-1-1 system.

2 (2) Coordinating and supervising the implementation,
3 upgrading, or maintenance of the system, including the
4 establishment of equipment specifications and coding
5 systems.

6 (3) Receiving moneys from the surcharge imposed under
7 Section 15.3, or disbursed to it under Section 30, and from
8 any other source, for deposit into the Emergency Telephone
9 System Fund.

10 (4) Authorizing all disbursements from the fund.

11 (5) Hiring any staff necessary for the implementation
12 or upgrade of the system.

13 (6) (Blank).

14 (c) All moneys received by a board pursuant to a surcharge
15 imposed under Section 15.3, or disbursed to it under Section
16 30, shall be deposited into a separate interest-bearing
17 Emergency Telephone System Fund account. The treasurer of the
18 municipality or county that has established the board or, in
19 the case of a joint board, any municipal or county treasurer
20 designated in the intergovernmental agreement, shall be
21 custodian of the fund. All interest accruing on the fund shall
22 remain in the fund. No expenditures may be made from such fund
23 except upon the direction of the board by resolution passed by
24 a majority of all members of the board.

25 (d) The board shall complete a Master Street Address Guide
26 database before implementation of the 9-1-1 system. The error

1 ratio of the database shall not at any time exceed 1% of the
2 total database.

3 (e) On and after January 1, 2016, no municipality or county
4 may create an Emergency Telephone System Board unless the board
5 is a Joint Emergency Telephone System Board. The corporate
6 authorities of any county or municipality entering into an
7 intergovernmental agreement to create or join a Joint Emergency
8 Telephone System Board shall rescind an ~~the~~ ordinance or
9 ordinances creating a single ~~the original~~ Emergency Telephone
10 System Board and shall eliminate the single Emergency Telephone
11 System Board, effective upon the creation of the Joint
12 Emergency Telephone System Board, with regulatory approval by
13 the Administrator, or joining of the Joint Emergency Telephone
14 System Board. Nothing in this Section shall be construed to
15 require the dissolution of an Emergency Telephone System Board
16 that is not succeeded by a Joint Emergency Telephone System
17 Board or is not required to consolidate under Section 15.4a of
18 this Act.

19 (f) Within one year after the effective date of this
20 amendatory Act of the 100th General Assembly, any corporate
21 authorities of a county or municipality, other than a
22 municipality with a population of more than 500,000, operating
23 a 9-1-1 system without an Emergency Telephone System Board or
24 Joint Emergency Telephone System Board shall create or join a
25 Joint Emergency Telephone System Board.

26 (Source: P.A. 98-481, eff. 8-16-13; 99-6, eff. 1-1-16.)

1 (50 ILCS 750/15.4a)

2 Sec. 15.4a. Consolidation.

3 (a) By July 1, 2017, and except as otherwise provided in
4 this Section, Emergency Telephone System Boards, Joint
5 Emergency Telephone System Boards, qualified governmental
6 entities, and PSAPs shall be consolidated as follows, subject
7 to subsections (b) and (c) of this Section:

8 (1) In any county with a population of at least 250,000
9 that has a single Emergency Telephone System Board, or
10 qualified governmental entity and more than 2 PSAPs, shall
11 reduce the number of PSAPs by at least 50% or to 2 PSAPs,
12 whichever is greater. Nothing in this paragraph shall
13 preclude consolidation resulting in one PSAP in the county.

14 (2) In any county with a population of at least 250,000
15 that has more than one Emergency Telephone System Board,
16 Joint Emergency Telephone System Board, or qualified
17 governmental entity, any 9-1-1 Authority serving a
18 population of less than 25,000 shall be consolidated such
19 that no 9-1-1 Authority in the county serves a population
20 of less than 25,000.

21 (3) In any county with a population of at least 250,000
22 but less than 1,000,000 that has more than one Emergency
23 Telephone System Board, Joint Emergency Telephone System
24 Board, or qualified governmental entity, each 9-1-1
25 Authority shall reduce the number of PSAPs by at least 50%

1 or to 2 PSAPs, whichever is greater. Nothing in this
2 paragraph shall preclude consolidation of a 9-1-1
3 Authority into a Joint Emergency Telephone System Board,
4 and nothing in this paragraph shall preclude consolidation
5 resulting in one PSAP in the county.

6 (4) In any county with a population of less than
7 250,000 that has a single Emergency Telephone System Board
8 or qualified governmental entity and more than 2 PSAPs, the
9 9-1-1 Authority shall reduce the number of PSAPs by at
10 least 50% or to 2 PSAPs, whichever is greater. Nothing in
11 this paragraph shall preclude consolidation resulting in
12 one PSAP in the county.

13 (5) In any county with a population of less than
14 250,000 that has more than one Emergency Telephone System
15 Board, Joint Emergency Telephone System Board, or
16 qualified governmental entity and more than 2 PSAPs, the
17 9-1-1 Authorities shall be consolidated into a single joint
18 board, and the number of PSAPs shall be reduced by at least
19 50% or to 2 PSAPs, whichever is greater. Nothing in this
20 paragraph shall preclude consolidation resulting in one
21 PSAP in the county.

22 (6) Any 9-1-1 Authority that does not have a PSAP
23 within its jurisdiction shall be consolidated through an
24 intergovernmental agreement with an existing 9-1-1
25 Authority that has a PSAP to create a Joint Emergency
26 Telephone Board.

1 (7) The corporate authorities of each county that has
2 no 9-1-1 service as of January 1, 2016 shall provide
3 enhanced 9-1-1 wireline and wireless enhanced 9-1-1
4 service for that county by either (i) entering into an
5 intergovernmental agreement with an existing Emergency
6 Telephone System Board to create a new Joint Emergency
7 Telephone System Board, or (ii) entering into an
8 intergovernmental agreement with the corporate authorities
9 that have created an existing Joint Emergency Telephone
10 System Board.

11 (b) By July 1, 2016, each county required to consolidate
12 pursuant to paragraph (7) of subsection (a) of this Section and
13 each 9-1-1 Authority required to consolidate pursuant to
14 paragraphs (1) through (6) of subsection (a) of this Section
15 shall file a plan for consolidation or a request for a waiver
16 pursuant to subsection (c) of this Section with the Office
17 Division of the Statewide 9-1-1 Administrator.

18 (1) No county or 9-1-1 Authority may avoid the
19 requirements of this Section by converting primary PSAPs to
20 secondary or virtual answering points. Any county or 9-1-1
21 Authority not in compliance with this Section shall be
22 ineligible to receive consolidation grant funds issued
23 under Section 15.4b of this Act or monthly disbursements
24 otherwise due under Section 30 of this Act, until the
25 county or 9-1-1 Authority is in compliance.

26 (2) Within 60 calendar days of receiving a

1 consolidation plan, the Statewide 9-1-1 Advisory Board
2 shall hold at least one public hearing on the plan and
3 provide a recommendation to the Administrator. Notice of
4 the hearing shall be provided to the respective entity to
5 which the plan applies.

6 (3) Within 90 calendar days of receiving a
7 consolidation plan, the Administrator shall approve the
8 plan, approve the plan as modified, or grant a waiver
9 pursuant to subsection (c) of this Section. In making his
10 or her decision, the Administrator shall consider any
11 recommendation from the Statewide 9-1-1 Advisory Board
12 regarding the plan. If the Administrator does not follow
13 the recommendation of the Board, the Administrator shall
14 provide a written explanation for the deviation in his or
15 her decision.

16 (4) The deadlines provided in this subsection may be
17 extended upon agreement between the Administrator and
18 entity which submitted the plan.

19 (c) A waiver from a consolidation required under subsection
20 (a) of this Section may be granted if the Administrator finds
21 that the consolidation will result in a substantial threat to
22 public safety, is economically unreasonable, or is technically
23 infeasible.

24 (d) Any decision of the Administrator under this Section
25 shall be deemed a final administrative decision and shall be
26 subject to judicial review under the Administrative Review Law.

1 (Source: P.A. 99-6, eff. 1-1-16.)

2 (50 ILCS 750/15.4b)

3 Sec. 15.4b. Consolidation grants.

4 (a) The Administrator, with the advice and recommendation
5 of the Statewide 9-1-1 Advisory Board, shall administer a 9-1-1
6 System Consolidation Grant Program to defray costs associated
7 with 9-1-1 system consolidation of systems outside of a
8 municipality with a population in excess of 500,000. The
9 awarded grants will be used to offset non-recurring costs
10 associated with the consolidation of 9-1-1 systems and shall
11 not be used for ongoing operating costs associated with the
12 consolidated system. The Department, in consultation with the
13 Administrator and the Statewide 9-1-1 Advisory Board, shall
14 adopt rules defining the grant process and criteria for issuing
15 the grants. The grants should be awarded based on criteria that
16 include, but are not limited to:

17 (1) reducing the number of transfers of a 9-1-1 call;

18 (2) reducing the infrastructure required to adequately
19 provide 9-1-1 network services;

20 (3) promoting cost savings from resource sharing among
21 9-1-1 systems;

22 (4) facilitating interoperability and resiliency for
23 the receipt of 9-1-1 calls;

24 (5) reducing the number of 9-1-1 systems or reducing
25 the number of PSAPs within a 9-1-1 system;

1 (6) cost saving resulting from 9-1-1 system
2 consolidation; and

3 (7) expanding E9-1-1 service coverage as a result of
4 9-1-1 system consolidation including to areas without
5 E9-1-1 service.

6 Priority shall be given first to counties not providing
7 9-1-1 service as of January 1, 2016, and next to other entities
8 consolidating as required under Section 15.4a of this Act.

9 (b) The 9-1-1 System Consolidation Grant application, as
10 defined by Department rules, shall be submitted electronically
11 to the Administrator starting January 2, 2016, and every
12 January 2 thereafter. The application shall include a modified
13 9-1-1 system plan as required by this Act in support of the
14 consolidation plan. The Administrator shall have until June 30,
15 2016 and every June 30 thereafter to approve 9-1-1 System
16 Consolidation grants and modified 9-1-1 system plans. Payment
17 under the approved 9-1-1 System Consolidation grants shall be
18 contingent upon the final approval of a modified 9-1-1 system
19 plan.

20 (c) Existing and previously completed consolidation
21 projects shall be eligible to apply for reimbursement of costs
22 related to the consolidation incurred between 2010 and the
23 State fiscal year of the application.

24 (d) The 9-1-1 systems that receive grants under this
25 Section shall provide a report detailing grant fund usage to
26 the Administrator pursuant to Section 40 of this Act.

1 (Source: P.A. 99-6, eff. 1-1-16.)

2 (50 ILCS 750/15.5)

3 Sec. 15.5. Private residential switch service 9-1-1
4 service.

5 (a) After June 30, 1995, an entity that provides or
6 operates private residential switch service and provides
7 telecommunications facilities or services to residents shall
8 provide to those residential end users the same level of 9-1-1
9 service as the public agency and the telecommunications carrier
10 are providing to other residential end users of the local 9-1-1
11 system. This service shall include, but not be limited to, the
12 capability to identify the telephone number, extension number,
13 and the physical location that is the source of the call to the
14 number designated as the emergency telephone number.

15 (b) The private residential switch operator is responsible
16 for forwarding end user automatic location identification
17 record information to the 9-1-1 system provider according to
18 the format, frequency, and procedures established by that
19 system provider.

20 (c) This Act does not apply to any PBX telephone extension
21 that uses radio transmissions to convey electrical signals
22 directly between the telephone extension and the serving PBX.

23 (d) An entity that violates this Section is guilty of a
24 business offense and shall be fined not less than \$1,000 and
25 not more than \$5,000.

1 (e) Nothing in this Section shall be construed to preclude
2 the Attorney General on behalf of the Department or on his or
3 her own initiative, or any other interested person, from
4 seeking judicial relief, by mandamus, injunction, or
5 otherwise, to compel compliance with this Section.

6 (Source: P.A. 99-6, eff. 1-1-16.)

7 (50 ILCS 750/15.6)

8 Sec. 15.6. Enhanced 9-1-1 service; business service.

9 (a) After June 30, 2000, or within 18 months after enhanced
10 9-1-1 service becomes available, any entity that installs or
11 operates a private business switch service and provides
12 telecommunications facilities or services to businesses shall
13 assure that the system is connected to the public switched
14 network in a manner that calls to 9-1-1 result in automatic
15 number and location identification. For buildings having their
16 own street address and containing workspace of 40,000 square
17 feet or less, location identification shall include the
18 building's street address. For buildings having their own
19 street address and containing workspace of more than 40,000
20 square feet, location identification shall include the
21 building's street address and one distinct location
22 identification per 40,000 square feet of workspace. Separate
23 buildings containing workspace of 40,000 square feet or less
24 having a common public street address shall have a distinct
25 location identification for each building in addition to the

1 street address.

2 (b) Exemptions. Buildings containing workspace of more
3 than 40,000 square feet are exempt from the multiple location
4 identification requirements of subsection (a) if the building
5 maintains, at all times, alternative and adequate means of
6 signaling and responding to emergencies. Those means shall
7 include, but not be limited to, a telephone system that
8 provides the physical location of 9-1-1 calls coming from
9 within the building. Health care facilities are presumed to
10 meet the requirements of this paragraph if the facilities are
11 staffed with medical or nursing personnel 24 hours per day and
12 if an alternative means of providing information about the
13 source of an emergency call exists. Buildings under this
14 exemption must provide 9-1-1 service that provides the
15 building's street address.

16 Buildings containing workspace of more than 40,000 square
17 feet are exempt from subsection (a) if the building maintains,
18 at all times, alternative and adequate means of signaling and
19 responding to emergencies, including a telephone system that
20 provides the location of a 9-1-1 call coming from within the
21 building, and the building is serviced by its own medical, fire
22 and security personnel. Buildings under this exemption are
23 subject to emergency phone system certification by the
24 Administrator.

25 Buildings in communities not serviced by enhanced 9-1-1
26 service are exempt from subsection (a).

1 Correctional institutions and facilities, as defined in
2 subsection (d) of Section 3-1-2 of the Unified Code of
3 Corrections, are exempt from subsection (a).

4 (c) This Act does not apply to any PBX telephone extension
5 that uses radio transmissions to convey electrical signals
6 directly between the telephone extension and the serving PBX.

7 (d) An entity that violates this Section is guilty of a
8 business offense and shall be fined not less than \$1,000 and
9 not more than \$5,000.

10 (e) Nothing in this Section shall be construed to preclude
11 the Attorney General on behalf of the Department or on his or
12 her own initiative, or any other interested person, from
13 seeking judicial relief, by mandamus, injunction, or
14 otherwise, to compel compliance with this Section.

15 (f) The Department may promulgate rules for the
16 administration of this Section.

17 (Source: P.A. 99-6, eff. 1-1-16.)

18 (50 ILCS 750/15.6a)

19 Sec. 15.6a. Wireless emergency 9-1-1 service.

20 (a) The digits "9-1-1" shall be the designated emergency
21 telephone number within the wireless system.

22 (b) The Department may set non-discriminatory and uniform
23 technical and operational standards consistent with the rules
24 of the Federal Communications Commission for directing calls to
25 authorized public safety answering points. These standards

1 shall not in any way prescribe the technology or manner a
2 wireless carrier shall use to deliver wireless 9-1-1 or
3 wireless E9-1-1 calls, and these standards shall not exceed the
4 requirements set by the Federal Communications Commission;
5 however, standards for directing calls to the authorized public
6 safety answering point shall be included. The authority given
7 to the Department in this Section is limited to setting
8 standards as set forth herein and does not constitute authority
9 to regulate wireless carriers.

10 (c) For the purpose of providing wireless 9-1-1 emergency
11 services, an emergency telephone system board or, in the
12 absence of an emergency telephone system board, a qualified
13 governmental entity, may declare its intention for one or more
14 of its public safety answering points to serve as a primary
15 wireless 9-1-1 public safety answering point for its
16 jurisdiction by notifying the Administrator in writing within 6
17 months after receiving its authority to operate a 9-1-1 system
18 under this Act. In addition, 2 or more emergency telephone
19 system boards or qualified governmental entities may, by virtue
20 of an intergovernmental agreement, provide wireless 9-1-1
21 service. Until the jurisdiction comes into compliance with
22 Section 15.4a of this Act, the ~~The~~ Department of State Police
23 shall be the primary wireless 9-1-1 public safety answering
24 point for any jurisdiction that did not provide notice to the
25 Illinois Commerce Commission and the Department prior to
26 January 1, 2016.

1 (d) The Administrator, upon a request from a qualified
2 governmental entity or an emergency telephone system board and
3 with the advice and recommendation of the Statewide 9-1-1
4 Advisory Board, may grant authority to the emergency telephone
5 system board or a qualified governmental entity to provide
6 wireless 9-1-1 service in areas for which the Department has
7 accepted wireless 9-1-1 responsibility. The Administrator
8 shall maintain a current list of all 9-1-1 systems and
9 qualified governmental entities providing wireless 9-1-1
10 service under this Act.

11 (Source: P.A. 99-6, eff. 1-1-16.)

12 (50 ILCS 750/15.6b)

13 Sec. 15.6b. Next Generation 9-1-1 service.

14 (a) The Administrator, with the advice and recommendation
15 of the Statewide 9-1-1 Advisory Board, shall develop and
16 implement a plan for a statewide Next Generation 9-1-1 network.
17 The Next Generation 9-1-1 network must be an Internet
18 protocol-based platform that at a minimum provides:

19 (1) improved 9-1-1 call delivery;

20 (2) enhanced interoperability;

21 (3) increased ease of communication between 9-1-1
22 service providers, allowing immediate transfer of 9-1-1
23 calls, caller information, photos, and other data
24 statewide;

25 (4) a hosted solution with redundancy built in; and

1 (5) compliance with NENA Standards i3 Solution 08-003.

2 (b) By July 1, 2016, the Administrator, with the advice and
3 recommendation of the Statewide 9-1-1 Advisory Board, shall
4 design and issue a competitive request for a proposal to secure
5 the services of a consultant to complete a feasibility study on
6 the implementation of a statewide Next Generation 9-1-1 network
7 in Illinois. By July 1, 2017, the consultant shall complete the
8 feasibility study and make recommendations as to the
9 appropriate procurement approach for developing a statewide
10 Next Generation 9-1-1 network.

11 (c) Within 12 months of the final report from the
12 consultant under subsection (b) of this Section, the Department
13 shall procure and finalize a contract with a vendor certified
14 under Section 13-900 of the Public Utilities Act to establish a
15 statewide Next Generation 9-1-1 network. By July 1, 2020, the
16 vendor shall implement a Next Generation 9-1-1 network that
17 allows 9-1-1 systems providing 9-1-1 service to Illinois
18 residents to access the system utilizing their current
19 infrastructure if it meets the standards adopted by the
20 Department.

21 (Source: P.A. 99-6, eff. 1-1-16.)

22 (50 ILCS 750/15.7)

23 Sec. 15.7. Compliance with certification of 9-1-1 system
24 providers by the Illinois Commerce Commission. In addition to
25 the requirements of this Act, all 9-1-1 system providers must

1 comply with the requirements of Section 13-900 of the Public
2 Utilities Act.

3 (Source: P.A. 99-6, eff. 1-1-16.)

4 (50 ILCS 750/15.8)

5 Sec. 15.8. 9-1-1 dialing from a business.

6 (a) Any entity that installs or operates a private business
7 switch service and provides telecommunications facilities or
8 services to businesses shall ensure that all systems installed
9 on or after July 1, 2015 (the effective date of Public Act
10 98-875) are connected to the public switched network in a
11 manner such that when a user dials "9-1-1", the emergency call
12 connects to the 9-1-1 system without first dialing any number
13 or set of numbers.

14 (b) The requirements of this Section do not apply to:

15 (1) any entity certified by the Illinois Commerce
16 Commission to operate a Private Emergency Answering Point
17 as defined in 83 Ill. Adm. Code 726.105; or

18 (2) correctional institutions and facilities as
19 defined in subsection (d) of Section 3-1-2 of the Unified
20 Code of Corrections.

21 (c) An entity that violates this Section is guilty of a
22 business offense and shall be fined not less than \$1,000 and
23 not more than \$5,000.

24 (Source: P.A. 98-875, eff. 7-1-15; 99-6, eff. 1-1-16.)

1 (50 ILCS 750/16) (from Ch. 134, par. 46)

2 Sec. 16. This Act takes effect July 1, 1975.

3 (Source: P.A. 79-1092.)

4 (50 ILCS 750/17.5 new)

5 Sec. 17.5. 9-1-1 call transfer, forward, or relay.

6 (a) The General Assembly finds the following:

7 (1) Some 9-1-1 systems throughout this State do not
8 have a procedure in place to manually transfer, forward, or
9 relay 9-1-1 calls originating within one 9-1-1 system's
10 jurisdiction, but which should properly be answered and
11 dispatched by another 9-1-1 system, to the appropriate
12 9-1-1 system for answering and dispatch of first
13 responders.

14 (2) On January 1, 2016, the General Assembly gave
15 oversight authority of 9-1-1 systems to the Department of
16 State Police.

17 (3) Since that date, the Department of State Police has
18 authorized individual 9-1-1 systems in counties and
19 municipalities to implement and upgrade enhanced 9-1-1
20 systems throughout the State.

21 (b) The Department shall prepare a directory of all
22 authorized 9-1-1 systems in the State. The directory shall
23 include an emergency 24/7 10-digit telephone number for all
24 primary public safety answering points located in each 9-1-1
25 system to which 9-1-1 calls from another jurisdiction can be

1 transferred. This directory shall be made available to each
2 9-1-1 authority for its use in establishing standard operating
3 procedures regarding calls outside its 9-1-1 jurisdiction.

4 (c) Each 9-1-1 system shall provide the Department with the
5 following information:

6 (1) The name of the PSAP, a list of every participating
7 agency, and the county the PSAP is in, including college
8 and university public safety entities.

9 (2) The 24/7 10-digit emergency telephone number and
10 email address for the dispatch agency to which 9-1-1 calls
11 originating in another 9-1-1 jurisdiction can be
12 transferred or by which the PSAP can be contacted via email
13 to exchange information. Each 9-1-1 system shall provide
14 the Department with any changes to the participating
15 agencies and this number and email address immediately upon
16 the change occurring. Each 9-1-1 system shall provide the
17 PSAP information, the 24/7 10-digit emergency telephone
18 number and email address to the Manager of the Department's
19 9-1-1 Program within 30 days of the effective date of this
20 amendatory Act of the 100th General Assembly.

21 (3) The standard operating procedure describing the
22 manner in which the 9-1-1 system will transfer, forward, or
23 relay 9-1-1 calls originating within its jurisdiction, but
24 which should properly be answered and dispatched by another
25 9-1-1 system, to the appropriate 9-1-1 system. Each 9-1-1
26 system shall provide the standard operating procedures to

1 the Manager of the Department's 9-1-1 Program within 180
2 days after the effective date of this amendatory Act of the
3 100th General Assembly.

4 (50 ILCS 750/19)

5 Sec. 19. Statewide 9-1-1 Advisory Board.

6 (a) Beginning July 1, 2015, there is created the Statewide
7 9-1-1 Advisory Board within the Department of State Police. The
8 Board shall consist of the following 11 voting members:

9 (1) The Director of the State Police, or his or her
10 designee, who shall serve as chairman.

11 (2) The Executive Director of the Commission, or his or
12 her designee.

13 (3) Nine members appointed by the Governor as follows:

14 (A) one member representing the Illinois chapter
15 of the National Emergency Number Association, or his or
16 her designee;

17 (B) one member representing the Illinois chapter
18 of the Association of Public-Safety Communications
19 Officials, or his or her designee;

20 (C) one member representing a county 9-1-1 system
21 from a county with a population of less than 50,000;

22 (D) one member representing a county 9-1-1 system
23 from a county with a population between 50,000 and
24 250,000;

25 (E) one member representing a county 9-1-1 system

1 from a county with a population of more than 250,000;

2 (F) one member representing a municipality with a
3 population of less than 500,000 in a county with a
4 population in excess of 2,000,000;

5 (G) one member representing the Illinois
6 Association of Chiefs of Police;

7 (H) one member representing the Illinois Sheriffs'
8 Association; and

9 (I) one member representing the Illinois Fire
10 Chiefs Association.

11 The Governor shall appoint the following non-voting
12 members: (i) one member representing an incumbent local
13 exchange 9-1-1 system provider; (ii) one member representing a
14 non-incumbent local exchange 9-1-1 system provider; (iii) one
15 member representing a large wireless carrier; (iv) one member
16 representing an incumbent local exchange ~~a small wireless~~
17 ~~carrier; and~~ (v) one member representing the Illinois
18 Telecommunications Association; (vi) one member representing
19 the Cable Television and Communication Association of
20 Illinois; and (vii) one member representing the Illinois State
21 Ambulance Association. The Speaker of the House of
22 Representatives, the Minority Leader of the House of
23 Representatives, the President of the Senate, and the Minority
24 Leader of the Senate may each appoint a member of the General
25 Assembly to temporarily serve as a non-voting member of the
26 Board during the 12 months prior to the repeal date of this Act

1 to discuss legislative initiatives of the Board.

2 (b) The Governor shall make initial appointments to the
3 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the
4 voting members appointed by the Governor shall serve an initial
5 term of 2 years, and the remaining voting members appointed by
6 the Governor shall serve an initial term of 3 years.
7 Thereafter, each appointment by the Governor shall be for a
8 term of 3 years. Non-voting members shall serve for a term of 3
9 years. Vacancies shall be filled in the same manner as the
10 original appointment. Persons appointed to fill a vacancy shall
11 serve for the balance of the unexpired term.

12 Members of the Statewide 9-1-1 Advisory Board shall serve
13 without compensation.

14 (c) The 9-1-1 Services Advisory Board, as constituted on
15 June 1, 2015 without the legislative members, shall serve in
16 the role of the Statewide 9-1-1 Advisory Board until all
17 appointments of voting members have been made by the Governor
18 under subsection (a) of this Section.

19 (d) The Statewide 9-1-1 Advisory Board shall:

20 (1) advise the Department of State Police and the
21 Statewide 9-1-1 Administrator on the oversight of 9-1-1
22 systems and the development and implementation of a uniform
23 statewide 9-1-1 system;

24 (2) make recommendations to the Governor and the
25 General Assembly regarding improvements to 9-1-1 services
26 throughout the State; and

1 (3) exercise all other powers and duties provided in
2 this Act.

3 (e) The Statewide 9-1-1 Advisory Board shall submit to the
4 General Assembly a report by March 1 of each year providing an
5 update on the transition to a statewide 9-1-1 system and
6 recommending any legislative action.

7 (f) The Department of State Police shall provide
8 administrative support to the Statewide 9-1-1 Advisory Board.

9 (Source: P.A. 99-6, eff. 6-29-15.)

10 (50 ILCS 750/20)

11 Sec. 20. Statewide surcharge.

12 (a) On and after January 1, 2016, and except with respect
13 to those customers who are subject to surcharges as provided in
14 Sections 15.3 and 15.3a of this Act, a monthly surcharge shall
15 be imposed on all customers of telecommunications carriers and
16 wireless carriers as follows:

17 (1) Each telecommunications carrier shall impose a
18 monthly surcharge ~~of \$0.87~~ per network connection;
19 provided, however, the monthly surcharge shall not apply to
20 a network connection provided for use with pay telephone
21 services. Where multiple voice grade communications
22 channels are connected between the subscriber's premises
23 and a public switched network through private branch
24 exchange (PBX), ~~or~~ centrex type service, or other multiple
25 voice grade communication channels facility, there shall

1 be imposed 5 such surcharges per network connection for
2 both regular service and advanced service provisioned
3 trunk lines. Until December 31, 2017, the surcharge shall
4 be \$0.87 per network connection and on and after January 1,
5 2018, the surcharge shall be \$1.50 per network connection.

6 (2) Each wireless carrier shall impose and collect a
7 monthly surcharge ~~of \$0.87~~ per CMRS connection that either
8 has a telephone number within an area code assigned to
9 Illinois by the North American Numbering Plan
10 Administrator or has a billing address in this State. Until
11 December 31, 2017, the surcharge shall be \$0.87 per
12 connection and on and after January 1, 2018, the surcharge
13 shall be \$1.50 per connection.

14 (b) State and local taxes shall not apply to the surcharges
15 imposed under this Section.

16 (c) The surcharges imposed by this Section shall be stated
17 as a separately stated item on subscriber bills.

18 (d) The telecommunications carrier collecting the
19 surcharge may deduct and retain an amount not to exceed ~~shall~~
20 ~~also be entitled to deduct~~ 3% of the gross amount of surcharge
21 collected to reimburse the telecommunications carrier for the
22 expense of accounting and collecting the surcharge. On and
23 after July 1, 2022, the wireless carrier collecting a surcharge
24 under this Section may deduct and retain an amount not to
25 exceed ~~shall be entitled to deduct up to~~ 3% of the gross amount
26 of the surcharge collected to reimburse the wireless carrier

1 for the expense of accounting and collecting the surcharge.

2 (e) Surcharges imposed under this Section shall be
3 collected by the carriers and shall be remitted to the
4 Department, within 30 days of collection, remitted, either by
5 check or electronic funds transfer, by the end of the next
6 calendar month after the calendar month in which it was
7 collected to the Department for deposit into the Statewide
8 9-1-1 Fund. Carriers are not required to remit surcharge moneys
9 that are billed to subscribers but not yet collected.

10 The first remittance by wireless carriers shall include the
11 number of subscribers by zip code, and the 9-digit zip code if
12 currently being used or later implemented by the carrier, that
13 shall be the means by which the Department shall determine
14 distributions from the Statewide 9-1-1 Fund. This information
15 shall be updated at least once each year. Any carrier that
16 fails to provide the zip code information required under this
17 subsection (e) shall be subject to the penalty set forth in
18 subsection (g) of this Section.

19 (f) If, within 8 calendar ~~5-business~~ days after it is due
20 under subsection (e) of this Section, a carrier does not remit
21 the surcharge or any portion thereof required under this
22 Section, then the surcharge or portion thereof shall be deemed
23 delinquent until paid in full, and the Department may impose a
24 penalty against the carrier in an amount equal to the greater
25 of:

26 (1) \$25 for each month or portion of a month from the

1 time an amount becomes delinquent until the amount is paid
2 in full; or

3 (2) an amount equal to the product of 1% and the sum of
4 all delinquent amounts for each month or portion of a month
5 that the delinquent amounts remain unpaid.

6 A penalty imposed in accordance with this subsection (f)
7 for a portion of a month during which the carrier pays the
8 delinquent amount in full shall be prorated for each day of
9 that month that the delinquent amount was paid in full. Any
10 penalty imposed under this subsection (f) is in addition to the
11 amount of the delinquency and is in addition to any other
12 penalty imposed under this Section.

13 (g) If, within 8 calendar ~~5 business~~ days after it is due,
14 a wireless carrier does not provide the number of subscribers
15 by zip code as required under subsection (e) of this Section,
16 then the report is deemed delinquent and the Department may
17 impose a penalty against the carrier in an amount equal to the
18 greater of:

19 (1) \$25 for each month or portion of a month that the
20 report is delinquent; or

21 (2) an amount equal to the product of \$0.01 and the
22 number of subscribers served by the carrier for each month
23 or portion of a month that the delinquent report is not
24 provided.

25 A penalty imposed in accordance with this subsection (g)
26 for a portion of a month during which the carrier provides the

1 number of subscribers by zip code as required under subsection
2 (e) of this Section shall be prorated for each day of that
3 month during which the carrier had not provided the number of
4 subscribers by zip code as required under subsection (e) of
5 this Section. Any penalty imposed under this subsection (g) is
6 in addition to any other penalty imposed under this Section.

7 (h) A penalty imposed and collected in accordance with
8 subsection (f) or (g) of this Section shall be deposited into
9 the Statewide 9-1-1 Fund for distribution according to Section
10 30 of this Act.

11 (i) The Department may enforce the collection of any
12 delinquent amount and any penalty due and unpaid under this
13 Section by legal action or in any other manner by which the
14 collection of debts due the State of Illinois may be enforced
15 under the laws of this State. The Department may excuse the
16 payment of any penalty imposed under this Section if the
17 Administrator determines that the enforcement of this penalty
18 is unjust.

19 (j) Notwithstanding any provision of law to the contrary,
20 nothing shall impair the right of wireless carriers to recover
21 compliance costs for all emergency communications services
22 that are not reimbursed out of the Wireless Carrier
23 Reimbursement Fund directly from their wireless subscribers by
24 line-item charges on the wireless subscriber's bill. Those
25 compliance costs include all costs incurred by wireless
26 carriers in complying with local, State, and federal regulatory

1 or legislative mandates that require the transmission and
2 receipt of emergency communications to and from the general
3 public, including, but not limited to, E9-1-1.

4 (Source: P.A. 99-6, eff. 1-1-16.)

5 (50 ILCS 750/30)

6 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

7 (a) A special fund in the State treasury known as the
8 Wireless Service Emergency Fund shall be renamed the Statewide
9 9-1-1 Fund. Any appropriations made from the Wireless Service
10 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
11 The Fund shall consist of the following:

12 (1) 9-1-1 wireless surcharges assessed under the
13 Wireless Emergency Telephone Safety Act.

14 (2) 9-1-1 surcharges assessed under Section 20 of this
15 Act.

16 (3) Prepaid wireless 9-1-1 surcharges assessed under
17 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

18 (4) Any appropriations, grants, or gifts made to the
19 Fund.

20 (5) Any income from interest, premiums, gains, or other
21 earnings on moneys in the Fund.

22 (6) Money from any other source that is deposited in or
23 transferred to the Fund.

24 (b) Subject to appropriation and availability of funds, the
25 Department shall distribute the 9-1-1 surcharges monthly as

1 follows:

2 (1) From each surcharge collected and remitted under
3 Section 20 of this Act:

4 (A) \$0.013 shall be distributed monthly in equal
5 amounts to each County Emergency Telephone System
6 Board or qualified governmental entity in counties
7 with a population under 100,000 according to the most
8 recent census data which is authorized to serve as a
9 primary wireless 9-1-1 public safety answering point
10 for the county and to provide wireless 9-1-1 service as
11 prescribed by subsection (b) of Section 15.6a of this
12 Act, and which does provide such service.

13 (B) \$0.033 shall be transferred by the Comptroller
14 at the direction of the Department to the Wireless
15 Carrier Reimbursement Fund until June 30, 2017; from
16 July 1, 2017 through June 30, 2018, \$0.026 shall be
17 transferred; from July 1, 2018 through June 30, 2019,
18 \$0.020 shall be transferred; from July 1, 2019, through
19 June 30, 2020, \$0.013 shall be transferred; from July
20 1, 2020 through June 30, 2021, \$0.007 will be
21 transferred; and after June 30, 2021, no transfer shall
22 be made to the Wireless Carrier Reimbursement Fund.

23 (C) Until December 31, 2017, \$0.007 and on and
24 after January 1, 2018, \$0.017 shall be used to cover
25 the Department's administrative costs.

26 (D) Beginning January 1, 2018, until June 30, 2020,

1 \$0.12, and on and after July 1, 2020, \$0.04 shall be
2 used to make monthly proportional grants to the
3 appropriate 9-1-1 Authority currently taking wireless
4 9-1-1 based upon the United States Postal Zip Code of
5 the billing addresses of subscribers wireless
6 carriers.

7 (E) Until June 30, 2020, \$0.05 shall be used by the
8 Department for grants for NG9-1-1 expenses, with
9 priority given to 9-1-1 Authorities that provide 9-1-1
10 service within the territory of a Large Electing
11 Provider as defined in Section 13-406.1 of the Public
12 Utilities Act.

13 (F) On and after July 1, 2020, \$0.13 shall be used
14 for the implementation of and continuing expenses for
15 the Statewide NG9-1-1 system.

16 (2) After disbursements under paragraph (1) of this
17 subsection (b), all remaining funds in the Statewide 9-1-1
18 Fund shall be disbursed in the following priority order:

19 (A) The Fund shall ~~will~~ pay monthly to:

20 (i) the 9-1-1 Authorities that imposed
21 surcharges under Section 15.3 of this Act and were
22 required to report to the Illinois Commerce
23 Commission under Section 27 of the Wireless
24 Emergency Telephone Safety Act on October 1, 2014,
25 except a 9-1-1 Authority in a municipality with a
26 population in excess of 500,000, an amount equal to

1 the average monthly wireline and VoIP surcharge
2 revenue attributable to the most recent 12-month
3 period reported to the Department under that
4 Section for the October 1, 2014 filing, subject to
5 the power of the Department to investigate the
6 amount reported and adjust the number by order
7 under Article X of the Public Utilities Act, so
8 that the monthly amount paid under this item
9 accurately reflects one-twelfth of the aggregate
10 wireline and VoIP surcharge revenue properly
11 attributable to the most recent 12-month period
12 reported to the Commission; or

13 (ii) county qualified governmental entities
14 that did not impose a surcharge under Section 15.3
15 as of December 31, 2015, and counties that did not
16 impose a surcharge as of June 30, 2015, an amount
17 equivalent to their population multiplied by .37
18 multiplied by the rate of \$0.69; counties that are
19 not county qualified governmental entities and
20 that did not impose a surcharge as of December 31,
21 2015, shall not begin to receive the payment
22 provided for in this subsection until E9-1-1 and
23 wireless E9-1-1 services are provided within their
24 counties; or

25 (iii) counties without 9-1-1 service that had
26 a surcharge in place by December 31, 2015, an

1 amount equivalent to their population multiplied
2 by .37 multiplied by their surcharge rate as
3 established by the referendum.

4 (B) All 9-1-1 network costs for systems outside of
5 municipalities with a population of at least 500,000
6 shall be paid by the Department directly to the
7 vendors.

8 (C) All expenses incurred by the Administrator and
9 the Statewide 9-1-1 Advisory Board and costs
10 associated with procurement under Section 15.6b
11 including requests for information and requests for
12 proposals.

13 (D) Funds may be held in reserve by the Statewide
14 9-1-1 Advisory Board and disbursed by the Department
15 for grants under Section 15.4b of this Act ~~Sections~~
16 ~~15.4a, 15.4b,~~ and for NG9-1-1 expenses up to \$12.5
17 million per year in State fiscal years 2016 and 2017;
18 up to \$20 ~~\$13.5~~ million in State fiscal year 2018; up to
19 to \$20.9 ~~\$14.4~~ million in State fiscal year 2019; up to
20 \$15.3 million in State fiscal year 2020; up to \$16.2
21 million in State fiscal year 2021; up to \$23.1 million
22 in State fiscal year 2022; and up to \$17.0 million per
23 year for State fiscal year 2023 and each year
24 thereafter. The amount held in reserve in State fiscal
25 years 2018 and 2019 shall not be less than \$6.5
26 million. Disbursements under this subparagraph (D)

1 shall be prioritized as follows: (i) consolidation
2 grants prioritized under subsection (a) of Section
3 15.4b of this Act; (ii) NG9-1-1 expenses; and (iii)
4 consolidation grants under Section 15.4b of this Act
5 for consolidation expenses incurred between January 1,
6 2010, and January 1, 2016.

7 (E) All remaining funds per remit month shall be
8 used to make monthly proportional grants to the
9 appropriate 9-1-1 Authority currently taking wireless
10 9-1-1 based upon the United States Postal Zip Code of
11 the billing addresses of subscribers of wireless
12 carriers.

13 (c) The moneys deposited into the Statewide 9-1-1 Fund
14 under this Section shall not be subject to administrative
15 charges or chargebacks unless otherwise authorized by this Act.

16 (d) Whenever two or more 9-1-1 Authorities consolidate, the
17 resulting Joint Emergency Telephone System Board shall be
18 entitled to the monthly payments that had theretofore been made
19 to each consolidating 9-1-1 Authority. Any reserves held by any
20 consolidating 9-1-1 Authority shall be transferred to the
21 resulting Joint Emergency Telephone System Board. Whenever a
22 county that has no 9-1-1 service as of January 1, 2016 enters
23 into an agreement to consolidate to create or join a Joint
24 Emergency Telephone System Board, the Joint Emergency
25 Telephone System Board shall be entitled to the monthly
26 payments that would have otherwise been paid to the county if

1 it had provided 9-1-1 service.

2 (Source: P.A. 99-6, eff. 1-1-16.)

3 (50 ILCS 750/35)

4 Sec. 35. 9-1-1 surcharge; allowable expenditures. Except
5 as otherwise provided in this Act, expenditures from surcharge
6 revenues received under this Act may be made by municipalities,
7 counties, and 9-1-1 Authorities only to pay for the costs
8 associated with the following:

9 (1) The design of the Emergency Telephone System.

10 (2) The coding of an initial Master Street Address
11 Guide database, and update and maintenance thereof.

12 (3) The repayment of any moneys advanced for the
13 implementation of the system.

14 (4) The charges for Automatic Number Identification
15 and Automatic Location Identification equipment, a
16 computer aided dispatch system that records, maintains,
17 and integrates information, mobile data transmitters
18 equipped with automatic vehicle locators, and maintenance,
19 replacement, and update thereof to increase operational
20 efficiency and improve the provision of emergency
21 services.

22 (5) The non-recurring charges related to installation
23 of the Emergency Telephone System.

24 (6) The initial acquisition and installation, or the
25 reimbursement of costs therefor to other governmental

1 bodies that have incurred those costs, of road or street
2 signs that are essential to the implementation of the
3 Emergency Telephone System and that are not duplicative of
4 signs that are the responsibility of the jurisdiction
5 charged with maintaining road and street signs. Funds may
6 not be used for ongoing expenses associated with road or
7 street sign maintenance and replacement.

8 (7) Other products and services necessary for the
9 implementation, upgrade, and maintenance of the system and
10 any other purpose related to the operation of the system,
11 including costs attributable directly to the construction,
12 leasing, or maintenance of any buildings or facilities or
13 costs of personnel attributable directly to the operation
14 of the system. Costs attributable directly to the operation
15 of an emergency telephone system do not include the costs
16 of public safety agency personnel who are and equipment
17 that is dispatched in response to an emergency call.

18 (8) The defraying of expenses incurred to implement
19 Next Generation 9-1-1, subject to the conditions set forth
20 in this Act.

21 (9) The implementation of a computer aided dispatch
22 system or hosted supplemental 9-1-1 services.

23 (10) The design, implementation, operation,
24 maintenance, or upgrade of wireless 9-1-1, ~~or~~ E9-1-1, or
25 NG9-1-1 emergency services and public safety answering
26 points.

1 ~~Moneys in the Statewide 9-1-1 Fund may also be transferred~~
2 ~~to a participating fire protection district to reimburse~~
3 ~~volunteer firefighters who man remote telephone switching~~
4 ~~facilities when dedicated 9-1-1 lines are down.~~

5 In the case of a municipality with a population over
6 500,000, moneys may also be used for any anti-terrorism or
7 emergency preparedness measures, including, but not limited
8 to, preparedness planning, providing local matching funds for
9 federal or State grants, personnel training, and specialized
10 equipment, including surveillance cameras, as needed to deal
11 with natural and terrorist-inspired emergency situations or
12 events.

13 (Source: P.A. 99-6, eff. 1-1-16.)

14 (50 ILCS 750/40)

15 Sec. 40. Financial reports.

16 (a) The Department shall create uniform accounting
17 procedures, with such modification as may be required to give
18 effect to statutory provisions applicable only to
19 municipalities with a population in excess of 500,000, that any
20 emergency telephone system board, qualified governmental
21 entity, or unit of local government receiving surcharge money
22 pursuant to Section 15.3, 15.3a, or 30 of this Act must follow.

23 (b) By January 31, 2018, and every January 31 thereafter
24 ~~October 1, 2016, and every October 1 thereafter~~, each emergency
25 telephone system board, qualified governmental entity, or unit

1 of local government receiving surcharge money pursuant to
2 Section 15.3, 15.3a, or 30 shall report to the Department
3 audited financial statements showing total revenue and
4 expenditures for the period beginning with the end of the
5 period covered by the last submitted report through the end of
6 the previous calendar year ~~previous fiscal year~~ in a form and
7 manner as prescribed by the Department. Such financial
8 information shall include:

9 (1) a detailed summary of revenue from all sources
10 including, but not limited to, local, State, federal, and
11 private revenues, and any other funds received;

12 (2) all expenditures made during the reporting period
13 from distributions under this Act; ~~operating expenses,~~
14 ~~capital expenditures, and cash balances; and~~

15 (3) call data and statistics, when available, from the
16 reporting period, as specified by the Department and
17 collected in accordance with any reporting method
18 established or required ~~such other financial information~~
19 ~~that is relevant to the provision of 9-1-1 services as~~
20 ~~determined by the Department;~~

21 (4) all costs associated with dispatching appropriate
22 public safety agencies to respond to 9-1-1 calls received
23 by the PSAP; and

24 (5) all funding sources and amounts of funding used for
25 costs described in paragraph (4) of this subsection (b).

26 The emergency telephone system board, qualified

1 governmental entity, or unit of local government is responsible
2 for any costs associated with auditing such financial
3 statements. The Department shall post the audited financial
4 statements on the Department's website.

5 (c) Along with its audited financial statement, each
6 emergency telephone system board, qualified governmental
7 entity, or unit of local government receiving a grant under
8 Section 15.4b of this Act shall include a report of the amount
9 of grant moneys received and how the grant moneys were used. In
10 case of a conflict between this requirement and the Grant
11 Accountability and Transparency Act, or with the rules of the
12 Governor's Office of Management and Budget adopted thereunder,
13 that Act and those rules shall control.

14 (d) If an emergency telephone system board or qualified
15 governmental entity that receives funds from the Statewide
16 9-1-1 Fund fails to file the 9-1-1 system financial reports as
17 required under this Section, the Department shall suspend and
18 withhold monthly disbursements otherwise due to the emergency
19 telephone system board or qualified governmental entity under
20 Section 30 of this Act until the report is filed.

21 Any monthly disbursements that have been withheld for 12
22 months or more shall be forfeited by the emergency telephone
23 system board or qualified governmental entity and shall be
24 distributed proportionally by the Department to compliant
25 emergency telephone system boards and qualified governmental
26 entities that receive funds from the Statewide 9-1-1 Fund.

1 Any emergency telephone system board or qualified
2 governmental entity not in compliance with this Section shall
3 be ineligible to receive any consolidation grant or
4 infrastructure grant issued under this Act.

5 (e) The Department may adopt emergency rules necessary to
6 implement the provisions of this Section.

7 (f) Any findings or decisions of the Department under this
8 Section shall be deemed a final administrative decision and
9 shall be subject to judicial review under the Administrative
10 Review Law.

11 (g) Beginning October 1, 2017, the Department shall provide
12 a quarterly report to the Board of its expenditures from the
13 Statewide 9-1-1 Fund for the prior fiscal quarter.

14 (Source: P.A. 99-6, eff. 1-1-16.)

15 (50 ILCS 750/45)

16 Sec. 45. Wireless Carrier Reimbursement Fund.

17 (a) A special fund in the State treasury known as the
18 Wireless Carrier Reimbursement Fund, which was created
19 previously under Section 30 of the Wireless Emergency Telephone
20 Safety Act, shall continue in existence without interruption
21 notwithstanding the repeal of that Act. Moneys in the Wireless
22 Carrier Reimbursement Fund may be used, subject to
23 appropriation, only (i) to reimburse wireless carriers for all
24 of their costs incurred in complying with the applicable
25 provisions of Federal Communications Commission wireless

1 enhanced 9-1-1 service mandates, and (ii) to pay the reasonable
2 and necessary costs of the Illinois Commerce Commission in
3 exercising its rights, duties, powers, and functions under this
4 Act. This reimbursement to wireless carriers may include, but
5 need not be limited to, the cost of designing, upgrading,
6 purchasing, leasing, programming, installing, testing, and
7 maintaining necessary data, hardware, and software and
8 associated operating and administrative costs and overhead.

9 (b) To recover costs from the Wireless Carrier
10 Reimbursement Fund, the wireless carrier shall submit sworn
11 invoices to the Illinois Commerce Commission. In no event may
12 any invoice for payment be approved for (i) costs that are not
13 related to compliance with the requirements established by the
14 wireless enhanced 9-1-1 mandates of the Federal Communications
15 Commission, or (ii) costs with respect to any wireless enhanced
16 9-1-1 service that is not operable at the time the invoice is
17 submitted.

18 (c) If in any month the total amount of invoices submitted
19 to the Illinois Commerce Commission and approved for payment
20 exceeds the amount available in the Wireless Carrier
21 Reimbursement Fund, wireless carriers that have invoices
22 approved for payment shall receive a pro-rata share of the
23 amount available in the Wireless Carrier Reimbursement Fund
24 based on the relative amount of their approved invoices
25 available that month, and the balance of the payments shall be
26 carried into the following months until all of the approved

1 payments are made.

2 (d) A wireless carrier may not receive payment from the
3 Wireless Carrier Reimbursement Fund for its costs of providing
4 wireless enhanced 9-1-1 services in an area when a unit of
5 local government or emergency telephone system board provides
6 wireless 9-1-1 services in that area and was imposing and
7 collecting a wireless carrier surcharge prior to July 1, 1998.

8 (e) The Illinois Commerce Commission shall maintain
9 detailed records of all receipts and disbursements and shall
10 provide an annual accounting of all receipts and disbursements
11 to the Auditor General.

12 (f) The Illinois Commerce Commission must annually review
13 the balance in the Wireless Carrier Reimbursement Fund as of
14 June 30 of each year and shall direct the Comptroller to
15 transfer into the Statewide 9-1-1 Fund for distribution in
16 accordance with subsection (b) of Section 30 of this Act any
17 amount in excess of outstanding invoices as of June 30 of each
18 year.

19 (g) The Illinois Commerce Commission shall adopt rules to
20 govern the reimbursement process.

21 (Source: P.A. 99-6, eff. 1-1-16.)

22 (50 ILCS 750/50)

23 Sec. 50. Fund audits. The Auditor General shall conduct as
24 a part of its bi-annual audit, an audit of the Statewide 9-1-1
25 Fund and the Wireless Carrier Reimbursement Fund for compliance

1 with the requirements of this Act. The audit shall include, but
2 not be limited to, the following determinations:

3 (1) Whether detailed records of all receipts and
4 disbursements from the Statewide 9-1-1 Fund and the
5 Wireless Carrier Reimbursement Fund are being maintained.

6 (2) Whether administrative costs charged to the funds
7 are adequately documented and are reasonable.

8 (3) Whether the procedures for making disbursements
9 and grants and providing reimbursements in accordance with
10 the Act are adequate.

11 (4) The status of the implementation of statewide 9-1-1
12 service and Next Generation 9-1-1 service in Illinois.

13 The Illinois Commerce Commission, the Department of State
14 Police, and any other entity or person that may have
15 information relevant to the audit shall cooperate fully and
16 promptly with the Office of the Auditor General in conducting
17 the audit. The Auditor General shall commence the audit as soon
18 as possible and distribute the report upon completion in
19 accordance with Section 3-14 of the Illinois State Auditing
20 Act.

21 (Source: P.A. 99-6, eff. 1-1-16.)

22 (50 ILCS 750/55)

23 Sec. 55. Public disclosure. Because of the highly
24 competitive nature of the ~~wireless~~ telephone industry, public
25 disclosure of information about surcharge moneys paid by

1 ~~wireless~~ carriers could have the effect of stifling competition
2 to the detriment of the public and the delivery of ~~wireless~~
3 9-1-1 services. Therefore, the Illinois Commerce Commission,
4 the Department of State Police, governmental agencies, and
5 individuals with access to that information shall take
6 appropriate steps to prevent public disclosure of this
7 information. Information and data supporting the amount and
8 distribution of surcharge moneys collected and remitted by an
9 individual ~~wireless~~ carrier shall be deemed exempt information
10 for purposes of the Freedom of Information Act and shall not be
11 publicly disclosed. The gross amount paid by all carriers shall
12 not be deemed exempt and may be publicly disclosed.

13 (Source: P.A. 99-6, eff. 1-1-16.)

14 (50 ILCS 750/60)

15 Sec. 60. Interconnected VoIP providers. Interconnected
16 VoIP providers in Illinois shall be subject in a competitively
17 neutral manner to the same provisions of this Act as are
18 provided for telecommunications carriers. Interconnected VoIP
19 services shall not be considered an intrastate
20 telecommunications service for the purposes of this Act in a
21 manner inconsistent with federal law or Federal Communications
22 Commission regulation.

23 (Source: P.A. 99-6, eff. 1-1-16.)

24 (50 ILCS 750/75)

1 Sec. 75. Transfer of rights, functions, powers, duties, and
2 property to Department of State Police; rules and standards;
3 savings provisions.

4 (a) On January 1, 2016, the rights, functions, powers, and
5 duties of the Illinois Commerce Commission as set forth in this
6 Act and the Wireless Emergency Telephone Safety Act existing
7 prior to January 1, 2016, are transferred to and shall be
8 exercised by the Department of State Police. On or before
9 January 1, 2016, the Commission shall transfer and deliver to
10 the Department all books, records, documents, property (real
11 and personal), unexpended appropriations, and pending business
12 pertaining to the rights, powers, duties, and functions
13 transferred to the Department under Public Act 99-6.

14 (b) The rules and standards of the Commission that are in
15 effect on January 1, 2016 and that pertain to the rights,
16 powers, duties, and functions transferred to the Department
17 under Public Act 99-6 shall become the rules and standards of
18 the Department on January 1, 2016, and shall continue in effect
19 until amended or repealed by the Department.

20 Any rules pertaining to the rights, powers, duties, and
21 functions transferred to the Department under Public Act 99-6
22 that have been proposed by the Commission but have not taken
23 effect or been finally adopted by January 1, 2016, shall become
24 proposed rules of the Department on January 1, 2016, and any
25 rulemaking procedures that have already been completed by the
26 Commission for those proposed rules need not be repealed.

1 As soon as it is practical after January 1, 2016, the
2 Department shall revise and clarify the rules transferred to it
3 under Public Act 99-6 to reflect the transfer of rights,
4 powers, duties, and functions effected by Public Act 99-6 using
5 the procedures for recodification of rules available under the
6 Illinois Administrative Procedure Act, except that existing
7 title, part, and section numbering for the affected rules may
8 be retained. The Department may propose and adopt under the
9 Illinois Administrative Procedure Act any other rules
10 necessary to consolidate and clarify those rules.

11 (c) The rights, powers, duties, and functions transferred
12 to the Department by Public Act 99-6 shall be vested in and
13 exercised by the Department subject to the provisions of this
14 Act and the Wireless Emergency Telephone Safety Act. An act
15 done by the Department or an officer, employee, or agent of the
16 Department in the exercise of the transferred rights, powers,
17 duties, and functions shall have the same legal effect as if
18 done by the Commission or an officer, employee, or agent of the
19 Commission.

20 The transfer of rights, powers, duties, and functions to
21 the Department under Public Act 99-6 does not invalidate any
22 previous action taken by or in respect to the Commission, its
23 officers, employees, or agents. References to the Commission or
24 its officers, employees, or agents in any document, contract,
25 agreement, or law shall, in appropriate contexts, be deemed to
26 refer to the Department or its officers, employees, or agents.

1 The transfer of rights, powers, duties, and functions to
2 the Department under Public Act 99-6 does not affect any
3 person's rights, obligations, or duties, including any civil or
4 criminal penalties applicable thereto, arising out of those
5 transferred rights, powers, duties, and functions.

6 Public Act 99-6 does not affect any act done, ratified, or
7 cancelled, any right occurring or established, or any action or
8 proceeding commenced in an administrative, civil, or criminal
9 case before January 1, 2016. Any such action or proceeding that
10 pertains to a right, power, duty, or function transferred to
11 the Department under Public Act 99-6 that is pending on that
12 date may be prosecuted, defended, or continued by the
13 Commission.

14 For the purposes of Section 9b of the State Finance Act,
15 the Department is the successor to the Commission with respect
16 to the rights, duties, powers, and functions transferred by
17 Public Act 99-6.

18 (d) The Department is authorized to enter into an
19 intergovernmental agreement with the Commission for the
20 purpose of having the Commission assist the Department and the
21 Statewide 9-1-1 Administrator in carrying out their duties and
22 functions under this Act. The agreement may provide for funding
23 for the Commission for its assistance to the Department and the
24 Statewide 9-1-1 Administrator.

25 (Source: P.A. 99-6, eff. 6-29-15; 99-642, eff. 7-28-16.)

1 (50 ILCS 750/80 new)

2 Sec. 80. Continuation of Act; validation.

3 (a) The General Assembly finds and declares that this
4 amendatory Act of the 100th General Assembly manifests the
5 intention of the General Assembly to extend the repeal of this
6 Act and have this Act continue in effect until December 31,
7 2020.

8 (b) This Section shall be deemed to have been in continuous
9 effect since July 1, 2017 and it shall continue to be in effect
10 henceforward until it is otherwise lawfully repealed. All
11 previously enacted amendments to this Act taking effect on or
12 after July 1, 2017, are hereby validated. All actions taken in
13 reliance on or under this Act by the Department of State Police
14 or any other person or entity are hereby validated.

15 (c) In order to ensure the continuing effectiveness of this
16 Act, it is set forth in full and reenacted by this amendatory
17 Act of the 100th General Assembly. Striking and underscoring
18 are used only to show changes being made to the base text. This
19 reenactment is intended as a continuation of this Act. It is
20 not intended to supersede any amendment to this Act that is
21 enacted by the 100th General Assembly.

22 (50 ILCS 750/99)

23 Sec. 99. Repealer. This Act is repealed on December 31,
24 2020 ~~July 1, 2017.~~

25 (Source: P.A. 99-6, eff. 6-29-15.)

1 Section 20. The Prepaid Wireless 9-1-1 Surcharge Act is
2 amended by changing Section 15 as follows:

3 (50 ILCS 753/15)

4 Sec. 15. Prepaid wireless 9-1-1 surcharge.

5 (a) Until September 30, 2015, there is hereby imposed on
6 consumers a prepaid wireless 9-1-1 surcharge of 1.5% per retail
7 transaction. Beginning October 1, 2015, the prepaid wireless
8 9-1-1 surcharge shall be 3% per retail transaction. The
9 surcharge authorized by this subsection (a) does not apply in a
10 home rule municipality having a population in excess of
11 500,000.

12 (a-5) On or after the effective date of this amendatory Act
13 of the 98th General Assembly and until December 31, 2020, July
14 1, 2017, a home rule municipality having a population in excess
15 of 500,000 on the effective date of this amendatory Act may
16 impose a prepaid wireless 9-1-1 surcharge not to exceed 9% per
17 retail transaction sourced to that jurisdiction and collected
18 and remitted in accordance with the provisions of subsection
19 (b-5) of this Section. On or after January 1, 2021, July 1,
20 2017, a home rule municipality having a population in excess of
21 500,000 on the effective date of this Act may only impose a
22 prepaid wireless 9-1-1 surcharge not to exceed 7% per retail
23 transaction sourced to that jurisdiction and collected and
24 remitted in accordance with the provisions of subsection (b-5).

1 (b) The prepaid wireless 9-1-1 surcharge shall be collected
2 by the seller from the consumer with respect to each retail
3 transaction occurring in this State and shall be remitted to
4 the Department by the seller as provided in this Act. The
5 amount of the prepaid wireless 9-1-1 surcharge shall be
6 separately stated as a distinct item apart from the charge for
7 the prepaid wireless telecommunications service on an invoice,
8 receipt, or other similar document that is provided to the
9 consumer by the seller or shall be otherwise disclosed to the
10 consumer. If the seller does not separately state the surcharge
11 as a distinct item to the consumer as provided in this Section,
12 then the seller shall maintain books and records as required by
13 this Act which clearly identify the amount of the 9-1-1
14 surcharge for retail transactions.

15 For purposes of this subsection (b), a retail transaction
16 occurs in this State if (i) the retail transaction is made in
17 person by a consumer at the seller's business location and the
18 business is located within the State; (ii) the seller is a
19 provider and sells prepaid wireless telecommunications service
20 to a consumer located in Illinois; (iii) the retail transaction
21 is treated as occurring in this State for purposes of the
22 Retailers' Occupation Tax Act; or (iv) a seller that is
23 included within the definition of a "retailer maintaining a
24 place of business in this State" under Section 2 of the Use Tax
25 Act makes a sale of prepaid wireless telecommunications service
26 to a consumer located in Illinois. In the case of a retail

1 transaction which does not occur in person at a seller's
2 business location, if a consumer uses a credit card to purchase
3 prepaid wireless telecommunications service on-line or over
4 the telephone, and no product is shipped to the consumer, the
5 transaction occurs in this State if the billing address for the
6 consumer's credit card is in this State.

7 (b-5) The prepaid wireless 9-1-1 surcharge imposed under
8 subsection (a-5) of this Section shall be collected by the
9 seller from the consumer with respect to each retail
10 transaction occurring in the municipality imposing the
11 surcharge. The amount of the prepaid wireless 9-1-1 surcharge
12 shall be separately stated on an invoice, receipt, or other
13 similar document that is provided to the consumer by the seller
14 or shall be otherwise disclosed to the consumer. If the seller
15 does not separately state the surcharge as a distinct item to
16 the consumer as provided in this Section, then the seller shall
17 maintain books and records as required by this Act which
18 clearly identify the amount of the 9-1-1 surcharge for retail
19 transactions.

20 For purposes of this subsection (b-5), a retail transaction
21 occurs in the municipality if (i) the retail transaction is
22 made in person by a consumer at the seller's business location
23 and the business is located within the municipality; (ii) the
24 seller is a provider and sells prepaid wireless
25 telecommunications service to a consumer located in the
26 municipality; (iii) the retail transaction is treated as

1 occurring in the municipality for purposes of the Retailers'
2 Occupation Tax Act; or (iv) a seller that is included within
3 the definition of a "retailer maintaining a place of business
4 in this State" under Section 2 of the Use Tax Act makes a sale
5 of prepaid wireless telecommunications service to a consumer
6 located in the municipality. In the case of a retail
7 transaction which does not occur in person at a seller's
8 business location, if a consumer uses a credit card to purchase
9 prepaid wireless telecommunications service on-line or over
10 the telephone, and no product is shipped to the consumer, the
11 transaction occurs in the municipality if the billing address
12 for the consumer's credit card is in the municipality.

13 (c) The prepaid wireless 9-1-1 surcharge is imposed on the
14 consumer and not on any provider. The seller shall be liable to
15 remit all prepaid wireless 9-1-1 surcharges that the seller
16 collects from consumers as provided in Section 20, including
17 all such surcharges that the seller is deemed to collect where
18 the amount of the surcharge has not been separately stated on
19 an invoice, receipt, or other similar document provided to the
20 consumer by the seller. The surcharge collected or deemed
21 collected by a seller shall constitute a debt owed by the
22 seller to this State, and any such surcharge actually collected
23 shall be held in trust for the benefit of the Department.

24 For purposes of this subsection (c), the surcharge shall
25 not be imposed or collected from entities that have an active
26 tax exemption identification number issued by the Department

1 under Section 1g of the Retailers' Occupation Tax Act.

2 (d) The amount of the prepaid wireless 9-1-1 surcharge that
3 is collected by a seller from a consumer, if such amount is
4 separately stated on an invoice, receipt, or other similar
5 document provided to the consumer by the seller, shall not be
6 included in the base for measuring any tax, fee, surcharge, or
7 other charge that is imposed by this State, any political
8 subdivision of this State, or any intergovernmental agency.

9 (e) (Blank).

10 (e-5) Any changes in the rate of the surcharge imposed by a
11 municipality under the authority granted in subsection (a-5) of
12 this Section shall be effective on the first day of the first
13 calendar month to occur at least 60 days after the enactment of
14 the change. The Department shall provide not less than 30 days'
15 notice of the increase or reduction in the rate of such
16 surcharge on the Department's website.

17 (f) When prepaid wireless telecommunications service is
18 sold with one or more other products or services for a single,
19 non-itemized price, then the percentage specified in
20 subsection (a) or (a-5) of this Section 15 shall be applied to
21 the entire non-itemized price unless the seller elects to apply
22 the percentage to (i) the dollar amount of the prepaid wireless
23 telecommunications service if that dollar amount is disclosed
24 to the consumer or (ii) the portion of the price that is
25 attributable to the prepaid wireless telecommunications
26 service if the retailer can identify that portion by reasonable

1 and verifiable standards from its books and records that are
2 kept in the regular course of business for other purposes,
3 including, but not limited to, books and records that are kept
4 for non-tax purposes. However, if a minimal amount of prepaid
5 wireless telecommunications service is sold with a prepaid
6 wireless device for a single, non-itemized price, then the
7 seller may elect not to apply the percentage specified in
8 subsection (a) or (a-5) of this Section 15 to such transaction.
9 For purposes of this subsection, an amount of service
10 denominated as 10 minutes or less or \$5 or less is considered
11 minimal.

12 (g) The prepaid wireless 9-1-1 surcharge imposed under
13 subsections (a) and (a-5) of this Section is not imposed on the
14 provider or the consumer for wireless Lifeline service where
15 the consumer does not pay the provider for the service. Where
16 the consumer purchases from the provider optional minutes,
17 texts, or other services in addition to the federally funded
18 Lifeline benefit, a consumer must pay the prepaid wireless
19 9-1-1 surcharge, and it must be collected by the seller
20 according to subsection (b-5).

21 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

22 Section 25. The Public Utilities Act is amended by
23 reenacting Articles XIII and XXI, by changing Sections 13-102,
24 13-103, 13-230, 13-301.1, 13-406, 13-703, 13-1200, 21-401, and
25 21-1601, and by adding Sections 13-406.1, 13-904, and 21-1503

1 as follows:

2 (220 ILCS 5/Art. XIII heading)

3 ARTICLE XIII. TELECOMMUNICATIONS

4 (220 ILCS 5/13-100) (from Ch. 111 2/3, par. 13-100)

5 Sec. 13-100. This Article shall be known and may be cited
6 as the Universal Telephone Service Protection Law of 1985.

7 (Source: P.A. 84-1063.)

8 (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

9 Sec. 13-101. Application of Act to telecommunications
10 rates and services. The Sections of this Act pertaining to
11 public utilities, public utility rates and services, and the
12 regulation thereof, are fully and equally applicable to
13 noncompetitive telecommunications rates and services, and the
14 regulation thereof, except to the extent modified or
15 supplemented by the specific provisions of this Article or
16 where the context clearly renders such provisions
17 inapplicable. Articles I through IV, Sections 5-101, 5-106,
18 5-108, 5-110, 5-201, 5-202.1, 5-203, 8-301, 8-305, 8-501,
19 8-502, 8-503, 8-505, 8-509, 8-509.5, 8-510, 9-221, 9-222,
20 9-222.1, 9-222.2, 9-241, 9-250, and 9-252.1, and Article X of
21 this Act are fully and equally applicable to the noncompetitive
22 and competitive services of an Electing Provider and to
23 competitive telecommunications rates and services, and the

1 regulation thereof except that Section 5-109 shall apply to the
2 services of an Electing Provider and to competitive
3 telecommunications rates and services only to the extent that
4 the Commission requires annual reports authorized by Section
5 5-109, provided the telecommunications provider may use
6 generally accepted accounting practices or accounting systems
7 it uses for financial reporting purposes in the annual report,
8 and except that Sections 8-505 and 9-250 shall not apply to
9 competitive retail telecommunications services and Sections
10 8-501 and 9-241 shall not apply to competitive services; in
11 addition, as to competitive telecommunications rates and
12 services, and the regulation thereof, and with the exception of
13 competitive retail telecommunications service rates and
14 services, all rules and regulations made by a
15 telecommunications carrier affecting or pertaining to its
16 charges or service shall be just and reasonable. As of the
17 effective date of this amendatory Act of the 92nd General
18 Assembly, Sections 4-202, 4-203, and 5-202 of this Act shall
19 cease to apply to telecommunications rates and services.

20 (Source: P.A. 98-45, eff. 6-28-13.)

21 (220 ILCS 5/13-102) (from Ch. 111 2/3, par. 13-102)

22 Sec. 13-102. Findings. With respect to telecommunications
23 services, as herein defined, the General Assembly finds that:

24 (a) universally available and widely affordable
25 telecommunications services are essential to the health,

1 welfare and prosperity of all Illinois citizens;

2 (b) federal regulatory and judicial rulings in the 1980s
3 caused a restructuring of the telecommunications industry and
4 opened some aspects of the industry to competitive entry,
5 thereby necessitating revision of State telecommunications
6 regulatory policies and practices;

7 (c) revisions in telecommunications regulatory policies
8 and practices in Illinois beginning in the mid-1980s brought
9 the benefits of competition to consumers in many
10 telecommunications markets, but not in local exchange
11 telecommunications service markets;

12 (d) the federal Telecommunications Act of 1996 established
13 the goal of opening all telecommunications service markets to
14 competition and accords to the states the responsibility to
15 establish and enforce policies necessary to attain that goal;

16 (e) it is in the immediate interest of the People of the
17 State of Illinois for the State to exercise its rights within
18 the new framework of federal telecommunications policy to
19 ensure that the economic benefits of competition in all
20 telecommunications service markets are realized as effectively
21 as possible;

22 (f) the competitive offering of all telecommunications
23 services will increase innovation and efficiency in the
24 provision of telecommunications services and may lead to
25 reduced prices for consumers, increased investment in
26 communications infrastructure, the creation of new jobs, and

1 the attraction of new businesses to Illinois; ~~and~~

2 (g) protection of the public interest requires changes in
3 the regulation of telecommunications carriers and services to
4 ensure, to the maximum feasible extent, the reasonable and
5 timely development of effective competition in all
6 telecommunications service markets;~~;~~

7 (h) Illinois residents rely on today's modern wired and
8 wireless Internet Protocol (IP) networks and services to
9 improve their lives by connecting them to school and college
10 degrees, work and job opportunities, family and friends,
11 information, and entertainment, as well as emergency
12 responders and public safety officials; Illinois businesses
13 rely on these modern IP networks and services to compete in a
14 global marketplace by expanding their customer base, managing
15 inventory and operations more efficiently, and offering
16 customers specialized and personalized products and services;
17 without question, Illinois residents and our State's economy
18 rely profoundly on the modern wired and wireless IP networks
19 and services in our State;

20 (i) the transition from 20th century traditional circuit
21 switched and other legacy telephone services to modern 21st
22 century next generation Internet Protocol (IP) services is
23 taking place at an extraordinary pace as Illinois consumers are
24 upgrading to home communications service using IP technology,
25 including high speed Internet, Voice over Internet Protocol,
26 and wireless service;

1 (j) this rapid transition to IP-based communications has
2 dramatically transformed the way people communicate and has
3 provided significant benefits to consumers in the form of
4 innovative functionalities resulting from the seamless
5 convergence of voice, video, and text, benefits realized by the
6 General Assembly when it chose to transition its own
7 telecommunications system to an all IP communications network
8 in 2016;

9 (k) the benefits of the transition to IP-based networks and
10 services were also recognized by the General Assembly in 2015
11 through the enactment of legislation requiring that every 9-1-1
12 emergency system in Illinois provide Next Generation 9-1-1
13 service by July 1, 2020, and requiring that the Next Generation
14 9-1-1 network must be an IP-based platform; and

15 (l) completing the transition to all IP-based networks and
16 technologies is in the public interest because it will promote
17 continued innovation, consumer benefits, increased
18 efficiencies, and increased investment in IP-based networks
19 and services.

20 (Source: P.A. 90-185, eff. 7-23-97.)

21 (220 ILCS 5/13-103) (from Ch. 111 2/3, par. 13-103)

22 Sec. 13-103. Policy. Consistent with its findings, the
23 General Assembly declares that it is the policy of the State of
24 Illinois that:

25 (a) telecommunications services should be available to all

1 Illinois citizens at just, reasonable, and affordable rates and
2 that such services should be provided as widely and
3 economically as possible in sufficient variety, quality,
4 quantity and reliability to satisfy the public interest;

5 (b) consistent with the protection of consumers of
6 telecommunications services and the furtherance of other
7 public interest goals, competition in all telecommunications
8 service markets should be pursued as a substitute for
9 regulation in determining the variety, quality and price of
10 telecommunications services and that the economic burdens of
11 regulation should be reduced to the extent possible consistent
12 with the furtherance of market competition and protection of
13 the public interest;

14 (c) all necessary and appropriate modifications to State
15 regulation of telecommunications carriers and services should
16 be implemented without unnecessary disruption to the
17 telecommunications infrastructure system or to consumers of
18 telecommunications services and that it is necessary and
19 appropriate to establish rules to encourage and ensure orderly
20 transitions in the development of markets for all
21 telecommunications services;

22 (d) the consumers of telecommunications services and
23 facilities provided by persons or companies subject to
24 regulation pursuant to this Act and Article should be required
25 to pay only reasonable and non-discriminatory rates or charges
26 and that in no case should rates or charges for non-competitive

1 telecommunications services include any portion of the cost of
2 providing competitive telecommunications services, as defined
3 in Section 13-209, or the cost of any nonregulated activities;

4 (e) the regulatory policies and procedures provided in this
5 Article are established in recognition of the changing nature
6 of the telecommunications industry and therefore should be
7 subject to systematic legislative review to ensure that the
8 public benefits intended to result from such policies and
9 procedures are fully realized; ~~and~~

10 (f) development of and prudent investment in advanced
11 telecommunications services and networks that foster economic
12 development of the State should be encouraged through the
13 implementation and enforcement of policies that promote
14 effective and sustained competition in all telecommunications
15 service markets; ~~and-~~

16 (g) completion of the transition to modern IP-based
17 networks should be encouraged through relief from the outdated
18 regulations that require continued investment in legacy
19 circuit switched networks from which Illinois consumers have
20 largely transitioned, while at the same time ensuring that
21 consumers have access to available alternative services that
22 provide quality voice service and access to emergency
23 communications.

24 (Source: P.A. 90-185, eff. 7-23-97.)

25 (220 ILCS 5/13-201) (from Ch. 111 2/3, par. 13-201)

1 Sec. 13-201. Unless otherwise specified, the terms set
2 forth in the following Sections preceding Section 13-301 of
3 this Article are used in this Act and Article as herein
4 defined.

5 (Source: P.A. 85-1405.)

6 (220 ILCS 5/13-202) (from Ch. 111 2/3, par. 13-202)

7 Sec. 13-202. "Telecommunications carrier" means and
8 includes every corporation, company, association, joint stock
9 company or association, firm, partnership or individual, their
10 lessees, trustees or receivers appointed by any court
11 whatsoever that owns, controls, operates or manages, within
12 this State, directly or indirectly, for public use, any plant,
13 equipment or property used or to be used for or in connection
14 with, or owns or controls any franchise, license, permit or
15 right to engage in the provision of, telecommunications
16 services between points within the State which are specified by
17 the user. "Telecommunications carrier" includes an Electing
18 Provider, as defined in Section 13-506.2. Telecommunications
19 carrier does not include, however:

20 (a) telecommunications carriers that are owned and
21 operated by any political subdivision, public or private
22 institution of higher education or municipal corporation of
23 this State, for their own use, or telecommunications carriers
24 that are owned by such political subdivision, public or private
25 institution of higher education, or municipal corporation and

1 operated by any of its lessees or operating agents, for their
2 own use;

3 (b) telecommunications carriers which are purely mutual
4 concerns, having no rates or charges for services, but paying
5 the operating expenses by assessment upon the members of such a
6 company and no other person but does include telephone or
7 telecommunications cooperatives as defined in Section 13-212;

8 (c) a company or person which provides telecommunications
9 services solely to itself and its affiliates or members or
10 between points in the same building, or between closely located
11 buildings, affiliated through substantial common ownership,
12 control or development; or

13 (d) a company or person engaged in the delivery of
14 community antenna television services as described in
15 subdivision (c) of Section 13-203, except with respect to the
16 provision of telecommunications services by that company or
17 person.

18 (Source: P.A. 96-927, eff. 6-15-10.)

19 (220 ILCS 5/13-202.5)

20 Sec. 13-202.5. Incumbent local exchange carrier.
21 "Incumbent local exchange carrier" means, with respect to an
22 area, the telecommunications carrier that provided
23 noncompetitive local exchange telecommunications service in
24 that area on February 8, 1996, and on that date was deemed a
25 member of the exchange carrier association pursuant to 47

1 C.F.R. 69.601(b), and includes its successors, assigns, and
2 affiliates.

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

4 (220 ILCS 5/13-203) (from Ch. 111 2/3, par. 13-203)

5 Sec. 13-203. Telecommunications service.

6 "Telecommunications service" means the provision or
7 offering for rent, sale or lease, or in exchange for other
8 value received, of the transmittal of information, by means of
9 electromagnetic, including light, transmission with or without
10 benefit of any closed transmission medium, including all
11 instrumentalities, facilities, apparatus, and services
12 (including the collection, storage, forwarding, switching, and
13 delivery of such information) used to provide such transmission
14 and also includes access and interconnection arrangements and
15 services.

16 "Telecommunications service" does not include, however:

17 (a) the rent, sale, or lease, or exchange for other
18 value received, of customer premises equipment except for
19 customer premises equipment owned or provided by a
20 telecommunications carrier and used for answering 911
21 calls, and except for customer premises equipment provided
22 under Section 13-703;

23 (b) telephone or telecommunications answering
24 services, paging services, and physical pickup and
25 delivery incidental to the provision of information

1 transmitted through electromagnetic, including light,
2 transmission;

3 (c) community antenna television service which is
4 operated to perform for hire the service of receiving and
5 distributing video and audio program signals by wire, cable
6 or other means to members of the public who subscribe to
7 such service, to the extent that such service is utilized
8 solely for the one-way distribution of such entertainment
9 services with no more than incidental subscriber
10 interaction required for the selection of such
11 entertainment service.

12 The Commission may, by rulemaking, exclude (1) private line
13 service which is not directly or indirectly used for the
14 origination or termination of switched telecommunications
15 service, (2) cellular radio service, (3) high-speed
16 point-to-point data transmission at or above 9.6 kilobits, or
17 (4) the provision of telecommunications service by a company or
18 person otherwise subject to Section 13-202 (c) to a
19 telecommunications carrier, which is incidental to the
20 provision of service subject to Section 13-202 (c), from active
21 regulatory oversight to the extent it finds, after notice,
22 hearing and comment that such exclusion is consistent with the
23 public interest and the purposes and policies of this Article.
24 To the extent that the Commission has excluded cellular radio
25 service from active regulatory oversight for any provider of
26 cellular radio service in this State pursuant to this Section,

1 the Commission shall exclude all other providers of cellular
2 radio service in the State from active regulatory oversight
3 without an additional rulemaking proceeding where there are 2
4 or more certified providers of cellular radio service in a
5 geographic area.

6 (Source: P.A. 90-185, eff. 7-23-97.)

7 (220 ILCS 5/13-204) (from Ch. 111 2/3, par. 13-204)

8 Sec. 13-204. "Local Exchange Telecommunications Service"
9 means telecommunications service between points within an
10 exchange, as defined in Section 13-206, or the provision of
11 telecommunications service for the origination or termination
12 of switched telecommunications services.

13 (Source: P.A. 84-1063.)

14 (220 ILCS 5/13-205) (from Ch. 111 2/3, par. 13-205)

15 Sec. 13-205. "Interexchange Telecommunications Service"
16 means telecommunications service between points in two or more
17 exchanges.

18 (Source: P.A. 84-1063.)

19 (220 ILCS 5/13-206) (from Ch. 111 2/3, par. 13-206)

20 Sec. 13-206. Exchange. "Exchange" means a geographical
21 area for the administration of telecommunications services,
22 established and described by the tariff of a telecommunications
23 carrier providing local exchange telecommunications service,

1 and consisting of one or more contiguous central offices,
2 together with associated facilities used in providing such
3 local exchange telecommunications service. To the extent
4 practicable, a municipality, city, or village shall not be
5 located in more than one exchange unless the municipality,
6 city, or village is located in more than one exchange through
7 annexation that occurs after the establishment of the exchange
8 boundary.

9 (Source: P.A. 87-856.)

10 (220 ILCS 5/13-207) (from Ch. 111 2/3, par. 13-207)

11 Sec. 13-207. "Local Access and Transport Area (LATA)" means
12 a geographical area designated by the Modification of Final
13 Judgment in U.S. v. Western Electric Co., Inc., 552 F. Supp.
14 131 (D.D.C. 1982), as modified from time to time.

15 (Source: P.A. 84-1063.)

16 (220 ILCS 5/13-208) (from Ch. 111 2/3, par. 13-208)

17 Sec. 13-208. "Market Service Area (MSA)" means a
18 geographical area consisting of one or more exchanges, defined
19 by the Commission for the administration of tariffs, services
20 and other regulatory obligations. The term Market Service Area
21 includes those areas previously designated by the Commission.

22 (Source: P.A. 84-1063.)

23 (220 ILCS 5/13-209) (from Ch. 111 2/3, par. 13-209)

1 Sec. 13-209. "Competitive Telecommunications Service"
2 means a telecommunications service, its functional equivalent
3 or a substitute service, which, for some identifiable class or
4 group of customers in an exchange, group of exchanges, or some
5 other clearly defined geographical area, is reasonably
6 available from more than one provider, whether or not such
7 provider is a telecommunications carrier subject to regulation
8 under this Act. A telecommunications service may be competitive
9 for the entire state, some geographical area therein, including
10 an exchange or set of exchanges, or for a specific customer or
11 class or group of customers, but only to the extent consistent
12 with this definition.

13 (Source: P.A. 84-1063.)

14 (220 ILCS 5/13-210) (from Ch. 111 2/3, par. 13-210)

15 Sec. 13-210. "Noncompetitive Telecommunications Service"
16 means a telecommunications service other than a competitive
17 service as defined in Section 13-209.

18 (Source: P.A. 84-1063.)

19 (220 ILCS 5/13-211) (from Ch. 111 2/3, par. 13-211)

20 Sec. 13-211. "Resale of Telecommunications Service" means
21 the offering or provision of telecommunications service
22 primarily through the use of services or facilities owned or
23 provided by a separate telecommunications carrier.

24 (Source: P.A. 84-1063.)

1 (220 ILCS 5/13-212) (from Ch. 111 2/3, par. 13-212)

2 Sec. 13-212. "Telephone or Telecommunications Cooperative"
3 means any Illinois corporation organized on a cooperative basis
4 for the furnishing of telephone or telecommunications service.

5 (Source: P.A. 84-1063.)

6 (220 ILCS 5/13-213) (from Ch. 111 2/3, par. 13-213)

7 Sec. 13-213. "Hearing-aid compatible telephone" means a
8 telephone so equipped that it can activate an inductive
9 coupling hearing-aid or which will provide an alternative
10 technology that provides equally effective telephone service
11 and which will provide equipment necessary for the hearing
12 impaired to use generally available telecommunications
13 services effectively or without assistance.

14 (Source: P.A. 85-1405.)

15 (220 ILCS 5/13-214) (from Ch. 111 2/3, par. 13-214)

16 Sec. 13-214. (a) "Public mobile services" means
17 air-to-ground radio telephone services, cellular radio
18 telecommunications services, offshore radio, rural radio
19 service, public land mobile telephone service and other common
20 carrier radio communications services.

21 (b) "Private radio services" means private land mobile
22 radio services and other communications services characterized
23 by the Commission as private radio services.

1 (Source: P.A. 85-1405.)

2 (220 ILCS 5/13-215) (from Ch. 111 2/3, par. 13-215)

3 Sec. 13-215. (a) "Essential telephones" means all coin
4 operated telephones in any public or semi-public location,
5 telephones provided for emergency use, a reasonable percentage
6 of telephones in hotels, motels, hospitals and nursing homes
7 and a reasonable percentage of credit card operated telephones
8 in any group of such telephones.

9 (b) "Emergency use telephones" includes all telephones
10 intended primarily to save persons from bodily injury, theft or
11 life threatening situations. This definition includes, but is
12 not limited to telephones in elevators, on highways and
13 telephones to alert police, a fire department or other
14 emergency service providers.

15 (Source: P.A. 85-1405.)

16 (220 ILCS 5/13-216)

17 Sec. 13-216. Network element. "Network element" means a
18 facility or equipment used in the provision of a
19 telecommunications service. The term also includes features,
20 functions, and capabilities that are provided by means of the
21 facility or equipment, including, but not limited to,
22 subscriber numbers, databases, signaling systems, and
23 information sufficient for billing and collection or used in
24 the transmission, routing, or other provision of a

1 telecommunications service.

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

3 (220 ILCS 5/13-217)

4 Sec. 13-217. End user. "End user" means any person,
5 corporation, partnership, firm, municipality, cooperative,
6 organization, governmental agency, building owner, or other
7 entity provided with a telecommunications service for its own
8 consumption and not for resale.

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

10 (220 ILCS 5/13-218)

11 Sec. 13-218. Business end user. "Business end user" means
12 (1) an end user engaged primarily or substantially in a paid
13 commercial, professional, or institutional activity; (2) an
14 end user provided telecommunications service in a commercial,
15 professional, or institutional location, or other location
16 serving primarily or substantially as a site of an activity for
17 pay; (3) an end user whose telecommunications service is listed
18 as the principal or only number for a business in any yellow
19 pages directory; (4) an end user whose telecommunications
20 service is used to conduct promotions, solicitations, or market
21 research for which compensation or reimbursement is paid or
22 provided; provided, however, that the use of
23 telecommunications service, without compensation or
24 reimbursement, for a charitable or civic purpose shall not

1 constitute business use of a telecommunications service.

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

3 (220 ILCS 5/13-219)

4 Sec. 13-219. Residential end user. "Residential end user"
5 means an end user other than a business end user.

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

7 (220 ILCS 5/13-220)

8 Sec. 13-220. Retail telecommunications service. "Retail
9 telecommunications service" means a telecommunications service
10 sold to an end user. "Retail telecommunications service" does
11 not include a telecommunications service provided by a
12 telecommunications carrier to a telecommunications carrier,
13 including to itself, as a component of, or for the provision
14 of, telecommunications service. A business retail
15 telecommunications service is a retail telecommunications
16 service provided to a business end user. A residential retail
17 telecommunications service is a retail telecommunications
18 service provided to a residential end user.

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

20 (220 ILCS 5/13-230)

21 Sec. 13-230. Prepaid calling service. "Prepaid calling
22 service" means telecommunications service that must be paid for
23 in advance by an end user, enables the end user to originate

1 calls using an access number or authorization code, whether
2 manually or electronically dialed, and is sold in predetermined
3 units or dollars of which the number declines with use in a
4 known amount. A prepaid calling service call is a call made by
5 an end user using prepaid calling service. "Prepaid calling
6 service" does not include a wireless telecommunications
7 service that allows a caller to dial 9-1-1 to access the 9-1-1
8 system, which service must be paid for in advance, and is sold
9 in predetermined units or dollars and the amount declines with
10 use in a known amount ~~prepaid wireless telecommunications~~
11 ~~service as defined in Section 10 of the Wireless Emergency~~
12 ~~Telephone Safety Act.~~

13 (Source: P.A. 97-463, eff. 1-1-12.)

14 (220 ILCS 5/13-231)

15 Sec. 13-231. Prepaid calling service provider. "Prepaid
16 calling service provider" means and includes every
17 corporation, company, association, joint stock company or
18 association, firm, partnership, or individual and their
19 lessees, trustees, or receivers appointed by any court
20 whatsoever that contracts directly with a telecommunications
21 carrier to resell or offers to resell telecommunications
22 service as prepaid calling service to one or more distributors,
23 prepaid calling resellers, prepaid calling service retailers,
24 or end users.

25 (Source: P.A. 93-1002, eff. 1-1-05.)

1 (220 ILCS 5/13-232)

2 Sec. 13-232. Prepaid calling service retailer. "Prepaid
3 calling service retailer" means and includes every
4 corporation, company, association, joint stock company or
5 association, firm, partnership, or individual and their
6 lessees, trustees, or receivers appointed by any court
7 whatsoever that sells or offers to sell prepaid calling service
8 directly to one or more end users.

9 (Source: P.A. 93-1002, eff. 1-1-05.)

10 (220 ILCS 5/13-233)

11 Sec. 13-233. Prepaid calling service reseller. "Prepaid
12 calling service reseller" means and includes every
13 corporation, company, association, joint stock company or
14 association, firm, partnership, or individual and their
15 lessees, trustees, or receivers appointed by any court
16 whatsoever that purchases prepaid calling services from a
17 prepaid calling service provider or distributor and sells those
18 services to one or more distributors of prepaid calling
19 services or to one or more prepaid calling service retailers.

20 (Source: P.A. 93-1002, eff. 1-1-05.)

21 (220 ILCS 5/13-234)

22 Sec. 13-234. Interconnected voice over Internet protocol
23 service. "Interconnected voice over Internet protocol service"

1 or "Interconnected VoIP service" has the meaning prescribed in
2 47 CFR 9.3 as defined on the effective date of this amendatory
3 Act of the 96th General Assembly or as amended thereafter.
4 (Source: P.A. 96-927, eff. 6-15-10.)

5 (220 ILCS 5/13-235)

6 Sec. 13-235. Interconnected voice over Internet protocol
7 provider. "Interconnected voice over Internet protocol
8 provider" or "Interconnected VoIP provider" means and includes
9 every corporation, company, association, joint stock company
10 or association, firm, partnership, or individual, their
11 lessees, trustees, or receivers appointed by any court
12 whatsoever that owns, controls, operates, manages, or provides
13 within this State, directly or indirectly, Interconnected
14 voice over Internet protocol service.
15 (Source: P.A. 96-927, eff. 6-15-10.)

16 (220 ILCS 5/13-301) (from Ch. 111 2/3, par. 13-301)

17 Sec. 13-301. Duties of the Commission.

18 (1) Consistent with the findings and policy established in
19 paragraph (a) of Section 13-102 and paragraph (a) of Section
20 13-103, and in order to ensure the attainment of such policies,
21 the Commission shall:

22 (a) participate in all federal programs intended to
23 preserve or extend universal telecommunications service,
24 unless such programs would place cost burdens on Illinois

1 customers of telecommunications services in excess of the
2 benefits they would receive through participation,
3 provided, however, the Commission shall not approve or
4 permit the imposition of any surcharge or other fee
5 designed to subsidize or provide a waiver for subscriber
6 line charges; and shall report on such programs together
7 with an assessment of their adequacy and the advisability
8 of participating therein in its annual report to the
9 General Assembly, or more often as necessary;

10 (b) (blank);

11 (c) order all telecommunications carriers offering or
12 providing local exchange telecommunications service to
13 propose low-cost or budget service tariffs and any other
14 rate design or pricing mechanisms designed to facilitate
15 customer access to such telecommunications service,
16 provided that services offered by any telecommunications
17 carrier at the rates, terms, and conditions specified in
18 Section 13-506.2 or Section 13-518 of this Article shall
19 constitute compliance with this Section. A
20 telecommunications carrier may seek Commission approval of
21 other low-cost or budget service tariffs or rate design or
22 pricing mechanisms to comply with this Section;

23 (d) investigate the necessity of and, if appropriate,
24 establish a universal service support fund from which local
25 exchange telecommunications carriers who pursuant to the
26 Twenty-Seventh Interim Order of the Commission in Docket

1 No. 83-0142 or the orders of the Commission in Docket No.
2 97-0621 and Docket No. 98-0679 received funding and whose
3 economic costs of providing services for which universal
4 service support may be made available exceed the affordable
5 rate established by the Commission for such services may be
6 eligible to receive support, less any federal universal
7 service support received for the same or similar costs of
8 providing the supported services; provided, however, that
9 if a universal service support fund is established, the
10 Commission shall require that all costs of the fund be
11 recovered from all local exchange and interexchange
12 telecommunications carriers certificated in Illinois on a
13 competitively neutral and nondiscriminatory basis. In
14 establishing any such universal service support fund, the
15 Commission shall, in addition to the determination of costs
16 for supported services, consider and make findings
17 pursuant to subsection (2) of this Section. Proxy cost, as
18 determined by the Commission, may be used for this purpose.
19 In determining cost recovery for any universal service
20 support fund, the Commission shall not permit recovery of
21 such costs from another certificated carrier for any
22 service purchased and used solely as an input to a service
23 provided to such certificated carrier's retail customers.

24 (2) In any order creating a fund pursuant to paragraph (d)
25 of subsection (1), the Commission, after notice and hearing,
26 shall:

1 (a) Define the group of services to be declared
2 "supported telecommunications services" that constitute
3 "universal service". This group of services shall, at a
4 minimum, include those services as defined by the Federal
5 Communications Commission and as from time to time amended.
6 In addition, the Commission shall consider the range of
7 services currently offered by telecommunications carriers
8 offering local exchange telecommunications service, the
9 existing rate structures for the supported
10 telecommunications services, and the telecommunications
11 needs of Illinois consumers in determining the supported
12 telecommunications services. The Commission shall, from
13 time to time or upon request, review and, if appropriate,
14 revise the group of Illinois supported telecommunications
15 services and the terms of the fund to reflect changes or
16 enhancements in telecommunications needs, technologies,
17 and available services.

18 (b) Identify all implicit subsidies contained in rates
19 or charges of incumbent local exchange carriers, including
20 all subsidies in interexchange access charges, and
21 determine how such subsidies can be made explicit by the
22 creation of the fund.

23 (c) Establish an affordable price for the supported
24 telecommunications services for the respective incumbent
25 local exchange carrier. The affordable price shall be no
26 less than the rates in effect at the time the Commission

1 creates a fund pursuant to this item. The Commission may
2 establish and utilize indices or models for updating the
3 affordable price for supported telecommunications
4 services.

5 (Source: P.A. 96-927, eff. 6-15-10.)

6 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)
7 Sec. 13-301.1. Universal Telephone Service Assistance
8 Program.

9 (a) The Commission shall by rule or regulation establish a
10 Universal Telephone Service Assistance Program for low income
11 residential customers. The program shall provide for a
12 reduction of access line charges, a reduction of connection
13 charges, or any other alternative assistance or program to
14 increase accessibility to telephone service and broadband
15 Internet access service that the Commission deems advisable
16 subject to the availability of funds for the program as
17 provided in subsections ~~subsection~~ (d) and (e). The Commission
18 shall establish eligibility requirements for benefits under
19 the program.

20 (b) The Commission shall adopt rules providing for enhanced
21 enrollment for eligible consumers to receive lifeline service.
22 Enhanced enrollment may include, but is not limited to, joint
23 marketing, joint application, or joint processing with the
24 Low-Income Home Energy Assistance Program, the Medicaid
25 Program, and the Food Stamp Program. The Department of Human

1 Services, the Department of Healthcare and Family Services, and
2 the Department of Commerce and Economic Opportunity, upon
3 request of the Commission, shall assist in the adoption and
4 implementation of those rules. The Commission and the
5 Department of Human Services, the Department of Healthcare and
6 Family Services, and the Department of Commerce and Economic
7 Opportunity may enter into memoranda of understanding
8 establishing the respective duties of the Commission and the
9 Departments in relation to enhanced enrollment.

10 (c) In this Section:7

11 "Lifeline "~~lifeline~~ service" means a retail local
12 service offering described by 47 CFR ~~C.F.R.~~ Section
13 54.401(a), as amended.

14 (d) The Commission shall require by rule or regulation that
15 each telecommunications carrier providing local exchange
16 telecommunications services notify its customers that if the
17 customer wishes to participate in the funding of the Universal
18 Telephone Service Assistance Program he may do so by electing
19 to contribute, on a monthly basis, a fixed amount that will be
20 included in the customer's monthly bill. The customer may cease
21 contributing at any time upon providing notice to the
22 telecommunications carrier providing local exchange
23 telecommunications services. The notice shall state that any
24 contribution made will not reduce the customer's bill for
25 telecommunications services. Failure to remit the amount of
26 increased payment will reduce the contribution accordingly.

1 The Commission shall specify the monthly fixed amount or
2 amounts that customers wishing to contribute to the funding of
3 the Universal Telephone Service Assistance Program may choose
4 from in making their contributions. Every telecommunications
5 carrier providing local exchange telecommunications services
6 shall remit the amounts contributed in accordance with the
7 terms of the Universal Telephone Service Assistance Program.

8 (e) Amounts collected and remitted under subsection (d)
9 may, to the extent the Commission deems advisable, be used for
10 funding a program to be administered by the entity designated
11 by the Commission as administrator of the Universal Telephone
12 Service Assistance Program for educating and assisting
13 low-income residential customers with a transition to Internet
14 protocol-based networks and services. This program may
15 include, but need not be limited to, measures designed to
16 notify and educate residential customers regarding the
17 availability of alternative voice services with access to
18 9-1-1, access to and use of broadband Internet access service,
19 and pricing options.

20 (Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.)";
21 and

22 (220 ILCS 5/13-301.2)

23 Sec. 13-301.2. Program to Foster Elimination of the Digital
24 Divide. The Commission shall require by rule that each
25 telecommunications carrier providing local exchange

1 telecommunications service notify its end-user customers that
2 if the customer wishes to participate in the funding of the
3 Program to Foster Elimination of the Digital Divide he or she
4 may do so by electing to contribute, on a monthly basis, a
5 fixed amount that will be included in the customer's monthly
6 bill. The obligations imposed in this Section shall not be
7 imposed upon a telecommunications carrier for any of its
8 end-users subscribing to the services listed below: (1) private
9 line service which is not directly or indirectly used for the
10 origination or termination of switched telecommunications
11 service, (2) cellular radio service, (3) high-speed
12 point-to-point data transmission at or above 9.6 kilobits, (4)
13 the provision of telecommunications service by a company or
14 person otherwise subject to subsection (c) of Section 13-202 to
15 a telecommunications carrier, which is incidental to the
16 provision of service subject to subsection (c) of Section
17 13-202; (5) pay telephone service; or (6) interexchange
18 telecommunications service. The customer may cease
19 contributing at any time upon providing notice to the
20 telecommunications carrier. The notice shall state that any
21 contribution made will not reduce the customer's bill for
22 telecommunications services. Failure to remit the amount of
23 increased payment will reduce the contribution accordingly.
24 The Commission shall specify the monthly fixed amount or
25 amounts that customers wishing to contribute to the funding of
26 the Program to Foster Elimination of the Digital Divide may

1 choose from in making their contributions. A
2 telecommunications carrier subject to this obligation shall
3 remit the amounts contributed by its customers to the
4 Department of Commerce and Economic Opportunity for deposit in
5 the Digital Divide Elimination Fund at the intervals specified
6 in the Commission rules.

7 (Source: P.A. 93-358, eff. 1-1-04; 94-793, eff. 5-19-06.)

8 (220 ILCS 5/13-301.3)

9 Sec. 13-301.3. Digital Divide Elimination Infrastructure
10 Program.

11 (a) The Digital Divide Elimination Infrastructure Fund is
12 created as a special fund in the State treasury. All moneys in
13 the Fund shall be used, subject to appropriation, by the
14 Commission to fund (i) the construction of facilities specified
15 in Commission rules adopted under this Section and (ii) the
16 accessible electronic information program, as provided in
17 Section 20 of the Accessible Electronic Information Act. The
18 Commission may accept private and public funds, including
19 federal funds, for deposit into the Fund. Earnings attributable
20 to moneys in the Fund shall be deposited into the Fund.

21 (b) The Commission shall adopt rules under which it will
22 make grants out of funds appropriated from the Digital Divide
23 Elimination Infrastructure Fund to eligible entities as
24 specified in the rules for the construction of high-speed data
25 transmission facilities in eligible areas of the State. For

1 purposes of determining whether an area is an eligible area,
2 the Commission shall consider, among other things, whether (i)
3 in such area, advanced telecommunications services, as defined
4 in subsection (c) of Section 13-517 of this Act, are
5 under-provided to residential or small business end users,
6 either directly or indirectly through an Internet Service
7 Provider, (ii) such area has a low population density, and
8 (iii) such area has not yet developed a competitive market for
9 advanced services. In addition, if an entity seeking a grant of
10 funds from the Digital Divide Elimination Infrastructure Fund
11 is an incumbent local exchange carrier having the duty to serve
12 such area, and the obligation to provide advanced services to
13 such area pursuant to Section 13-517 of this Act, the entity
14 shall demonstrate that it has sought and obtained an exemption
15 from such obligation pursuant to subsection (b) of Section
16 13-517. Any entity seeking a grant of funds from the Digital
17 Divide Elimination Infrastructure Fund shall demonstrate to
18 the Commission that the grant shall be used for the
19 construction of high-speed data transmission facilities in an
20 eligible area and demonstrate that it satisfies all other
21 requirements of the Commission's rules. The Commission shall
22 determine the information that it deems necessary to award
23 grants pursuant to this Section.

24 (c) The rules of the Commission shall provide for the
25 competitive selection of recipients of grant funds available
26 from the Digital Divide Elimination Infrastructure Fund

1 pursuant to the Illinois Procurement Code. Grants shall be
2 awarded to bidders chosen on the basis of the criteria
3 established in such rules.

4 (d) All entities awarded grant moneys under this Section
5 shall maintain all records required by Commission rule for the
6 period of time specified in the rules. Such records shall be
7 subject to audit by the Commission, by any auditor appointed by
8 the State, or by any State officer authorized to conduct
9 audits.

10 (Source: P.A. 92-22, eff. 6-30-01; 93-306, eff. 7-23-03;
11 93-797, eff. 7-22-04.)

12 (220 ILCS 5/13-302) (from Ch. 111 2/3, par. 13-302)

13 Sec. 13-302. (a) No telecommunications carrier shall
14 implement a local measured service calling plan which does not
15 include one of the following elements:

16 (1) the residential customer has the option of a flat
17 rate local calling service under which local calls are not
18 charged for frequency or duration; or

19 (2) residential calls to points within an untimed
20 calling zone approved by the Commission are not charged for
21 duration; or

22 (3) a low income residential Universal Service
23 Assistance Program, which meets criteria set forth by the
24 Commission, is available.

25 (b) In formulating the criteria for the low income

1 residential Universal Service Assistance Program referred to
2 in paragraph (3) of subsection (a), the Commission shall
3 consider the desirability of various alternatives, including a
4 reduction of the access line charge or connection charge for
5 eligible customers.

6 (c) For local measured service plans implemented prior to
7 the effective date of this amendatory Act of 1987 which do not
8 contain one of the elements specified in paragraph (1) or (2)
9 of subsection (a) of this Section, the Commission shall order
10 the telecommunications carrier having such a plan to include
11 one of the elements specified in paragraph (1) or (2) of
12 subsection (a) of this Section by January 1, 1989.

13 (Source: P.A. 85-1286.)

14 (220 ILCS 5/13-303)

15 Sec. 13-303. Action to enforce law or orders. Whenever the
16 Commission is of the opinion that a telecommunications carrier
17 is failing or omitting, or is about to fail or omit, to do
18 anything required of it by law or by an order, decision, rule,
19 regulation, direction, or requirement of the Commission or is
20 doing or permitting anything to be done, or is about to do
21 anything or is about to permit anything to be done, contrary to
22 or in violation of law or an order, decision, rule, regulation,
23 direction, or requirement of the Commission, the Commission
24 shall file an action or proceeding in the circuit court in and
25 for the county in which the case or some part thereof arose or

1 in which the telecommunications carrier complained of has its
2 principal place of business, in the name of the People of the
3 State of Illinois for the purpose of having the violation or
4 threatened violation stopped and prevented either by mandamus
5 or injunction. The Commission may express its opinion in a
6 resolution based upon whatever factual information has come to
7 its attention and may issue the resolution ex parte and without
8 holding any administrative hearing before bringing suit.
9 Except in cases involving an imminent threat to the public
10 health and safety, no such resolution shall be adopted until 48
11 hours after the telecommunications carrier has been given
12 notice of (i) the substance of the alleged violation, including
13 citation to the law, order, decision, rule, regulation, or
14 direction of the Commission alleged to have been violated and
15 (ii) the time and the date of the meeting at which such
16 resolution will first be before the Commission for
17 consideration.

18 The Commission shall file the action or proceeding by
19 complaint in the circuit court alleging the violation or
20 threatened violation complained of and praying for appropriate
21 relief by way of mandamus or injunction. It shall be the duty
22 of the court to specify a time, not exceeding 20 days after the
23 service of the copy of the complaint, within which the
24 telecommunications carrier complained of must answer the
25 complaint, and in the meantime the telecommunications carrier
26 may be restrained. In case of default in answer or after

1 answer, the court shall immediately inquire into the facts and
2 circumstances of the case. The telecommunications carrier and
3 persons that the court may deem necessary or proper may be
4 joined as parties. The final judgment in any action or
5 proceeding shall either dismiss the action or proceeding or
6 grant relief by mandamus or injunction as prayed for in the
7 complaint, or in such modified or other form as will afford
8 appropriate relief in the court's judgment.

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

10 (220 ILCS 5/13-303.5)

11 Sec. 13-303.5. Injunctive relief. If, after a hearing, the
12 Commission determines that a telecommunications carrier has
13 violated this Act or a Commission order or rule, any
14 telecommunications carrier adversely affected by the violation
15 may seek injunctive relief in circuit court.

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

17 (220 ILCS 5/13-304)

18 Sec. 13-304. Action to recover civil penalties.

19 (a) The Commission shall assess and collect all civil
20 penalties established under this Act against
21 telecommunications carriers, corporations other than
22 telecommunications carriers, and persons acting as
23 telecommunications carriers. Except for the penalties provided
24 under Section 2-202, civil penalties may be assessed only after

1 notice and opportunity to be heard. Any such civil penalty may
2 be compromised by the Commission. In determining the amount of
3 the civil penalty to be assessed, or the amount of the civil
4 penalty to be compromised, the Commission is authorized to
5 consider any matters of record in aggravation or mitigation of
6 the penalty, including but not limited to the following:

7 (1) the duration and gravity of the violation of the
8 Act, the rules, or the order of the Commission;

9 (2) the presence or absence of due diligence on the
10 part of the violator in attempting either to comply with
11 requirements of the Act, the rules, or the order of the
12 Commission, or to secure lawful relief from those
13 requirements;

14 (3) any economic benefits accrued by the violator
15 because of the delay in compliance with requirements of the
16 Act, the rules, or the order of the Commission; and

17 (4) the amount of monetary penalty that will serve to
18 deter further violations by the violator and to otherwise
19 aid in enhancing voluntary compliance with the Act, the
20 rules, or the order of the Commission by the violator and
21 other persons similarly subject to the Act.

22 (b) If timely judicial review of a Commission order that
23 imposes a civil penalty is taken by a telecommunications
24 carrier, a corporation other than a telecommunications
25 carrier, or a person acting as a telecommunications carrier on
26 whom or on which the civil penalty has been imposed, the

1 reviewing court shall enter a judgment on all amounts upon
2 affirmance of the Commission order. If timely judicial review
3 is not taken and the civil penalty remains unpaid for 60 days
4 after service of the order, the Commission in its discretion
5 may either begin revocation proceedings or bring suit to
6 recover the penalties. Unless stayed by a reviewing court,
7 interest shall accrue from the 60th day after the date of
8 service of the Commission order to the date full payment is
9 received by the Commission.

10 (c) Actions to recover delinquent civil penalties under
11 this Section shall be brought in the name of the People of the
12 State of Illinois in the circuit court in and for the county in
13 which the cause, or some part thereof, arose, or in which the
14 entity complained of resides. The action shall be commenced and
15 prosecuted to final judgement by the Commission. In any such
16 action, all interest incurred up to the time of final court
17 judgment may be recovered in that action. In all such actions,
18 the procedure and rules of evidence shall be the same as in
19 ordinary civil actions, except as otherwise herein provided.
20 Any such action may be compromised or discontinued on
21 application of the Commission upon such terms as the court
22 shall approve and order.

23 (d) Civil penalties related to the late filing of reports,
24 taxes, or other filings shall be paid into the State treasury
25 to the credit of the Public Utility Fund. Except as otherwise
26 provided in this Act, all other fines and civil penalties shall

1 be paid into the State treasury to the credit of the General
2 Revenue Fund.

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

4 (220 ILCS 5/13-305)

5 Sec. 13-305. Amount of civil penalty. A telecommunications
6 carrier, any corporation other than a telecommunications
7 carrier, or any person acting as a telecommunications carrier
8 that violates or fails to comply with any provisions of this
9 Act or that fails to obey, observe, or comply with any order,
10 decision, rule, regulation, direction, or requirement, or any
11 part or provision thereof, of the Commission, made or issued
12 under authority of this Act, in a case in which a civil penalty
13 is not otherwise provided for in this Act, but excepting
14 Section 5-202 of the Act, shall be subject to a civil penalty
15 imposed in the manner provided in Section 13-304 of no more
16 than \$30,000 or 0.00825% of the carrier's gross intrastate
17 annual telecommunications revenue, whichever is greater, for
18 each offense unless the violator has fewer than 35,000
19 subscriber access lines, in which case the civil penalty may
20 not exceed \$2,000 for each offense.

21 A telecommunications carrier subject to administrative
22 penalties resulting from a final Commission order approving an
23 intercorporate transaction entered pursuant to Section 7-204
24 of this Act shall be subject to penalties under this Section
25 imposed for the same conduct only to the extent that such

1 penalties exceed those imposed by the final Commission order.

2 Every violation of the provisions of this Act or of any
3 order, decision, rule, regulation, direction, or requirement
4 of the Commission, or any part or provision thereof, by any
5 corporation or person, is a separate and distinct offense.
6 Penalties under this Section shall attach and begin to accrue
7 from the day after written notice is delivered to such party or
8 parties that they are in violation of or have failed to comply
9 with this Act or an order, decision, rule, regulation,
10 direction, or requirement of the Commission, or part or
11 provision thereof. In case of a continuing violation, each
12 day's continuance thereof shall be a separate and distinct
13 offense.

14 In construing and enforcing the provisions of this Act
15 relating to penalties, the act, omission, or failure of any
16 officer, agent, or employee of any telecommunications carrier
17 or of any person acting within the scope of his or her duties
18 or employment shall in every case be deemed to be the act,
19 omission, or failure of such telecommunications carrier or
20 person.

21 If the party who has violated or failed to comply with this
22 Act or an order, decision, rule, regulation, direction, or
23 requirement of the Commission, or any part or provision
24 thereof, fails to seek timely review pursuant to Sections
25 10-113 and 10-201 of this Act, the party shall, upon expiration
26 of the statutory time limit, be subject to the civil penalty

1 provision of this Section.

2 Twenty percent of all moneys collected under this Section
3 shall be deposited into the Digital Divide Elimination Fund and
4 20% of all moneys collected under this Section shall be
5 deposited into the Digital Divide Elimination Infrastructure
6 Fund.

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

8 (220 ILCS 5/13-401) (from Ch. 111 2/3, par. 13-401)

9 Sec. 13-401. Certificate of Service Authority.

10 (a) No telecommunications carrier not possessing a
11 certificate of public convenience and necessity or certificate
12 of authority from the Commission at the time this Article goes
13 into effect shall transact any business in this State until it
14 shall have obtained a certificate of service authority from the
15 Commission pursuant to the provisions of this Article.

16 No telecommunications carrier offering or providing, or
17 seeking to offer or provide, any interexchange
18 telecommunications service shall do so until it has applied for
19 and received a Certificate of Interexchange Service Authority
20 pursuant to the provisions of Section 13-403. No
21 telecommunications carrier offering or providing, or seeking
22 to offer or provide, any local exchange telecommunications
23 service shall do so until it has applied for and received a
24 Certificate of Exchange Service Authority pursuant to the
25 provisions of Section 13-405.

1 Notwithstanding Sections 13-403, 13-404, and 13-405, the
2 Commission shall approve a cellular radio application for a
3 Certificate of Service Authority without a hearing upon a
4 showing by the cellular applicant that the Federal
5 Communications Commission has issued to it a construction
6 permit or an operating license to construct or operate a
7 cellular radio system in the area as defined by the Federal
8 Communications Commission, or portion of the area, for which
9 the carrier seeks a Certificate of Service Authority.

10 No Certificate of Service Authority issued by the
11 Commission shall be construed as granting a monopoly or
12 exclusive privilege, immunity or franchise. The issuance of a
13 Certificate of Service Authority to any telecommunications
14 carrier shall not preclude the Commission from issuing
15 additional Certificates of Service Authority to other
16 telecommunications carriers providing the same or equivalent
17 service or serving the same geographical area or customers as
18 any previously certified carrier, except to the extent
19 otherwise provided by Sections 13-403 and 13-405.

20 Any certificate of public convenience and necessity
21 granted by the Commission to a telecommunications carrier prior
22 to the effective date of this Article shall remain in full
23 force and effect, and such carriers need not apply for a
24 Certificate of Service Authority in order to continue offering
25 or providing service to the extent authorized in such
26 certificate of public convenience and necessity. Any such

1 carrier, however, prior to substantially altering the nature or
2 scope of services provided under a certificate of public
3 convenience and necessity, or adding or expanding services
4 beyond the authority contained in such certificate, must apply
5 for a Certificate of Service Authority for such alterations or
6 additions pursuant to the provisions of this Article.

7 The Commission shall review and modify the terms of any
8 certificate of public convenience and necessity issued to a
9 telecommunications carrier prior to the effective date of this
10 Article in order to ensure its conformity with the requirements
11 and policies of this Article. Any Certificate of Service
12 Authority may be altered or modified by the Commission, after
13 notice and hearing, upon its own motion or upon application of
14 the person or company affected. Unless exercised within a
15 period of two years from the issuance thereof, authority
16 conferred by a Certificate of Service Authority shall be null
17 and void.

18 (b) The Commission may issue a temporary Certificate which
19 shall remain in force not to exceed one year in cases of
20 emergency, to assure maintenance of adequate service or to
21 serve particular customers, without notice and hearing,
22 pending the determination of an application for a Certificate,
23 and may by regulation exempt from the requirements of this
24 Section temporary acts or operations for which the issuance of
25 a certificate is not necessary in the public interest and which
26 will not be required therefor.

1 (Source: P.A. 87-856.)

2 (220 ILCS 5/13-401.1)

3 Sec. 13-401.1. Interconnected voice over Internet protocol
4 (VoIP) service provider registration.

5 (a) An Interconnected VoIP provider providing fixed or
6 non-nomadic service in Illinois on December 1, 2010 shall
7 register with the Commission no later than January 1, 2011. All
8 other Interconnected VoIP providers providing fixed or
9 non-nomadic service in Illinois shall register with the
10 Commission at least 30 days before providing service in
11 Illinois. The Commission shall prescribe a registration form no
12 later than October 1, 2010. The registration form prescribed by
13 the Commission shall only require the following information:

14 (1) the provider's legal name and any name under which
15 the provider does or will do business in Illinois, as
16 authorized by the Secretary of State;

17 (2) the provider's address and telephone number, along
18 with contact information for the person responsible for
19 ongoing communications with the Commission;

20 (3) a description of the provider's dispute resolution
21 process and, if any, the telephone number to initiate the
22 dispute resolution process; and

23 (4) a description of each exchange of a local exchange
24 company, in whole or in part, or the cities, towns, or
25 geographic areas, in whole or in part, in which the

1 provider is offering or proposes to offer Interconnected
2 VoIP service.

3 A provider must notify the Commission of any change in the
4 information identified in paragraphs (1), (2), (3), or (4) of
5 this subsection (a) within 5 business days after any such
6 change.

7 (b) A provider shall charge and collect from its end-user
8 customers, and remit to the appropriate authority, fees and
9 surcharges in the same manner as are charged and collected upon
10 end-user customers of local exchange telecommunications
11 service and remitted by local exchange telecommunications
12 companies for local enhanced 9-1-1 surcharges.

13 (c) A provider may designate information that it submits in
14 its registration form or subsequent reports as confidential or
15 proprietary, provided that the provider states the reasons the
16 confidential designation is necessary. The Commission shall
17 provide adequate protection for such information pursuant to
18 Section 4-404 of this Act. If the Commission or any other party
19 seeks public disclosure of information designated as
20 confidential, the Commission shall consider the confidential
21 designation in a proceeding under the Illinois Administrative
22 Procedure Act, and the burden of proof to demonstrate that the
23 designated information is confidential shall be upon the
24 provider. Designated information shall remain confidential
25 pending the Commission's determination of whether the
26 information is entitled to confidential treatment. Information

1 designated as confidential shall be provided to local units of
2 government for purposes of assessing compliance with this
3 Article as permitted under a protective order issued by the
4 Commission pursuant to the Commission's rules and to the
5 Attorney General pursuant to Section 6.5 of the Attorney
6 General Act. Information designated as confidential under this
7 Section or determined to be confidential upon Commission review
8 shall only be disclosed pursuant to a valid and enforceable
9 subpoena or court order or as required by the Freedom of
10 Information Act.

11 (d) Notwithstanding any other provision of law to the
12 contrary, the Commission shall have the authority, after notice
13 and hearing, to revoke or suspend the registration of any
14 provider that fails to comply with the requirements of this
15 Section.

16 (e) The provisions of this Section are severable under
17 Section 1.31 of the Statute on Statutes.

18 (Source: P.A. 96-927, eff. 6-15-10.)

19 (220 ILCS 5/13-402) (from Ch. 111 2/3, par. 13-402)

20 Sec. 13-402. The Commission is authorized, in connection
21 with the issuance or modification of a Certificate of
22 Interexchange Service Authority or the modification of a
23 certificate of public convenience and necessity for
24 interexchange telecommunications service, to waive or modify
25 the application of its rules, general orders, procedures or

1 notice requirements when such action will reduce the economic
2 burdens of regulation and such waiver or modification is not
3 inconsistent with the law or the purposes and policies of this
4 Article.

5 Any such waiver or modification granted to any
6 interexchange telecommunications carrier which has, or any
7 group of such carriers any one of which has annual revenues
8 exceeding \$10,000,000 shall be automatically applied fully and
9 equally to all such carriers with annual revenues exceeding
10 \$10,000,000 unless the Commission specifically finds, after
11 notice to all such carriers and a hearing, that restricting the
12 application of such waiver or modification to only one such
13 carrier or some group of such carriers is consistent with and
14 would promote the purposes and policies of this Article and the
15 protection of telecommunications customers.

16 (Source: P.A. 84-1063.)

17 (220 ILCS 5/13-403) (from Ch. 111 2/3, par. 13-403)

18 Sec. 13-403. Interexchange service authority; approval.
19 The Commission shall approve an application for a Certificate
20 of Interexchange Service Authority only upon a showing by the
21 applicant, and a finding by the Commission, after notice and
22 hearing, that the applicant possesses sufficient technical,
23 financial and managerial resources and abilities to provide
24 interexchange telecommunications service. The removal from
25 this Section of the dialing restrictions by this amendatory Act

1 of 1992 does not create any legislative presumption for or
2 against intra-Market Service Area presubscription or changes
3 in intra-Market Service Area dialing arrangements related to
4 the implementation of that presubscription, but simply vests
5 jurisdiction in the Illinois Commerce Commission to consider
6 after notice and hearing the issue of presubscription in
7 accordance with the policy goals outlined in Section 13-103.

8 The Commission shall have authority to alter the boundaries
9 of Market Service Areas when such alteration is consistent with
10 the public interest and the purposes and policies of this
11 Article. A determination by the Commission with respect to
12 Market Service Area boundaries shall not modify or affect the
13 rights or obligations of any telecommunications carrier with
14 respect to any consent decree or agreement with the United
15 States Department of Justice, including, but not limited to,
16 the Modification of Final Judgment in United States v. Western
17 Electric Co., 552 F. Supp. 131 (D.D.C. 1982), as modified from
18 time to time.

19 (Source: P.A. 91-357, eff. 7-29-99.)

20 (220 ILCS 5/13-404) (from Ch. 111 2/3, par. 13-404)

21 Sec. 13-404. Any telecommunications carrier offering or
22 providing the resale of either local exchange or interexchange
23 telecommunications service must first obtain a Certificate of
24 Service Authority. The Commission shall approve an application
25 for a Certificate for the resale of local exchange or

1 interexchange telecommunications service upon a showing by the
2 applicant, and a finding by the Commission, after notice and
3 hearing, that the applicant possesses sufficient technical,
4 financial and managerial resources and abilities to provide the
5 resale of telecommunications service.

6 (Source: P.A. 84-1063.)

7 (220 ILCS 5/13-404.1)

8 Sec. 13-404.1. Prepaid calling service authority; rules.

9 (a) The General Assembly finds that it is necessary to
10 require the certification of prepaid calling service providers
11 to protect and promote against fraud the legitimate business
12 interests of persons or entities currently providing prepaid
13 calling service to Illinois end users and Illinois end users
14 who purchase these services.

15 (b) On and after July 1, 2005, it shall be unlawful for any
16 prepaid calling service provider to offer or provide or seek to
17 offer or provide to any distributor, prepaid calling service
18 reseller, prepaid calling service retailer, or end user any
19 prepaid calling service unless the prepaid calling service
20 provider has applied for and received a Certificate of Prepaid
21 Calling Service Provider Authority from the Commission. The
22 Commission shall approve an application for a Certificate of
23 Prepaid Calling Service Provider Authority upon a showing by
24 the applicant, and a finding by the Commission, after notice
25 and hearing, that the applicant possesses sufficient

1 technical, financial, and managerial resources and abilities
2 to provide prepaid calling services. The Commission shall
3 approve an application for a Certificate of Prepaid Calling
4 Service Provider Authority without a hearing upon a showing by
5 the applicant that the Commission has issued an appropriate
6 Certificate of Service Authority (whether a Certificate of
7 Interexchange Service Authority or Certificate of Exchange
8 Service Authority or both) to the applicant or the
9 telecommunications carrier whose service the applicant is
10 seeking to resell, provided that the telecommunications
11 carrier remains in good standing with the Commission. The
12 Commission may adopt rules necessary for the administration of
13 this subsection.

14 (c) Upon issuance of a Certificate of Prepaid Calling
15 Service Provider Authority to a prepaid calling service
16 provider, the Commission shall post a list that contains the
17 full legal name of the prepaid service provider, the docket
18 number of the provider's certification proceeding, and the
19 toll-free customer service number of the certified prepaid
20 calling service provider on the Commission's web site on a link
21 solely dedicated to prepaid calling service providers. If the
22 certified prepaid calling service provider changes its
23 toll-free customer service number, it is the duty of the
24 certified prepaid calling service provider to provide the
25 Commission with notice of the change and with the provider's
26 new toll-free customer service number at least 24 hours prior

1 to changing its toll-free customer service number. The
2 Commission may adopt rules that further define the
3 administration of this subsection.

4 (d) Any and all enforcement authority granted to the
5 Commission under this Article over any Certificate of Service
6 Authority shall apply equally and without limitation to
7 Certificates of Prepaid Calling Service Provider Authority.

8 (Source: P.A. 93-1002, eff. 1-1-05.)

9 (220 ILCS 5/13-404.2)

10 Sec. 13-404.2. Prepaid calling service standards. The
11 Commission, by rule, may establish and implement minimum
12 service quality standards for prepaid calling service. The
13 rules may include, but are not limited to, requiring access to
14 a live customer service attendant through the customer service
15 number, reporting requirements, fines, penalties, customer
16 credits, remedies, and other enforcement mechanisms to ensure
17 compliance with the service quality standards.

18 (Source: P.A. 93-1002, eff. 1-1-05.)

19 (220 ILCS 5/13-405) (from Ch. 111 2/3, par. 13-405)

20 Sec. 13-405. Local exchange service authority; approval.
21 The Commission shall approve an application for a Certificate
22 of Exchange Service Authority only upon a showing by the
23 applicant, and a finding by the Commission, after notice and
24 hearing, that the applicant possesses sufficient technical,

1 financial, and managerial resources and abilities to provide
2 local exchange telecommunications service.

3 (Source: P.A. 90-185, eff. 7-23-97.)

4 (220 ILCS 5/13-405.1) (from Ch. 111 2/3, par. 13-405.1)

5 Sec. 13-405.1. Interexchange services; incidental local
6 service. Whether or not a telecommunications carrier is
7 certified to offer or provide local exchange
8 telecommunications service, nothing in Section 13-405 shall be
9 construed to require the withdrawal or prevent the offering of
10 interexchange services merely because incidental use of such
11 service by the customer for local exchange telecommunications
12 service is possible.

13 (Source: P.A. 87-856.)

14 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

15 Sec. 13-406. Abandonment of service. No telecommunications
16 carrier offering or providing noncompetitive
17 telecommunications service pursuant to a valid Certificate of
18 Service Authority or certificate of public convenience and
19 necessity shall discontinue or abandon such service once
20 initiated until and unless it shall demonstrate, and the
21 Commission finds, after notice and hearing, that such
22 discontinuance or abandonment will not deprive customers of any
23 necessary or essential telecommunications service or access
24 thereto and is not otherwise contrary to the public interest.

1 No telecommunications carrier offering or providing
2 competitive telecommunications service shall completely
3 discontinue or abandon such service to an identifiable class or
4 group of customers once initiated except upon 60 days notice to
5 the Commission and affected customers. The Commission may, upon
6 its own motion or upon complaint, investigate the proposed
7 discontinuance or abandonment of a competitive
8 telecommunications service and may, after notice and hearing,
9 prohibit such proposed discontinuance or abandonment if the
10 Commission finds that it would be contrary to the public
11 interest. If the Commission does not provide notice of a
12 hearing within 60 calendar days after the notification or holds
13 a hearing and fails to find that the proposed discontinuation
14 or abandonment would be contrary to the public interest, the
15 provider may discontinue or abandon such service after
16 providing at least 30 days notice to affected customers. This
17 Section does not apply to a Large Electing Provider proceeding
18 under Section 13-406.1.

19 (Source: P.A. 96-927, eff. 6-15-10.)

20 (220 ILCS 5/13-406.1 new)

21 Sec. 13-406.1. Large Electing Provider transition to
22 IP-based networks and service.

23 (a) As used in this Section:

24 "Alternative voice service" means service that includes
25 all of the applicable functionalities for voice telephony

1 services described in 47 CFR 54.101(a).

2 "Existing customer" means a residential customer of the
3 Large Electing Provider who is subscribing to a
4 telecommunications service on the date the Large Electing
5 Provider sends its notice under paragraph (1) of subsection (c)
6 of this Section of its intent to cease offering and providing
7 service. For purposes of this Section, a residential customer
8 of the Large Electing Provider whose service has been
9 temporarily suspended, but not finally terminated as of the
10 date that the Large Electing Provider sends that notice, shall
11 be deemed to be an "existing customer".

12 "Large Electing Provider" means an Electing Provider, as
13 defined in Section 13-506.2 of this Act, that (i) reported in
14 its annual competition report for the year 2016 filed with the
15 Commission under Section 13-407 of this Act and 83 Ill. Adm.
16 Code 793 that it provided at least 700,000 access lines to end
17 users; and (ii) is affiliated with a provider of commercial
18 mobile radio service, as defined in 47 CFR 20.3, as of January
19 1, 2017.

20 "New customer" means a residential customer who is not
21 subscribing to a telecommunications service provided by the
22 Large Electing Provider on the date the Large Electing Provider
23 sends its notice under paragraph (1) of subsection (c) of this
24 Section of its intent to cease offering and providing that
25 service.

26 "Provider" includes every corporation, company,

1 association, firm, partnership, and individual and their
2 lessees, trustees, or receivers appointed by a court that sell
3 or offer to sell an alternative voice service.

4 "Reliable access to 9-1-1" means access to 9-1-1 that
5 complies with the applicable rules, regulations, and
6 guidelines established by the Federal Communications
7 Commission and the applicable provisions of the Emergency
8 Telephone System Act and implementing rules.

9 "Willing provider" means a provider that voluntarily
10 participates in the request for service process.

11 (b) Beginning June 30, 2017, a Large Electing Provider may,
12 to the extent permitted by and consistent with federal law,
13 including, as applicable, approval by the Federal
14 Communications Commission of the discontinuance of the
15 interstate-access component of a telecommunications service,
16 cease to offer and provide a telecommunications service to an
17 identifiable class or group of customers, other than voice
18 telecommunications service to residential customers or a
19 telecommunications service to a class of customers under
20 subsection (b-5) of this Section, upon 60 days' notice to the
21 Commission and affected customers.

22 (b-5) Notwithstanding any provision to the contrary in this
23 Section 13-406.1, beginning December 31, 2021, a Large Electing
24 Provider may, to the extent permitted by and consistent with
25 federal law, including, if applicable, approval by the Federal
26 Communications Commission of the discontinuance of the

1 interstate-access component of a telecommunication service,
2 cease to offer and provide a telecommunications service to one
3 or more of the following classes or groups of customers upon 60
4 days' notice to the Commission and affected customers: (1)
5 electric utilities, as defined in Section 16-102 of this Act;
6 (2) public utilities, as defined in Section 3-105 of this Act,
7 that offers natural gas or water services; (3) electric, gas,
8 and water utilities that are excluded from the definition of
9 public utility under paragraph (1) of subsection (b) of Section
10 3-105 of this Act; (4) water companies as described in
11 paragraph (2) of subsection (b) of Section 3-105 of this Act;
12 (5) natural gas cooperatives as described in paragraph (4) of
13 subsection (b) of Section 3-105 of this Act; (6) electric
14 cooperatives as defined in Section 3-119 of this Act; (7)
15 entities engaged in the commercial generation of electric power
16 and energy; (8) the functional divisions of public agencies, as
17 defined in Section 2 of the Emergency Telephone System Act,
18 that provide police or firefighting services; and (9) 9-1-1
19 Authorities, as defined in Section 2 of the Emergency Telephone
20 System Act; provided that the date shall be extended to
21 December 21, 2022, for (i) an electric utility, as defined in
22 Section 16-102 of this Act, that serves more than 3 million
23 customers in the State; and (ii) an entity engaged in the
24 commercial generation of electric power and energy that
25 operates one or more nuclear power plants in the State.

26 (c) Beginning June 30, 2017, a Large Electing Provider may,

1 to the extent permitted by and consistent with federal law,
2 cease to offer and provide voice telecommunications service to
3 an identifiable class or group of residential customers, which,
4 for the purposes of this subsection (c), shall be referred to
5 as "requested service", subject to compliance with the
6 following requirements:

7 (1) No less than 255 days prior to providing notice to
8 the Federal Communications Commission of its intent to
9 discontinue the interstate-access component of the
10 requested service, the Large Electing Provider shall:

11 (A) file a notice of the proposed cessation of the
12 requested service with the Commission, which shall
13 include a statement that the Large Electing Provider
14 will comply with any service discontinuance rules and
15 regulations of the Federal Communications Commission
16 pertaining to compatibility of alternative voice
17 services with medical monitoring devices; and

18 (B) provide notice of the proposed cessation of the
19 requested service to each of the Large Electing
20 Provider's existing customers within the affected
21 geographic area by first-class mail separate from
22 customer bills. If the customer has elected to receive
23 electronic billing, the notice shall be sent
24 electronically and by first-class mail separate from
25 customer bills. The notice provided under this
26 subparagraph (B) shall describe the requested service,

1 identify the earliest date on which the Large Electing
2 Provider intends to cease offering or providing the
3 telecommunications service, provide a telephone number
4 by which the existing customer may contact a service
5 representative of the Large Electing Provider, and
6 provide a telephone number by which the existing
7 customer may contact the Commission's Consumer
8 Services Division. The notice shall also include the
9 following statement:

10 "If you do not believe that an alternative
11 voice service including reliable access to 9-1-1
12 is available to you, from either [name of Large
13 Electing Provider] or another provider of wired or
14 wireless voice service where you live, you have the
15 right to request the Illinois Commerce Commission
16 to investigate the availability of alternative
17 voice service including reliable access to 9-1-1.
18 To do so, you must submit such a request either in
19 writing or by signing and returning a copy of this
20 notice, no later than (insert date), 60 days after
21 the date of the notice to the following address:
22 Chief Clerk of the Illinois Commerce Commission
23 527 East Capitol Avenue
24 Springfield, Illinois 62706

25 You must include in your request a reference to
26 the notice you received from [Large Electing

1 Provider's name] and the date of notice.".

2 Thirty days following the date of notice, the Large
3 Electing Provider shall provide each customer to which
4 the notice was sent a follow-up notice containing the
5 same information and reminding customers of the
6 deadline for requesting the Commission to investigate
7 alternative voice service with access to 9-1-1.

8 (2) After June 30, 2017, and only in a geographic area
9 for which a Large Electing Provider has provided notice of
10 proposed cessation of the requested service to existing
11 customers under paragraph (1) of this subsection (c), an
12 existing customer of that provider may, within 60 days
13 after issuance of such notice, request the Commission to
14 investigate the availability of alternative voice service
15 including reliable access to 9-1-1 to that customer. For
16 the purposes of this paragraph (2), existing customers who
17 make such a request are referred to as "requesting existing
18 customers". The Large Electing Provider may cease to offer
19 or provide the requested service to existing customers who
20 do not make a request for investigation beginning 30 days
21 after issuance of the notice required by paragraph (5) of
22 this subsection (c).

23 (A) In response to all requests and investigations
24 under this paragraph (2), the Commission shall conduct
25 a single investigation to be commenced 75 days after
26 the receipt of notice under paragraph (1) of this

1 subsection (c), and completed within 135 days after
2 commencement. The Commission shall, within 135 days
3 after commencement of the investigation, make one of
4 the findings described in subdivisions (i) and (ii) of
5 this subparagraph (A) for each requesting existing
6 customer.

7 (i) If, as a result of the investigation, the
8 Commission finds that service from at least one
9 provider offering alternative voice service
10 including reliable access to 9-1-1 through any
11 technology or medium is available to one or more
12 requesting existing customers, the Commission
13 shall declare by order that, with respect to each
14 requesting existing customer for which such a
15 finding is made, the Large Electing Provider may
16 cease to offer or provide the requested service
17 beginning 30 days after the issuance of the notice
18 required by paragraph (5) of this subsection (c).

19 (ii) If, as a result of the investigation, the
20 Commission finds that service from at least one
21 provider offering alternative voice service,
22 including reliable access to 9-1-1, through any
23 technology or medium is not available to one or
24 more requesting existing customers, the Commission
25 shall declare by order that an emergency exists
26 with respect to each requesting existing customer

1 for which such a finding is made.

2 (B) If the Commission declares an emergency under
3 subdivision (ii) of subparagraph (A) of this paragraph
4 (2) with respect to one or more requesting existing
5 customers, the Commission shall conduct a request for
6 service process to identify a willing provider of
7 alternative voice service including reliable access to
8 9-1-1. A provider shall not be required to participate
9 in the request for service process. The willing
10 provider may utilize any form of technology that is
11 capable of providing alternative voice service
12 including reliable access to 9-1-1, including, without
13 limitation, Voice over Internet Protocol services and
14 wireless services. The Commission shall, within 45
15 days after the issuance of an order finding that an
16 emergency exists, make one of the determinations
17 described in subdivisions (i) and (ii) of this
18 subparagraph (B) for each requesting existing customer
19 for which an emergency has been declared.

20 (i) If the Commission determines that another
21 provider is willing and capable of providing
22 alternative voice service including reliable
23 access to 9-1-1 to one or more requesting existing
24 customers for which an emergency has been
25 declared, the Commission shall declare by order
26 that, with respect to each requesting existing

1 customer for which such a determination is made,
2 the Large Electing Provider may cease to offer or
3 provide the requested service beginning 30 days
4 after the issuance of the notice required by
5 paragraph (5) of this Section.

6 (ii) If the Commission determines that for one
7 or more of the requesting existing customers for
8 which an emergency has been declared there is no
9 other provider willing and capable of providing
10 alternative voice service including reliable
11 access to 9-1-1, the Commission shall issue an
12 order requiring the Large Electing Provider to
13 provide alternative voice service including
14 reliable access to 9-1-1 to each requesting
15 existing customer utilizing any form of technology
16 capable of providing alternative voice service
17 including reliable access to 9-1-1, including,
18 without limitation, continuation of the requested
19 service, Voice over Internet Protocol services,
20 and wireless services, until another willing
21 provider is available. A Large Electing Provider
22 may fulfill the requirement through an affiliate
23 or another provider. The Large Electing Provider
24 may request that such an order be rescinded upon a
25 showing that an alternative voice service
26 including reliable access to 9-1-1 has become

1 available to the requesting existing customer from
2 another provider.

3 (3) If the Commission receives no requests for
4 investigation from any existing customer under paragraph
5 (2) of this subsection (c) within 60 days after issuance of
6 the notice under paragraph (1) of this subsection (c), the
7 Commission shall provide written notice to the Large
8 Electing Provider of that fact no later than 75 days after
9 receipt of notice under paragraph (1) of this subsection
10 (c). Notwithstanding any provision of this subsection (c)
11 to the contrary, if no existing customer requests an
12 investigation under paragraph (2) of this subsection (c),
13 the Large Electing Provider may immediately provide the
14 notice to the Federal Communications Commission as
15 described in paragraph (4) of this subsection (c).

16 (4) At the same time that it provides notice to the
17 Federal Communications Commission of its intent to
18 discontinue the interstate-access component of the
19 requested service, the Large Electing Provider shall:

20 (A) file a notice of proposal to cease to offer and
21 provide the requested service with the Commission; and

22 (B) provide a notice of proposal to cease to offer
23 and provide the requested service to existing
24 customers and new customers receiving the service at
25 the time of the notice within each affected geographic
26 area, with the notice made by first-class mail or

1 within customer bills delivered by mail or equivalent
2 means of notice, including electronic means if the
3 customer has elected to receive electronic billing.
4 The notice provided under this subparagraph (B) shall
5 include a brief description of the requested service,
6 the date on which the Large Electing Provider intends
7 to cease offering or providing the telecommunications
8 service, and a statement as required by 47 CFR 63.71
9 that describes the process by which the customer may
10 submit comments to the Federal Communications
11 Commission.

12 (5) Upon approval by the Federal Communications
13 Commission of its request to discontinue the
14 interstate-access component of the requested service and
15 subject to the requirements of any order issued by the
16 Commission under subdivision (ii) of subparagraph (B) of
17 paragraph (2) of this subsection (c), the Large Electing
18 Provider may immediately cease to offer the requested
19 service to all customers not receiving the service on the
20 date of the Federal Communications Commission's approval
21 and may cease to offer and provide the requested service to
22 all customers receiving the service at the time of the
23 Federal Communications Commission's approval upon 30 days'
24 notice to the Commission and affected customers. Notice to
25 affected customers under this paragraph (5) shall be
26 provided by first-class mail separate from customer bills.

1 The notice provided under this paragraph (5) shall describe
2 the requested service, identify the date on which the Large
3 Electing Provider intends to cease offering or providing
4 the telecommunications service, and provide a telephone
5 number by which the existing customer may contact a service
6 representative of the Large Electing Provider.

7 (6) The notices provided for in paragraph (1) of this
8 subsection (c) are not required as a prerequisite for the
9 Large Electing Provider to cease to offer or provide a
10 telecommunications service in a geographic area where
11 there are no residential customers taking service from the
12 Large Electing Provider on the date that the Large Electing
13 Provider files notice to the Federal Communications
14 Commission of its intent to discontinue the
15 interstate-access component of the requested service in
16 that geographic area.

17 (7) For a period of 45 days following the date of a
18 notice issued under paragraph (5) of this Section, an
19 existing customer (i) who is located in the affected
20 geographic area subject to that notice; (ii) who was
21 receiving the requested service as of the date of the
22 Federal Communications Commission's approval of the Large
23 Electing Provider's request to discontinue the
24 interstate-access component of the requested service;
25 (iii) who did not make a timely request for investigation
26 under paragraph (2) of this subsection (c); and (iv) whose

1 service will be or has been discontinued under paragraph
2 (5), may request assistance from the Large Electing
3 Provider in identifying providers of alternative voice
4 service including reliable access to 9-1-1. Within 15 days
5 of the request, the Large Electing Provider shall provide
6 the customer with a list of alternative voice service
7 providers.

8 (8) Notwithstanding any other provision of this Act,
9 except as expressly authorized by this subsection (c), the
10 Commission may not, upon its own motion or upon complaint,
11 investigate, suspend, disapprove, condition, or otherwise
12 regulate the cessation of a telecommunications service to
13 an identifiable class or group of customers once initiated
14 by a Large Electing Provider under subsection (b) or (b-5)
15 of this Section or this subsection (c).

16 (220 ILCS 5/13-407) (from Ch. 111 2/3, par. 13-407)

17 Sec. 13-407. Commission study and report. The Commission
18 shall monitor and analyze patterns of entry and exit and
19 changes in patterns of entry and exit for each relevant market
20 for telecommunications services, including emerging high speed
21 telecommunications markets and broadband services. The
22 Commission shall include its findings together with
23 appropriate recommendations for legislative action in its
24 annual report to the General Assembly. The Commission shall
25 provide an analysis of entry and exit, along with changes in

1 patterns of entry and exit, for broadband services in its
2 annual report to the General Assembly.

3 In preparing its annual report, the Commission may obtain
4 any information on broadband services that has been collected
5 or is in the possession of the Department of Commerce and
6 Economic Opportunity pursuant to the High Speed Internet
7 Services and Information Technology Act. The Commission shall
8 coordinate with the Department of Commerce and Economic
9 Opportunity in collecting information to avoid a duplication of
10 efforts.

11 The Commission shall also monitor and analyze the status of
12 deployment of services to consumers, and any resulting "digital
13 divisions" between consumers, including any changes or trends
14 therein. The Commission shall include its findings together
15 with appropriate recommendations for legislative action in its
16 annual report to the General Assembly. In preparing this
17 analysis the Commission shall evaluate information provided by
18 certificated telecommunications carriers, registered
19 Interconnected VoIP providers, and Facilities-based Providers
20 of Broadband Connections to End User Locations that pertains to
21 the state of competition in telecommunications markets
22 including, but not limited to:

23 (1) the number and type of firms providing
24 telecommunications services and broadband services, within
25 the State;

26 (2) the services offered by these firms to both retail

1 and wholesale customers;

2 (3) the extent to which customers and other providers
3 are purchasing the firms' services; and

4 (4) the technologies or methods by which these firms
5 provide these services, including descriptions of
6 technologies in place and under development, and the degree
7 to which firms rely on other wholesale providers to provide
8 service to their own customers.

9 The Commission shall at a minimum assess the variability in
10 this information according to geography, examining variability
11 by exchange, wirecenter, or zip code, and by customer class,
12 examining, at a minimum, the variability between residential
13 and small, medium, and large business customers. The Commission
14 shall provide an analysis of market trends by collecting this
15 information from certificated telecommunications carriers,
16 registered Interconnected VoIP providers, and Facilities-based
17 Providers of Broadband Connections to End User Locations within
18 the State. The Commission shall also collect all information,
19 in a format determined by the Commission, that the Commission
20 deems necessary to assist in monitoring and analyzing the
21 telecommunications markets and broadband market, along with
22 the status of competition and deployment of telecommunications
23 services and broadband services to consumers in the State.

24 Notwithstanding any other provision of this Act,
25 certificated telecommunications carriers and registered
26 Interconnected VoIP providers shall report to the Commission

1 such information, with the exception of broadband information,
2 requested by the Commission necessary to satisfy the reporting
3 requirements of items (1) through (4) of this Section. The
4 Commission may coordinate and work with the Department of
5 Commerce and Economic Opportunity to avoid duplication of
6 collection of information that is collected pursuant to the
7 High Speed Internet Services and Information Technology Act.

8 For the purposes of this Section:

9 "Broadband connections" include wired lines or
10 wireless channels that enable the end user to receive
11 information from or send information to the Internet at
12 information transfer rates exceeding 200 kbps in at least
13 one direction.

14 "End user" includes a residential, business,
15 institutional, or government entity who uses broadband
16 services for its own purposes and who does not resell such
17 services to other entities or incorporate such services
18 into retail Internet-access services. For purposes of this
19 Section, an Internet Service Provider (ISP) is not an end
20 user of a broadband connection.

21 "Facilities-based Provider of Broadband Connections to
22 End User Locations" means an entity that meets any of the
23 following conditions:

24 (i) It owns the portion of the physical facility
25 that terminates at the end user location.

26 (ii) It obtains unbundled network elements (UNEs),

1 special access lines, or other leased facilities that
2 terminate at the end user location and provisions or
3 equips them as broadband.

4 (iii) It provisions or equips a broadband wireless
5 channel to the end user location over licensed or
6 unlicensed spectrum.

7 "Facilities-based Provider of Broadband Connections to
8 End User Locations" does not include providers of
9 terrestrial fixed wireless services (such as Wi-Fi and
10 other wireless Ethernet, or wireless local area network,
11 applications) that only enable local distribution and
12 sharing of a premises broadband facility and does not
13 include air-to-ground services.

14 (Source: P.A. 96-927, eff. 6-15-10.)

15 (220 ILCS 5/13-501) (from Ch. 111 2/3, par. 13-501)

16 Sec. 13-501. Tariff; filing.

17 (a) No telecommunications carrier shall offer or provide
18 noncompetitive telecommunications service, telecommunications
19 service subject to subsection (g) of Section 13-506.2 or
20 Section 13-900.1 or 13-900.2 of this Act, or telecommunications
21 service referred to in an interconnection agreement as a
22 tariffed service unless and until a tariff is filed with the
23 Commission which describes the nature of the service,
24 applicable rates and other charges, terms and conditions of
25 service, and the exchange, exchanges or other geographical area

1 or areas in which the service shall be offered or provided. The
2 Commission may prescribe the form of such tariff and any
3 additional data or information which shall be included therein.

4 (b) After a hearing regarding a telecommunications service
5 subject to subsection (a) of this Section, the Commission has
6 the discretion to impose an interim or permanent tariff on a
7 telecommunications carrier as part of the order in the case.
8 When a tariff is imposed as part of the order in a case, the
9 tariff shall remain in full force and effect until a compliance
10 tariff, or superseding tariff, is filed by the
11 telecommunications carrier and, after notice to the parties in
12 the case and after a compliance hearing is held, is found by
13 the Commission to be in compliance with the Commission's order.

14 (c) A telecommunications carrier shall offer or provide
15 telecommunications service that is not subject to subsection
16 (a) of this Section pursuant to either a tariff filed with the
17 Commission or a written service offering that shall be
18 available on the telecommunications carrier's website as
19 required by Section 13-503 of this Act and that describes the
20 nature of the service, applicable rates and other charges,
21 terms and conditions of service. Revenue from competitive
22 retail telecommunications service received by a
23 telecommunications carrier pursuant to either a tariff or a
24 written service offering shall be gross revenue for purposes of
25 Section 2-202 of this Act.

26 (Source: P.A. 98-45, eff. 6-28-13.)

1 (220 ILCS 5/13-501.5)

2 Sec. 13-501.5. Directory assistance service for the blind.

3 A telecommunications carrier that provides directory
4 assistance service shall provide in its tariffs or its written
5 service offering pursuant to subsection (c) of Section 13-501
6 of this Act for that service that directory assistance shall be
7 provided at no charge to its customers who are legally blind
8 for telephone numbers of customers located within the same
9 calling area, as described in the telecommunications carrier's
10 tariff.

11 (Source: P.A. 98-45, eff. 6-28-13.)

12 (220 ILCS 5/13-502) (from Ch. 111 2/3, par. 13-502)

13 Sec. 13-502. Classification of services.

14 (a) All telecommunications services offered or provided
15 under tariff by telecommunications carriers shall be
16 classified as either competitive or noncompetitive. A
17 telecommunications carrier may offer or provide either
18 competitive or noncompetitive telecommunications services, or
19 both, subject to proper certification and other applicable
20 provisions of this Article. Any tariff filed with the
21 Commission as required by Section 13-501 shall indicate whether
22 the service to be offered or provided is competitive or
23 noncompetitive.

24 (b) A service shall be classified as competitive only if,

1 and only to the extent that, for some identifiable class or
2 group of customers in an exchange, group of exchanges, or some
3 other clearly defined geographical area, such service, or its
4 functional equivalent, or a substitute service, is reasonably
5 available from more than one provider, whether or not any such
6 provider is a telecommunications carrier subject to regulation
7 under this Act. All telecommunications services not properly
8 classified as competitive shall be classified as
9 noncompetitive. The Commission shall have the power to
10 investigate the propriety of any classification of a
11 telecommunications service on its own motion and shall
12 investigate upon complaint. In any hearing or investigation,
13 the burden of proof as to the proper classification of any
14 service shall rest upon the telecommunications carrier
15 providing the service. After notice and hearing, the Commission
16 shall order the proper classification of any service in whole
17 or in part. The Commission shall make its determination and
18 issue its final order no later than 180 days from the date such
19 hearing or investigation is initiated. If the Commission enters
20 into a hearing upon complaint and if the Commission fails to
21 issue an order within that period, the complaint shall be
22 deemed granted unless the Commission, the complainant, and the
23 telecommunications carrier providing the service agree to
24 extend the time period.

25 (c) In determining whether a service should be reclassified
26 as competitive, the Commission shall, at a minimum, consider

1 the following factors:

2 (1) the number, size, and geographic distribution of
3 other providers of the service;

4 (2) the availability of functionally equivalent
5 services in the relevant geographic area and the ability of
6 telecommunications carriers or other persons to make the
7 same, equivalent, or substitutable service readily
8 available in the relevant market at comparable rates,
9 terms, and conditions;

10 (3) the existence of economic, technological, or any
11 other barriers to entry into, or exit from, the relevant
12 market;

13 (4) the extent to which other telecommunications
14 companies must rely upon the service of another
15 telecommunications carrier to provide telecommunications
16 service; and

17 (5) any other factors that may affect competition and
18 the public interest that the Commission deems appropriate.

19 (d) No tariff classifying a new telecommunications service
20 as competitive or reclassifying a previously noncompetitive
21 telecommunications service as competitive, which is filed by a
22 telecommunications carrier which also offers or provides
23 noncompetitive telecommunications service, shall be effective
24 unless and until such telecommunications carrier offering or
25 providing, or seeking to offer or provide, such proposed
26 competitive service prepares and files a study of the long-run

1 service incremental cost underlying such service and
2 demonstrates that the tariffed rates and charges for the
3 service and any relevant group of services that includes the
4 proposed competitive service and for which resources are used
5 in common solely by that group of services are not less than
6 the long-run service incremental cost of providing the service
7 and each relevant group of services. Such study shall be given
8 proprietary treatment by the Commission at the request of such
9 carrier if any other provider of the competitive service, its
10 functional equivalent, or a substitute service in the
11 geographical area described by the proposed tariff has not
12 filed, or has not been required to file, such a study.

13 (e) In the event any telecommunications service has been
14 classified and filed as competitive by the telecommunications
15 carrier, and has been offered or provided on such basis, and
16 the Commission subsequently determines after investigation
17 that such classification improperly included services which
18 were in fact noncompetitive, the Commission shall have the
19 power to determine and order refunds to customers for any
20 overcharges which may have resulted from the improper
21 classification, or to order such other remedies provided to it
22 under this Act, or to seek an appropriate remedy or relief in a
23 court of competent jurisdiction.

24 (f) If no hearing or investigation regarding the propriety
25 of a competitive classification of a telecommunications
26 service is initiated within 180 days after a telecommunications

1 carrier files a tariff listing such telecommunications service
2 as competitive, no refunds to customers for any overcharges
3 which may result from an improper classification shall be
4 ordered for the period from the time the telecommunications
5 carrier filed such tariff listing the service as competitive up
6 to the time an investigation of the service classification is
7 initiated by the Commission's own motion or the filing of a
8 complaint. Where a hearing or an investigation regarding the
9 propriety of a telecommunications service classification as
10 competitive is initiated after 180 days from the filing of the
11 tariff, the period subject to refund for improper
12 classification shall begin on the date such investigation or
13 hearing is initiated by the filing of a Commission motion or a
14 complaint.

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

16 (220 ILCS 5/13-502.5)

17 Sec. 13-502.5. Services alleged to be improperly
18 classified.

19 (a) Any action or proceeding pending before the Commission
20 upon the effective date of this amendatory Act of the 92nd
21 General Assembly in which it is alleged that a
22 telecommunications carrier has improperly classified services
23 as competitive, other than a case pertaining to Section
24 13-506.1, shall be abated and shall not be maintained or
25 continued.

1 (b) All retail telecommunications services provided to
2 business end users by any telecommunications carrier subject,
3 as of May 1, 2001, to alternative regulation under an
4 alternative regulation plan pursuant to Section 13-506.1 of
5 this Act shall be classified as competitive as of the effective
6 date of this amendatory Act of the 92nd General Assembly
7 without further Commission review. Rates for retail
8 telecommunications services provided to business end users
9 with 4 or fewer access lines shall not exceed the rates the
10 carrier charged for those services on May 1, 2001. This
11 restriction upon the rates of retail telecommunications
12 services provided to business end users shall remain in force
13 and effect through July 1, 2005; provided, however, that
14 nothing in this Section shall be construed to prohibit
15 reduction of those rates. Rates for retail telecommunications
16 services provided to business end users with 5 or more access
17 lines shall not be subject to the restrictions set forth in
18 this subsection.

19 (c) All retail vertical services, as defined herein, that
20 are provided by a telecommunications carrier subject, as of May
21 1, 2001, to alternative regulation under an alternative
22 regulation plan pursuant to Section 13-506.1 of this Act shall
23 be classified as competitive as of June 1, 2003 without further
24 Commission review. Retail vertical services shall include, for
25 purposes of this Section, services available on a subscriber's
26 telephone line that the subscriber pays for on a periodic or

1 per use basis, but shall not include caller identification and
2 call waiting.

3 (d) Any action or proceeding before the Commission upon the
4 effective date of this amendatory Act of the 92nd General
5 Assembly, in which it is alleged that a telecommunications
6 carrier has improperly classified services as competitive,
7 other than a case pertaining to Section 13-506.1, shall be
8 abated and the services the classification of which is at issue
9 shall be deemed either competitive or noncompetitive as set
10 forth in this Section. Any telecommunications carrier subject
11 to an action or proceeding in which it is alleged that the
12 telecommunications carrier has improperly classified services
13 as competitive shall be deemed liable to refund, and shall
14 refund, the sum of \$90,000,000 to that class or those classes
15 of its customers that were alleged to have paid rates in excess
16 of noncompetitive rates as the result of the alleged improper
17 classification. The telecommunications carrier shall make the
18 refund no later than 120 days after the effective date of this
19 amendatory Act of the 92nd General Assembly.

20 (e) Any telecommunications carrier subject to an action or
21 proceeding in which it is alleged that the telecommunications
22 carrier has improperly classified services as competitive
23 shall also pay the sum of \$15,000,000 to the Digital Divide
24 Elimination Fund established pursuant to Section 5-20 of the
25 Eliminate the Digital Divide Law, and shall further pay the sum
26 of \$15,000,000 to the Digital Divide Elimination

1 Infrastructure Fund established pursuant to Section 13-301.3
2 of this Act. The telecommunications carrier shall make each of
3 these payments in 3 installments of \$5,000,000, payable on July
4 1 of 2002, 2003, and 2004. The telecommunications carrier shall
5 have no further accounting for these payments, which shall be
6 used for the purposes established in the Eliminate the Digital
7 Divide Law.

8 (f) All other services shall be classified pursuant to
9 Section 13-502 of this Act.

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

11 (220 ILCS 5/13-503) (from Ch. 111 2/3, par. 13-503)

12 Sec. 13-503. Information available to the public. With
13 respect to rates or other charges made, demanded, or received
14 for any telecommunications service offered, provided, or to be
15 provided, that is subject to subsection (a) of Section 13-501
16 of this Act, telecommunications carriers shall comply with the
17 publication and filing provisions of Sections 9-101, 9-102,
18 9-102.1, and 9-201 of this Act. Except for the provision of
19 services offered or provided by payphone providers pursuant to
20 a tariff, telecommunications carriers shall make all tariffs
21 and all written service offerings for competitive
22 telecommunications service available electronically to the
23 public without requiring a password or other means of
24 registration. A telecommunications carrier's website shall, if
25 applicable, provide in a conspicuous manner information on the

1 rates, charges, terms, and conditions of service available and
2 a toll-free telephone number that may be used to contact an
3 agent for assistance with obtaining rate or other charge
4 information or the terms and conditions of service.

5 (Source: P.A. 98-45, eff. 6-28-13.)

6 (220 ILCS 5/13-504) (from Ch. 111 2/3, par. 13-504)

7 Sec. 13-504. Application of ratemaking provisions of
8 Article IX.

9 (a) Except where the context clearly renders such
10 provisions inapplicable, the ratemaking provisions of Article
11 IX of this Act relating to public utilities are fully and
12 equally applicable to the rates, charges, tariffs and
13 classifications for the offer or provision of noncompetitive
14 telecommunications services. However, the ratemaking
15 provisions do not apply to any proposed change in rates or
16 charges, any proposed change in any classification or tariff
17 resulting in a change in rates or charges, or the establishment
18 of new services and rates therefor for a noncompetitive local
19 exchange telecommunications service offered or provided by a
20 local exchange telecommunications carrier with no more than
21 35,000 subscriber access lines. Proposed changes in rates,
22 charges, classifications, or tariffs meeting these criteria
23 shall be permitted upon the filing of the proposed tariff and
24 30 days notice to the Commission and all potentially affected
25 customers. The proposed changes shall not be subject to

1 suspension. The Commission shall investigate whether any
2 proposed change is just and reasonable only if a
3 telecommunications carrier that is a customer of the local
4 exchange telecommunications carrier or 10% of the potentially
5 affected access line subscribers of the local exchange
6 telecommunications carrier shall file a petition or complaint
7 requesting an investigation of the proposed changes. When the
8 telecommunications carrier or 10% of the potentially affected
9 access line subscribers of a local exchange telecommunications
10 carrier file a complaint, the Commission shall, after notice
11 and hearing, have the power and duty to establish the rates,
12 charges, classifications, or tariffs it finds to be just and
13 reasonable.

14 (b) Subsection (c) of Section 13-502 and Sections 13-505.1,
15 13-505.4, 13-505.6, and 13-507 of this Article do not apply to
16 rates or charges or proposed changes in rates or charges for
17 applicable competitive or interexchange services when offered
18 or provided by a local exchange telecommunications carrier with
19 no more than 35,000 subscriber access lines. In addition,
20 Sections 13-514, 13-515, and 13-516 do not apply to
21 telecommunications carriers with no more than 35,000
22 subscriber access lines. The Commission may require
23 telecommunications carriers with no more than 35,000
24 subscriber access lines to furnish information that the
25 Commission deems necessary for a determination that rates and
26 charges for any competitive telecommunications service are

1 just and reasonable.

2 (c) For a local exchange telecommunications carrier with no
3 more than 35,000 access lines, the Commission shall consider
4 and adjust, as appropriate, a local exchange
5 telecommunications carrier's depreciation rates only in
6 ratemaking proceedings.

7 (d) Article VI and Sections 7-101 and 7-102 of Article VII
8 of this Act pertaining to public utilities, public utility
9 rates and services, and the regulation thereof are not
10 applicable to local exchange telecommunication carriers with
11 no more than 35,000 subscriber access lines.

12 (Source: P.A. 89-139, eff. 1-1-96; 90-185, eff. 7-23-97.)

13 (220 ILCS 5/13-505) (from Ch. 111 2/3, par. 13-505)

14 Sec. 13-505. Rate changes; competitive services. Any
15 proposed increase or decrease in rates or charges, or proposed
16 change in any classification, written service offering, or
17 tariff resulting in an increase or decrease in rates or
18 charges, for a competitive telecommunications service shall be
19 permitted upon the filing with the Commission or posting on the
20 telecommunications carrier's website of the proposed rate,
21 charge, classification, written service offering, or tariff
22 pursuant to Section 13-501 of this Act. Notice of an increase
23 shall be given, no later than the prior billing cycle, to all
24 potentially affected customers by mail or equivalent means of
25 notice, including electronic if the customer has elected

1 electronic billing. Additional notice by publication in a
2 newspaper of general circulation may also be given.

3 (Source: P.A. 98-45, eff. 6-28-13.)

4 (220 ILCS 5/13-505.2) (from Ch. 111 2/3, par. 13-505.2)

5 Sec. 13-505.2. Nondiscrimination in the provision of
6 noncompetitive services. A telecommunications carrier that
7 offers both noncompetitive and competitive services shall
8 offer the noncompetitive services under the same rates, terms,
9 and conditions without unreasonable discrimination to all
10 persons, including all telecommunications carriers and
11 competitors. A telecommunications carrier that offers a
12 noncompetitive service together with any optional feature or
13 functionality shall offer the noncompetitive service together
14 with each optional feature or functionality under the same
15 rates, terms, and conditions without unreasonable
16 discrimination to all persons, including all
17 telecommunications carriers and competitors.

18 (Source: P.A. 87-856.)

19 (220 ILCS 5/13-505.3) (from Ch. 111 2/3, par. 13-505.3)

20 Sec. 13-505.3. Services for resale. A telecommunications
21 carrier that offers both noncompetitive and competitive
22 services shall offer all noncompetitive services, together
23 with each applicable optional feature or functionality,
24 subject to resale; however, the Commission may determine under

1 Article IX of this Act that certain noncompetitive services,
2 together with each applicable optional feature or
3 functionality, that are offered to residence customers under
4 different rates, charges, terms, or conditions than to other
5 customers should not be subject to resale under the rates,
6 charges, terms, or conditions available only to residence
7 customers.

8 (Source: P.A. 87-856.)

9 (220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4)

10 Sec. 13-505.4. Provision of noncompetitive services.

11 (a) A telecommunications carrier that offers or provides a
12 noncompetitive service, service element, feature, or
13 functionality on a separate, stand-alone basis to any customer
14 shall provide that service, service element, feature, or
15 functionality pursuant to tariff to all persons, including all
16 telecommunications carriers and competitors, in accordance
17 with the provisions of this Article.

18 (b) A telecommunications carrier that offers or provides a
19 noncompetitive service, service element, feature, or
20 functionality to any customer as part of an offering of
21 competitive services pursuant to tariff or contract shall
22 publicly disclose the offering or provisioning of the
23 noncompetitive service, service element, feature, or
24 functionality by filing with the Commission information that
25 generally describes the offering or provisioning and that shows

1 the rates, terms, and conditions of the noncompetitive service,
2 service element, feature, or functionality. The information
3 shall be filed with the Commission concurrently with the filing
4 of the tariff or not more than 10 days following the customer's
5 acceptance of the offering in a contract.

6 (c) A telecommunications carrier that is not subject to
7 regulation under an alternative regulation plan pursuant to
8 Section 13-506.1 of this Act may reduce the rate or charge for
9 a noncompetitive service, service element, feature, or
10 functionality offered to customers on a separate, stand-alone
11 basis or as part of a bundled service offering by filing with
12 the Commission a tariff that shows the reduced rate or charge
13 and all applicable terms and conditions of the noncompetitive
14 service, service element, feature, or functionality or bundled
15 offering. The reduction of rates or charges shall be permitted
16 upon the filing of the proposed rate, charge, classification,
17 tariff, or bundled offering. The total price of a bundled
18 offering shall not attribute any portion of the charge to
19 services subject to the jurisdiction of the Commission and
20 shall not be binding on the Commission in any proceeding under
21 Article IX of this Act to set the revenue requirement or to set
22 just and reasonable rates for services subject to the
23 jurisdiction of the Commission. Prices for bundles shall not be
24 subject to Section 13-505.1 of this Act. For purposes of this
25 subsection (c), a bundle is a group of services offered
26 together for a fixed price where at least one of the services

1 is an interLATA service as that term is defined in 47 U.S.C.
2 153(21), a cable service or a video service, a community
3 antenna television service, a satellite broadcast service, a
4 public mobile service as defined in Section 13-214 of this Act,
5 or an advanced telecommunications service as "advanced
6 telecommunications services" is defined in Section 13-517 of
7 this Act.

8 (Source: P.A. 95-9, eff. 6-30-07.)

9 (220 ILCS 5/13-505.5) (from Ch. 111 2/3, par. 13-505.5)

10 Sec. 13-505.5. Requests for new noncompetitive services.
11 Any party may petition the Commission to request the provision
12 of a noncompetitive service not currently provided by a local
13 exchange carrier within its service territory. The Commission
14 shall grant the petition, provided that it can be demonstrated
15 that the provisioning of the requested service is technically
16 and economically practicable considering demand for the
17 service, and absent a finding that provision of the service is
18 otherwise contrary to the public interest. The Commission shall
19 render its decision within 180 days after the filing of the
20 petition unless extension of the time period is agreed to by
21 all the parties to the proceeding.

22 (Source: P.A. 87-856.)

23 (220 ILCS 5/13-505.6) (from Ch. 111 2/3, par. 13-505.6)

24 Sec. 13-505.6. Unbundling of noncompetitive services. A

1 telecommunications carrier that provides both noncompetitive
2 and competitive telecommunications services shall provide all
3 noncompetitive telecommunications services on an unbundled
4 basis to the same extent the Federal Communications Commission
5 requires that carrier to unbundle the same services provided
6 under its jurisdiction. The Illinois Commerce Commission may
7 require additional unbundling of noncompetitive
8 telecommunications services over which it has jurisdiction
9 based on a determination, after notice and hearing, that
10 additional unbundling is in the public interest and is
11 consistent with the policy goals and other provisions of this
12 Act.

13 (Source: P.A. 87-856.)

14 (220 ILCS 5/13-506.1) (from Ch. 111 2/3, par. 13-506.1)

15 Sec. 13-506.1. Alternative forms of regulation for
16 noncompetitive services.

17 (a) Notwithstanding any of the ratemaking provisions of
18 this Article or Article IX that are deemed to require rate of
19 return regulation, the Commission may implement alternative
20 forms of regulation in order to establish just and reasonable
21 rates for noncompetitive telecommunications services
22 including, but not limited to, price regulation, earnings
23 sharing, rate moratoria, or a network modernization plan. The
24 Commission is authorized to adopt different forms of regulation
25 to fit the particular characteristics of different

1 telecommunications carriers and their service areas.

2 In addition to the public policy goals declared in Section
3 13-103, the Commission shall consider, in determining the
4 appropriateness of any alternative form of regulation, whether
5 it will:

6 (1) reduce regulatory delay and costs over time;

7 (2) encourage innovation in services;

8 (3) promote efficiency;

9 (4) facilitate the broad dissemination of technical
10 improvements to all classes of ratepayers;

11 (5) enhance economic development of the State; and

12 (6) provide for fair, just, and reasonable rates.

13 (b) A telecommunications carrier providing noncompetitive
14 telecommunications services may petition the Commission to
15 regulate the rates or charges of its noncompetitive services
16 under an alternative form of regulation. The
17 telecommunications carrier shall submit with its petition its
18 plan for an alternative form of regulation. The Commission
19 shall review and may modify or reject the carrier's proposed
20 plan. The Commission also may initiate consideration of
21 alternative forms of regulation for a telecommunications
22 carrier on its own motion. The Commission may approve the plan
23 or modified plan and authorize its implementation only if it
24 finds, after notice and hearing, that the plan or modified plan
25 at a minimum:

26 (1) is in the public interest;

1 (2) will produce fair, just, and reasonable rates for
2 telecommunications services;

3 (3) responds to changes in technology and the structure
4 of the telecommunications industry that are, in fact,
5 occurring;

6 (4) constitutes a more appropriate form of regulation
7 based on the Commission's overall consideration of the
8 policy goals set forth in Section 13-103 and this Section;

9 (5) specifically identifies how ratepayers will
10 benefit from any efficiency gains, cost savings arising out
11 of the regulatory change, and improvements in productivity
12 due to technological change;

13 (6) will maintain the quality and availability of
14 telecommunications services; and

15 (7) will not unduly or unreasonably prejudice or
16 disadvantage any particular customer class, including
17 telecommunications carriers.

18 (c) An alternative regulation plan approved under this
19 Section shall provide, as a condition for Commission approval
20 of the plan, that for the first 3 years the plan is in effect,
21 basic residence service rates shall be no higher than those
22 rates in effect 180 days before the filing of the plan. This
23 provision shall not be used as a justification or rationale for
24 an increase in basic service rates for any other customer
25 class. For purposes of this Section, "basic residence service
26 rates" shall mean monthly recurring charges for the

1 telecommunications carrier's lowest priced primary residence
2 network access lines, along with any associated untimed or flat
3 rate local usage charges. Nothing in this subsection (c) shall
4 preclude the Commission from approving an alternative
5 regulation plan that results in rate reductions provided all
6 the requirements of subsection (b) are satisfied by the plan.

7 (d) Any alternative form of regulation granted for a
8 multi-year period under this Section shall provide for annual
9 or more frequent reporting to the Commission to document that
10 the requirements of the plan are being properly implemented.

11 (e) Upon petition by the telecommunications carrier or any
12 other person or upon its own motion, the Commission may rescind
13 its approval of an alternative form of regulation if, after
14 notice and hearing, it finds that the conditions set forth in
15 subsection (b) of this Section can no longer be satisfied. Any
16 person may file a complaint alleging that the rates charged by
17 a telecommunications carrier under an alternative form of
18 regulation are unfair, unjust, unreasonable, unduly
19 discriminatory, or are otherwise not consistent with the
20 requirements of this Article; provided, that the complainant
21 shall bear the burden of proving the allegations in the
22 complaint.

23 (f) Nothing in this Section shall be construed to authorize
24 the Commission to render Sections 9-241, 9-250, and 13-505.2
25 inapplicable to noncompetitive services.

26 (Source: P.A. 87-856.)

1 (220 ILCS 5/13-506.2)

2 Sec. 13-506.2. Market regulation for competitive retail
3 services.

4 (a) Definitions. As used in this Section:

5 (1) "Electing Provider" means a telecommunications
6 carrier that is subject to either rate regulation pursuant
7 to Section 13-504 or Section 13-505 or alternative
8 regulation pursuant to Section 13-506.1 and that elects to
9 have the rates, terms, and conditions of its competitive
10 retail telecommunications services solely determined and
11 regulated pursuant to the terms of this Article.

12 (2) "Basic local exchange service" means either a
13 stand-alone residence network access line and per-call
14 usage or, for any geographic area in which such stand-alone
15 service is not offered, a stand-alone flat rate residence
16 network access line for which local calls are not charged
17 for frequency or duration. Extended Area Service shall be
18 included in basic local exchange service.

19 (3) "Existing customer" means a residential customer
20 who was subscribing to one of the optional packages
21 described in subsection (d) of this Section as of the
22 effective date of this amendatory Act of the 99th General
23 Assembly. A customer who was subscribing to one of the
24 optional packages on that date but stops subscribing
25 thereafter shall not be considered an "existing customer"

1 as of the date the customer stopped subscribing to the
2 optional package, unless the stoppage is temporary and
3 caused by the customer changing service address locations,
4 or unless the customer resumes subscribing and is eligible
5 to receive discounts on monthly telephone service under the
6 federal Lifeline program, 47 C.F.R. Part 54, Subpart E.

7 (4) "New customer" means a residential customer who was
8 not subscribing to one of the optional packages described
9 in subsection (d) of this Section as of the effective date
10 of this amendatory Act of the 99th General Assembly and who
11 is eligible to receive discounts on monthly telephone
12 service under the federal Lifeline program, 47 C.F.R. Part
13 54, Subpart E.

14 (b) Election for market regulation. Notwithstanding any
15 other provision of this Act, an Electing Provider may elect to
16 have the rates, terms, and conditions of its competitive retail
17 telecommunications services solely determined and regulated
18 pursuant to the terms of this Section by filing written notice
19 of its election for market regulation with the Commission. The
20 notice of election shall designate the geographic area of the
21 Electing Provider's service territory where the market
22 regulation shall apply, either on a state-wide basis or in one
23 or more specified Market Service Areas ("MSA") or Exchange
24 areas. An Electing Provider shall not make an election for
25 market regulation under this Section unless it commits in its
26 written notice of election for market regulation to fulfill the

1 conditions and requirements in this Section in each geographic
2 area in which market regulation is elected. Immediately upon
3 filing the notice of election for market regulation, the
4 Electing Provider shall be subject to the jurisdiction of the
5 Commission to the extent expressly provided in this Section.

6 (c) Competitive classification. Market regulation shall be
7 available for competitive retail telecommunications services
8 as provided in this subsection.

9 (1) For geographic areas in which telecommunications
10 services provided by the Electing Provider were classified
11 as competitive either through legislative action or a
12 tariff filing pursuant to Section 13-502 prior to January
13 1, 2010, and that are included in the Electing Provider's
14 notice of election pursuant to subsection (b) of this
15 Section, such services, and all recurring and nonrecurring
16 charges associated with, related to or used in connection
17 with such services, shall be classified as competitive
18 without further Commission review. For services classified
19 as competitive pursuant to this subsection, the
20 requirements or conditions in any order or decision
21 rendered by the Commission pursuant to Section 13-502 prior
22 to the effective date of this amendatory Act of the 96th
23 General Assembly, except for the commitments made by the
24 Electing Provider in such order or decision concerning the
25 optional packages required in subsection (d) of this
26 Section and basic local exchange service as defined in this

1 Section, shall no longer be in effect and no Commission
2 investigation, review, or proceeding under Section 13-502
3 shall be continued, conducted, or maintained with respect
4 to such services, charges, requirements, or conditions. If
5 an Electing Provider has ceased providing optional
6 packages to customers pursuant to subdivision (d)(8) of
7 this Section, the commitments made by the Electing Provider
8 in such order or decision concerning the optional packages
9 under subsection (d) of this Section shall no longer be in
10 effect and no Commission investigation, review, or
11 proceeding under Section 13-502 shall be continued,
12 conducted, or maintained with respect to such packages.

13 (2) For those geographic areas in which residential
14 local exchange telecommunications services have not been
15 classified as competitive as of the effective date of this
16 amendatory Act of the 96th General Assembly, all
17 telecommunications services provided to residential and
18 business end users by an Electing Provider in the
19 geographic area that is included in its notice of election
20 pursuant to subsection (b) shall be classified as
21 competitive for purposes of this Article without further
22 Commission review.

23 (3) If an Electing Provider was previously subject to
24 alternative regulation pursuant to Section 13-506.1 of
25 this Article, the alternative regulation plan shall
26 terminate in whole for all services subject to that plan

1 and be of no force or effect, without further Commission
2 review or action, when the Electing Provider's residential
3 local exchange telecommunications service in each MSA in
4 its telecommunications service area in the State has been
5 classified as competitive pursuant to either subdivision
6 (c) (1) or (c) (2) of this Section.

7 (4) The service packages described in Section 13-518
8 shall be classified as competitive for purposes of this
9 Section if offered by an Electing Provider in a geographic
10 area in which local exchange telecommunications service
11 has been classified as competitive pursuant to either
12 subdivision (c) (1) or (c) (2) of this Section.

13 (5) Where a service, or its functional equivalent, or a
14 substitute service offered by a carrier that is not an
15 Electing Provider or the incumbent local exchange carrier
16 for that area is also being offered by an Electing Provider
17 for some identifiable class or group of customers in an
18 exchange, group of exchanges, or some other clearly defined
19 geographical area, the service offered by a carrier that is
20 not an Electing Provider or the incumbent local exchange
21 carrier for that area shall be classified as competitive
22 without further Commission review.

23 (6) Notwithstanding any other provision of this Act,
24 retail telecommunications services classified as
25 competitive pursuant to Section 13-502 or subdivision
26 (c) (5) of this Section shall have their rates, terms, and

1 conditions solely determined and regulated pursuant to the
2 terms of this Section in the same manner and to the same
3 extent as the competitive retail telecommunications
4 services of an Electing Provider, except that subsections
5 (d), (g), and (j) of this Section shall not apply to a
6 carrier that is not an Electing Provider or to the
7 competitive telecommunications services of a carrier that
8 is not an Electing Provider. The access services of a
9 carrier that is not an Electing Provider shall remain
10 subject to Section 13-900.2. The requirements in
11 subdivision (e)(3) of this Section shall not apply to
12 retail telecommunications services classified as
13 competitive pursuant to Section 13-502 or subdivision
14 (c)(5) of this Section, except that, upon request from the
15 Commission, the telecommunications carrier providing
16 competitive retail telecommunications services shall
17 provide a report showing the number of credits and
18 exemptions for the requested time period.

19 (d) Consumer choice safe harbor options.

20 (1) Subject to subdivision (d)(8) of this Section, an
21 Electing Provider in each of the MSA or Exchange areas
22 classified as competitive pursuant to subdivision (c)(1)
23 or (c)(2) of this Section shall offer to all residential
24 customers who choose to subscribe the following optional
25 packages of services priced at the same rate levels in
26 effect on January 1, 2010:

1 (A) A basic package, which shall consist of a
2 stand-alone residential network access line and 30
3 local calls. If the Electing Provider offers a
4 stand-alone residential access line and local usage on
5 a per call basis, the price for the basic package shall
6 be the Electing Provider's applicable price in effect
7 on January 1, 2010 for the sum of a residential access
8 line and 30 local calls, additional calls over 30 calls
9 shall be provided at the current per call rate.
10 However, this basic package is not required if
11 stand-alone residential network access lines or
12 per-call local usage are not offered by the Electing
13 Provider in the geographic area on January 1, 2010 or
14 if the Electing Provider has not increased its
15 stand-alone network access line and local usage rates,
16 including Extended Area Service rates, since January
17 1, 2010.

18 (B) An extra package, which shall consist of
19 residential basic local exchange network access line
20 and unlimited local calls. The price for the extra
21 package shall be the Electing Provider's applicable
22 price in effect on January 1, 2010 for a residential
23 access line with unlimited local calls.

24 (C) A plus package, which shall consist of
25 residential basic local exchange network access line,
26 unlimited local calls, and the customer's choice of 2

1 vertical services offered by the Electing Provider.
2 The term "vertical services" as used in this
3 subsection, includes, but is not limited to, call
4 waiting, call forwarding, 3-way calling, caller ID,
5 call tracing, automatic callback, repeat dialing, and
6 voicemail. The price for the plus package shall be the
7 Electing Provider's applicable price in effect on
8 January 1, 2010 for the sum of a residential access
9 line with unlimited local calls and 2 times the average
10 price for the vertical features included in the
11 package.

12 (2) Subject to subdivision (d) (8) of this Section, for
13 those geographic areas in which local exchange
14 telecommunications services were classified as competitive
15 on the effective date of this amendatory Act of the 96th
16 General Assembly, an Electing Provider in each such MSA or
17 Exchange area shall be subject to the same terms and
18 conditions as provided in commitments made by the Electing
19 Provider in connection with such previous competitive
20 classifications, which shall apply with equal force under
21 this Section, except as follows: (i) the limits on price
22 increases on the optional packages required by this Section
23 shall be extended consistent with subsection (d) (1) of this
24 Section and (ii) the price for the extra package required
25 by subsection (d) (1) (B) shall be reduced by one dollar from
26 the price in effect on January 1, 2010. In addition, if an

1 Electing Provider obtains a competitive classification
2 pursuant to subsection (c) (1) and (c) (2), the price for the
3 optional packages shall be determined in such area in
4 compliance with subsection (d) (1), except the price for the
5 plus package required by subsection (d) (1) (C) shall be the
6 lower of the price for such area or the price of the plus
7 package in effect on January 1, 2010 for areas classified
8 as competitive pursuant to subsection (c) (1).

9 (3) To the extent that the requirements in Section
10 13-518 applied to a telecommunications carrier prior to the
11 effective date of this Section and that telecommunications
12 carrier becomes an Electing Provider in accordance with the
13 provisions of this Section, the requirements in Section
14 13-518 shall cease to apply to that Electing Provider in
15 those geographic areas included in the Electing Provider's
16 notice of election pursuant to subsection (b) of this
17 Section.

18 (4) Subject to subdivision (d) (8) of this Section, an
19 Electing Provider shall make the optional packages
20 required by this subsection and stand-alone residential
21 network access lines and local usage, where offered,
22 readily available to the public by providing information,
23 in a clear manner, to residential customers. Information
24 shall be made available on a website, and an Electing
25 Provider shall provide notification to its customers every
26 6 months, provided that notification may consist of a bill

1 page message that provides an objective description of the
2 safe harbor options that includes a telephone number and
3 website address where the customer may obtain additional
4 information about the packages from the Electing Provider.
5 The optional packages shall be offered on a monthly basis
6 with no term of service requirement. An Electing Provider
7 shall allow online electronic ordering of the optional
8 packages and stand-alone residential network access lines
9 and local usage, where offered, on its website in a manner
10 similar to the online electronic ordering of its other
11 residential services.

12 (5) Subject to subdivision (d)(8) of this Section, an
13 Electing Provider shall comply with the Commission's
14 existing rules, regulations, and notices in Title 83, Part
15 735 of the Illinois Administrative Code when offering or
16 providing the optional packages required by this
17 subsection (d) and stand-alone residential network access
18 lines.

19 (6) Subject to subdivision (d)(8) of this Section, an
20 Electing Provider shall provide to the Commission
21 semi-annual subscribership reports as of June 30 and
22 December 31 that contain the number of its customers
23 subscribing to each of the consumer choice safe harbor
24 packages required by subsection (d)(1) of this Section and
25 the number of its customers subscribing to retail
26 residential basic local exchange service as defined in

1 subsection (a)(2) of this Section. The first semi-annual
2 reports shall be made on April 1, 2011 for December 31,
3 2010, and on September 1, 2011 for June 30, 2011, and
4 semi-annually on April 1 and September 1 thereafter. Such
5 subscribership information shall be accorded confidential
6 and proprietary treatment upon request by the Electing
7 Provider.

8 (7) The Commission shall have the power, after notice
9 and hearing as provided in this Article, upon complaint or
10 upon its own motion, to take corrective action if the
11 requirements of this Section are not complied with by an
12 Electing Provider.

13 (8) On and after the effective date of this amendatory
14 Act of the 99th General Assembly, an Electing Provider
15 shall continue to offer and provide the optional packages
16 described in this subsection (d) to existing customers and
17 new customers. On and after July 1, 2017, an Electing
18 Provider may immediately stop offering the optional
19 packages described in this subsection (d) and, upon
20 providing two notices to affected customers and to the
21 Commission, may stop providing the optional packages
22 described in this subsection (d) to all customers who
23 subscribe to one of the optional packages. The first notice
24 shall be provided at least 90 days before the date upon
25 which the Electing Provider intends to stop providing the
26 optional packages, and the second notice must be provided

1 at least 30 days before that date. The first notice shall
2 not be provided prior to July 1, 2017. Each notice must
3 identify the date on which the Electing Provider intends to
4 stop providing the optional packages, at least one
5 alternative service available to the customer, and a
6 telephone number by which the customer may contact a
7 service representative of the Electing Provider. After
8 July 1, 2017 with respect to new customers, and upon the
9 expiration of the second notice period with respect to
10 customers who were subscribing to one of the optional
11 packages, subdivisions (d)(1), (d)(2), (d)(4), (d)(5),
12 (d)(6), and (d)(7) of this Section shall not apply to the
13 Electing Provider. Notwithstanding any other provision of
14 this Article, an Electing Provider that has ceased
15 providing the optional packages under this subdivision
16 (d)(8) is not subject to Section 13-301(1)(c) of this Act.
17 Notwithstanding any other provision of this Act, and
18 subject to subdivision (d)(7) of this Section, the
19 Commission's authority over the discontinuance of the
20 optional packages described in this subsection (d) by an
21 Electing Provider shall be governed solely by this
22 subsection (d)(8).

23 (e) Service quality and customer credits for basic local
24 exchange service.

25 (1) An Electing Provider shall meet the following
26 service quality standards in providing basic local

1 exchange service, which for purposes of this subsection
2 (e), includes both basic local exchange service and any
3 consumer choice safe harbor options that may be required by
4 subsection (d) of this Section.

5 (A) Install basic local exchange service within 5
6 business days after receipt of an order from the
7 customer unless the customer requests an installation
8 date that is beyond 5 business days after placing the
9 order for basic service and to inform the customer of
10 the Electing Provider's duty to install service within
11 this timeframe. If installation of service is
12 requested on or by a date more than 5 business days in
13 the future, the Electing Provider shall install
14 service by the date requested.

15 (B) Restore basic local exchange service for the
16 customer within 30 hours after receiving notice that
17 the customer is out of service.

18 (C) Keep all repair and installation appointments
19 for basic local exchange service if a customer premises
20 visit requires a customer to be present. The
21 appointment window shall be either a specific time or,
22 at a maximum, a 4-hour time block during evening,
23 weekend, and normal business hours.

24 (D) Inform a customer when a repair or installation
25 appointment requires the customer to be present.

26 (2) Customers shall be credited by the Electing

1 Provider for violations of basic local exchange service
2 quality standards described in subdivision (e)(1) of this
3 Section. The credits shall be applied automatically on the
4 statement issued to the customer for the next monthly
5 billing cycle following the violation or following the
6 discovery of the violation. The next monthly billing cycle
7 following the violation or the discovery of the violation
8 means the billing cycle immediately following the billing
9 cycle in process at the time of the violation or discovery
10 of the violation, provided the total time between the
11 violation or discovery of the violation and the issuance of
12 the credit shall not exceed 60 calendar days. The Electing
13 Provider is responsible for providing the credits and the
14 customer is under no obligation to request such credits.
15 The following credits shall apply:

16 (A) If an Electing Provider fails to repair an
17 out-of-service condition for basic local exchange
18 service within 30 hours, the Electing Provider shall
19 provide a credit to the customer. If the service
20 disruption is for more than 30 hours, but not more than
21 48 hours, the credit must be equal to a pro-rata
22 portion of the monthly recurring charges for all basic
23 local exchange services disrupted. If the service
24 disruption is for more than 48 hours, but not more than
25 72 hours, the credit must be equal to at least 33% of
26 one month's recurring charges for all local services

1 disrupted. If the service disruption is for more than
2 72 hours, but not more than 96 hours, the credit must
3 be equal to at least 67% of one month's recurring
4 charges for all basic local exchange services
5 disrupted. If the service disruption is for more than
6 96 hours, but not more than 120 hours, the credit must
7 be equal to one month's recurring charges for all basic
8 local exchange services disrupted. For each day or
9 portion thereof that the service disruption continues
10 beyond the initial 120-hour period, the Electing
11 Provider shall also provide an additional credit of \$20
12 per calendar day.

13 (B) If an Electing Provider fails to install basic
14 local exchange service as required under subdivision
15 (e) (1) of this Section, the Electing Provider shall
16 waive 50% of any installation charges, or in the
17 absence of an installation charge or where
18 installation is pursuant to the Link Up program, the
19 Electing Provider shall provide a credit of \$25. If an
20 Electing Provider fails to install service within 10
21 business days after the service application is placed,
22 or fails to install service within 5 business days
23 after the customer's requested installation date, if
24 the requested date was more than 5 business days after
25 the date of the order, the Electing Provider shall
26 waive 100% of the installation charge, or in the

1 absence of an installation charge or where
2 installation is provided pursuant to the Link Up
3 program, the Electing Provider shall provide a credit
4 of \$50. For each day that the failure to install
5 service continues beyond the initial 10 business days,
6 or beyond 5 business days after the customer's
7 requested installation date, if the requested date was
8 more than 5 business days after the date of the order,
9 the Electing Provider shall also provide an additional
10 credit of \$20 per calendar day until the basic local
11 exchange service is installed.

12 (C) If an Electing Provider fails to keep a
13 scheduled repair or installation appointment when a
14 customer premises visit requires a customer to be
15 present as required under subdivision (e)(1) of this
16 Section, the Electing Provider shall credit the
17 customer \$25 per missed appointment. A credit required
18 by this subdivision does not apply when the Electing
19 Provider provides the customer notice of its inability
20 to keep the appointment no later than 8:00 pm of the
21 day prior to the scheduled date of the appointment.

22 (D) Credits required by this subsection do not
23 apply if the violation of a service quality standard:

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

26 (ii) occurs as a result of a malfunction of

1 customer-owned telephone equipment or inside
2 wiring;

3 (iii) occurs as a result of, or is extended by,
4 an emergency situation as defined in 83 Ill. Adm.
5 Code 732.10;

6 (iv) is extended by the Electing Provider's
7 inability to gain access to the customer's
8 premises due to the customer missing an
9 appointment, provided that the violation is not
10 further extended by the Electing Provider;

11 (v) occurs as a result of a customer request to
12 change the scheduled appointment, provided that
13 the violation is not further extended by the
14 Electing Provider;

15 (vi) occurs as a result of an Electing
16 Provider's right to refuse service to a customer as
17 provided in Commission rules; or

18 (vii) occurs as a result of a lack of
19 facilities where a customer requests service at a
20 geographically remote location, where a customer
21 requests service in a geographic area where the
22 Electing Provider is not currently offering
23 service, or where there are insufficient
24 facilities to meet the customer's request for
25 service, subject to an Electing Provider's
26 obligation for reasonable facilities planning.

1 (3) Each Electing Provider shall provide to the
2 Commission on a quarterly basis and in a form suitable for
3 posting on the Commission's website in conformance with the
4 rules adopted by the Commission and in effect on April 1,
5 2010, a public report that includes the following data for
6 basic local exchange service quality of service:

7 (A) With regard to credits due in accordance with
8 subdivision (e) (2) (A) as a result of out-of-service
9 conditions lasting more than 30 hours:

10 (i) the total dollar amount of any customer
11 credits paid;

12 (ii) the number of credits issued for repairs
13 between 30 and 48 hours;

14 (iii) the number of credits issued for repairs
15 between 49 and 72 hours;

16 (iv) the number of credits issued for repairs
17 between 73 and 96 hours;

18 (v) the number of credits used for repairs
19 between 97 and 120 hours;

20 (vi) the number of credits issued for repairs
21 greater than 120 hours; and

22 (vii) the number of exemptions claimed for
23 each of the categories identified in subdivision
24 (e) (2) (D).

25 (B) With regard to credits due in accordance with
26 subdivision (e) (2) (B) as a result of failure to install

1 basic local exchange service:

2 (i) the total dollar amount of any customer
3 credits paid;

4 (ii) the number of installations after 5
5 business days;

6 (iii) the number of installations after 10
7 business days;

8 (iv) the number of installations after 11
9 business days; and

10 (v) the number of exemptions claimed for each
11 of the categories identified in subdivision
12 (e) (2) (D).

13 (C) With regard to credits due in accordance with
14 subdivision (e) (2) (C) as a result of missed
15 appointments:

16 (i) the total dollar amount of any customer
17 credits paid;

18 (ii) the number of any customers receiving
19 credits; and

20 (iii) the number of exemptions claimed for
21 each of the categories identified in subdivision
22 (e) (2) (D).

23 (D) The Electing Provider's annual report required
24 by this subsection shall also include, for
25 informational reporting, the performance data
26 described in subdivisions (e) (2) (A), (e) (2) (B), and

1 (e) (2) (C), and trouble reports per 100 access lines
2 calculated using the Commission's existing applicable
3 rules and regulations for such measures, including the
4 requirements for service standards established in this
5 Section.

6 (4) It is the intent of the General Assembly that the
7 service quality rules and customer credits in this
8 subsection (e) of this Section and other enforcement
9 mechanisms, including fines and penalties authorized by
10 Section 13-305, shall apply on a nondiscriminatory basis to
11 all Electing Providers. Accordingly, notwithstanding any
12 provision of any service quality rules promulgated by the
13 Commission, any alternative regulation plan adopted by the
14 Commission, or any other order of the Commission, any
15 Electing Provider that is subject to any other order of the
16 Commission and that violates or fails to comply with the
17 service quality standards promulgated pursuant to this
18 subsection (e) or any other order of the Commission shall
19 not be subject to any fines, penalties, customer credits,
20 or enforcement mechanisms other than such fines or
21 penalties or customer credits as may be imposed by the
22 Commission in accordance with the provisions of this
23 subsection (e) and Section 13-305, which are to be
24 generally applicable to all Electing Providers. The amount
25 of any fines or penalties imposed by the Commission for
26 failure to comply with the requirements of this subsection

1 (e) shall be an appropriate amount, taking into account, at
2 a minimum, the Electing Provider's gross annual intrastate
3 revenue; the frequency, duration, and recurrence of the
4 violation; and the relative harm caused to the affected
5 customers or other users of the network. In imposing fines
6 and penalties, the Commission shall take into account
7 compensation or credits paid by the Electing Provider to
8 its customers pursuant to this subsection (e) in
9 compensation for any violation found pursuant to this
10 subsection (e), and in any event the fine or penalty shall
11 not exceed an amount equal to the maximum amount of a civil
12 penalty that may be imposed under Section 13-305.

13 (5) An Electing Provider in each of the MSA or Exchange
14 areas classified as competitive pursuant to subsection (c)
15 of this Section shall fulfill the requirements in
16 subdivision (e)(3) of this Section for 3 years after its
17 notice of election becomes effective. After such 3 years,
18 the requirements in subdivision (e)(3) of this Section
19 shall not apply to such Electing Provider, except that,
20 upon request from the Commission, the Electing Provider
21 shall provide a report showing the number of credits and
22 exemptions for the requested time period.

23 (f) Commission jurisdiction over competitive retail
24 telecommunications services. Except as otherwise expressly
25 stated in this Section, the Commission shall thereafter have no
26 jurisdiction or authority over any aspect of competitive retail

1 telecommunications service of an Electing Provider in those
2 geographic areas included in the Electing Provider's notice of
3 election pursuant to subsection (b) of this Section or of a
4 retail telecommunications service classified as competitive
5 pursuant to Section 13-502 or subdivision (c)(5) of this
6 Section, heretofore subject to the jurisdiction of the
7 Commission, including but not limited to, any requirements of
8 this Article related to the terms, conditions, rates, quality
9 of service, availability, classification or any other aspect of
10 any competitive retail telecommunications services. No
11 telecommunications carrier shall commit any unfair or
12 deceptive act or practice in connection with any aspect of the
13 offering or provision of any competitive retail
14 telecommunications service. Nothing in this Article shall
15 limit or affect any provisions in the Consumer Fraud and
16 Deceptive Business Practices Act with respect to any unfair or
17 deceptive act or practice by a telecommunications carrier.

18 (g) Commission authority over access services upon
19 election for market regulation.

20 (1) As part of its Notice of Election for Market
21 Regulation, the Electing Provider shall reduce its
22 intrastate switched access rates to rates no higher than
23 its interstate switched access rates in 4 installments. The
24 first reduction must be made 30 days after submission of
25 its complete application for Notice of Election for Market
26 Regulation, and the Electing Provider must reduce its

1 intrastate switched access rates by an amount equal to 33%
2 of the difference between its current intrastate switched
3 access rates and its current interstate switched access
4 rates. The second reduction must be made no later than one
5 year after the first reduction, and the Electing Provider
6 must reduce its then current intrastate switched access
7 rates by an amount equal to 41% of the difference between
8 its then current intrastate switched access rates and its
9 then current interstate switched access rates. The third
10 reduction must be made no later than one year after the
11 second reduction, and the Electing Provider must reduce its
12 then current intrastate switched access rates by an amount
13 equal to 50% of the difference between its then current
14 intrastate switched access rate and its then current
15 interstate switched access rates. The fourth reduction
16 must be made on or before June 30, 2013, and the Electing
17 Provider must reduce its intrastate switched access rate to
18 mirror its then current interstate switched access rates
19 and rate structure. Following the fourth reduction, each
20 Electing Provider must continue to set its intrastate
21 switched access rates to mirror its interstate switched
22 access rates and rate structure. For purposes of this
23 subsection, the rate for intrastate switched access
24 service means the composite, per-minute rate for that
25 service, including all applicable fixed and
26 traffic-sensitive charges, including, but not limited to,

1 carrier common line charges.

2 (2) Nothing in paragraph (1) of this subsection (g)
3 prohibits an Electing Provider from electing to offer
4 intrastate switched access service at rates lower than its
5 interstate switched access rates.

6 (3) The Commission shall have no authority to order an
7 Electing Provider to set its rates for intrastate switched
8 access at a level lower than its interstate switched access
9 rates.

10 (4) The Commission's authority under this subsection
11 (g) shall only apply to Electing Providers under Market
12 Regulation. The Commission's authority over switched
13 access services for all other carriers is retained under
14 Section 13-900.2 of this Act.

15 (h) Safety of service equipment and facilities.

16 (1) An Electing Provider shall furnish, provide, and
17 maintain such service instrumentalities, equipment, and
18 facilities as shall promote the safety, health, comfort,
19 and convenience of its patrons, employees, and public and
20 as shall be in all respects adequate, reliable, and
21 efficient without discrimination or delay. Every Electing
22 Provider shall provide service and facilities that are in
23 all respects environmentally safe.

24 (2) The Commission is authorized to conduct an
25 investigation of any Electing Provider or part thereof. The
26 investigation may examine the reasonableness, prudence, or

1 efficiency of any aspect of the Electing Provider's
2 operations or functions that may affect the adequacy,
3 safety, efficiency, or reliability of telecommunications
4 service. The Commission may conduct or order an
5 investigation only when it has reasonable grounds to
6 believe that the investigation is necessary to assure that
7 the Electing Provider is providing adequate, efficient,
8 reliable, and safe service. The Commission shall, before
9 initiating any such investigation, issue an order
10 describing the grounds for the investigation and the
11 appropriate scope and nature of the investigation, which
12 shall be reasonably related to the grounds relied upon by
13 the Commission in its order.

14 (i) (Blank).

15 (j) Application of Article VII. The provisions of Sections
16 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are
17 applicable to an Electing Provider offering or providing retail
18 telecommunications service, and the Commission's regulation
19 thereof, except that (1) the approval of contracts and
20 arrangements with affiliated interests required by paragraph
21 (3) of Section 7-101 shall not apply to such telecommunications
22 carriers provided that, except as provided in item (2), those
23 contracts and arrangements shall be filed with the Commission;
24 (2) affiliated interest contracts or arrangements entered into
25 by such telecommunications carriers where the increased
26 obligation thereunder does not exceed the lesser of \$5,000,000

1 or 5% of such carrier's prior annual revenue from
2 noncompetitive services are not required to be filed with the
3 Commission; and (3) any consent and approval of the Commission
4 required by Section 7-102 is not required for the sale, lease,
5 assignment, or transfer by any Electing Provider of any
6 property that is not necessary or useful in the performance of
7 its duties to the public.

8 (k) Notwithstanding other provisions of this Section, the
9 Commission retains its existing authority to enforce the
10 provisions, conditions, and requirements of the following
11 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
12 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
13 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
14 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,
15 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,
16 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,
17 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,
18 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully
19 and equally applicable to Electing Providers and to
20 telecommunications carriers providing retail
21 telecommunications service classified as competitive pursuant
22 to Section 13-502 or subdivision (c) (5) of this Section subject
23 to the provisions of this Section. On the effective date of
24 this amendatory Act of the 98th General Assembly, the following
25 Sections of this Article shall cease to apply to Electing
26 Providers and to telecommunications carriers providing retail

1 telecommunications service classified as competitive pursuant
2 to Section 13-502 or subdivision (c)(5) of this Section:
3 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,
4 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,
5 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,
6 and 13-712.

7 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

8 (220 ILCS 5/13-507) (from Ch. 111 2/3, par. 13-507)

9 Sec. 13-507. In any proceeding permitting, approving,
10 investigating, or establishing rates, charges,
11 classifications, or tariffs for telecommunications services
12 offered or provided by a telecommunications carrier that offers
13 or provides both noncompetitive and competitive services, the
14 Commission shall not allow any subsidy of competitive services
15 or nonregulated activities by noncompetitive services. In the
16 event that facilities are utilized or expenses are incurred for
17 the provision of both competitive and noncompetitive services,
18 the Commission shall apportion the facilities and expenses
19 between noncompetitive services in the aggregate and
20 competitive services in the aggregate and shall allow or
21 establish rates or charges for the noncompetitive services
22 which reflect only that portion of the facilities or expenses
23 that it finds to be properly and reasonably apportioned to
24 noncompetitive services. An apportionment of facilities or
25 expenses between competitive and noncompetitive services,

1 together with any corresponding rate changes, shall be made in
2 general rate proceedings and in other proceedings, including
3 service classification proceedings, that are necessary to
4 ensure against any subsidy of competitive services by
5 noncompetitive services. The Commission shall have the power to
6 take or require such action as is necessary to ensure that
7 rates or charges for noncompetitive services reflect only the
8 value of facilities, or portion thereof, used and useful, and
9 the expenses or portion thereof reasonably and prudently
10 incurred, for the provision of the noncompetitive services. The
11 Commission may, in such event, also establish, by rule, any
12 additional procedures, rules, regulations, or mechanisms
13 necessary to identify and properly account for the value or
14 amount of such facilities or expenses.

15 The Commission may establish, by rule, appropriate methods
16 for ensuring against cross-subsidization between competitive
17 services and noncompetitive services as required under this
18 Article, including appropriate methods for calculating the
19 long-run service incremental costs of providing any
20 telecommunications service and, when appropriate, group of
21 services and methods for apportioning between noncompetitive
22 services in the aggregate and competitive services in the
23 aggregate the value of facilities utilized and expenses
24 incurred to provide both competitive and noncompetitive
25 services, for example, common overheads that are not accounted
26 for in the long-run service incremental costs of individual

1 services or groups of services. The Commission may order any
2 telecommunications carrier to conduct a long-run service
3 incremental cost study and to provide the results thereof to
4 the Commission. Any cost study provided to the Commission
5 pursuant to the provisions of this Section may, in the
6 Commission's discretion, be accorded proprietary treatment. In
7 addition to the requirements of subsection (c) of Section
8 13-502 and of Section 13-505.1 applicable to the rates and
9 charges for individual competitive services, the aggregate
10 gross revenues of all competitive services shall be equal to or
11 greater than the sum of the long-run service incremental costs
12 for all competitive services as a group and the value of other
13 facilities and expenses apportioned to competitive services as
14 a group under this Section.

15 (Source: P.A. 87-856.)

16 (220 ILCS 5/13-507.1)

17 Sec. 13-507.1. In any proceeding permitting, approving,
18 investigating, or establishing rates, charges,
19 classifications, or tariffs for telecommunications services
20 classified as noncompetitive offered or provided by an
21 incumbent local exchange carrier as that term is defined in
22 Section 13-202.1 of this Act, the Commission shall not allow
23 any subsidy of Internet services, cable services, or video
24 services by the rates or charges for local exchange
25 telecommunications services, including local services

1 classified as noncompetitive.

2 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

3 (220 ILCS 5/13-508) (from Ch. 111 2/3, par. 13-508)

4 Sec. 13-508. The Commission is authorized, after notice and
5 hearing, to order a telecommunications carrier which offers or
6 provides both competitive and noncompetitive
7 telecommunications service to establish a fully separated
8 subsidiary to provide all or part of such competitive service
9 where:

10 (a) no less costly means is available and effective in
11 fully and properly identifying and allocating costs between
12 such carrier's competitive and noncompetitive
13 telecommunications services; and

14 (b) the incremental cost of establishing and maintaining
15 such subsidiary would not require increases in rates or charges
16 to levels which would effectively preclude the offer or
17 provision of the affected competitive telecommunications
18 service.

19 (Source: P.A. 84-1063.)

20 (220 ILCS 5/13-508.1) (from Ch. 111 2/3, par. 13-508.1)

21 Sec. 13-508.1. Separate subsidiary requirement for certain
22 electronic publishing. A telecommunications carrier that
23 offers or provides both competitive and noncompetitive
24 services shall not provide (1) electronically published news,

1 feature, or entertainment material of the type generally
2 published in newspapers, or (2) electronic advertising
3 services, except through a fully separated subsidiary;
4 provided, however, that a telecommunications carrier shall be
5 allowed to resell, without editing the content, news, feature,
6 or entertainment material of the type generally published in
7 newspapers that it purchases from an unaffiliated entity or
8 from a separate subsidiary to the extent the separate
9 subsidiary makes that material available to all other persons
10 under the same rates, terms, and conditions. Nothing in this
11 Section shall prohibit a telecommunications carrier from
12 electronic advertising of its own regulated services or from
13 providing tariffed telecommunications services to a separate
14 subsidiary or an unaffiliated entity that provides
15 electronically published news, feature, or entertainment
16 material or electronic advertising services.

17 (Source: P.A. 87-856.)

18 (220 ILCS 5/13-509) (from Ch. 111 2/3, par. 13-509)

19 Sec. 13-509. Agreements for provisions of competitive
20 telecommunications services differing from tariffs or written
21 service offerings. A telecommunications carrier may negotiate
22 with customers or prospective customers to provide competitive
23 telecommunications service, and in so doing, may offer or agree
24 to provide such service on such terms and for such rates or
25 charges as are reasonable, without regard to any tariffs it may

1 have filed with the Commission or written service offerings
2 posted on the telecommunications carrier's website pursuant to
3 Section 13-501(c) of this Act with respect to such services.
4 Upon request of the Commission, the telecommunications carrier
5 shall submit to the Commission written notice of a list of any
6 such agreements (which list may be filed electronically) within
7 the past year. The notice shall identify the general nature of
8 all such agreements. A copy of each such agreement shall be
9 provided to the Commission within 10 business days after a
10 request for review of the agreement is made by the Commission
11 or is made to the Commission by another telecommunications
12 carrier or by a party to such agreement.

13 Any agreement or notice entered into or submitted pursuant
14 to the provisions of this Section may, in the Commission's
15 discretion, be accorded proprietary treatment.

16 (Source: P.A. 98-45, eff. 6-28-13.)

17 (220 ILCS 5/13-510) (from Ch. 111 2/3, par. 13-510)

18 Sec. 13-510. Compensation of payphone providers. Any
19 telecommunications carrier using the facilities or services of
20 a payphone provider shall pay the provider just and reasonable
21 compensation for the use of those facilities or services to
22 complete billable operator services calls and for any other use
23 that the Commission determines appropriate consistent with the
24 provisions of this Act. The compensation shall be determined by
25 the Commission subject to the provisions of this Act. This

1 Section shall not apply to the extent a telecommunications
2 carrier and a payphone provider have reached their own written
3 compensation agreement.

4 (Source: P.A. 87-856.)

5 (220 ILCS 5/13-512)

6 Sec. 13-512. Rules; review. The Commission shall have
7 general rulemaking authority to make rules necessary to enforce
8 this Article. However, not later than 270 days after the
9 effective date of this amendatory Act of 1997, and every 2
10 years thereafter, the Commission shall review all rules issued
11 under this Article that apply to the operations or activities
12 of any telecommunications carrier. The Commission shall, after
13 notice and hearing, repeal or modify any rule it determines to
14 be no longer in the public interest as the result of the
15 reasonable availability of competitive telecommunications
16 services.

17 (Source: P.A. 90-185, eff. 7-23-97.)

18 (220 ILCS 5/13-513)

19 Sec. 13-513. Waiver of rules. A telecommunications carrier
20 may petition for waiver of the application of a rule issued
21 pursuant to this Act. The burden of proof in establishing the
22 right to a waiver shall be upon the petitioner. The petition
23 shall include a demonstration that the waiver would not harm
24 consumers and would not impede the development or operation of

1 a competitive market. Upon such demonstration, the Commission
2 may waive the application of a rule, but not the application of
3 a provision of this Act. The Commission may conduct an
4 investigation of the petition on its own motion or at the
5 request of a potentially affected person. If no investigation
6 is conducted, the waiver shall be deemed granted 30 days after
7 the petition is filed.

8 (Source: P.A. 90-185, eff. 7-23-97.)

9 (220 ILCS 5/13-514)

10 Sec. 13-514. Prohibited actions of telecommunications
11 carriers. A telecommunications carrier shall not knowingly
12 impede the development of competition in any
13 telecommunications service market. The following prohibited
14 actions are considered per se impediments to the development of
15 competition; however, the Commission is not limited in any
16 manner to these enumerated impediments and may consider other
17 actions which impede competition to be prohibited:

18 (1) unreasonably refusing or delaying interconnections
19 or collocation or providing inferior connections to
20 another telecommunications carrier;

21 (2) unreasonably impairing the speed, quality, or
22 efficiency of services used by another telecommunications
23 carrier;

24 (3) unreasonably denying a request of another provider
25 for information regarding the technical design and

1 features, geographic coverage, information necessary for
2 the design of equipment, and traffic capabilities of the
3 local exchange network except for proprietary information
4 unless such information is subject to a proprietary
5 agreement or protective order;

6 (4) unreasonably delaying access in connecting another
7 telecommunications carrier to the local exchange network
8 whose product or service requires novel or specialized
9 access requirements;

10 (5) unreasonably refusing or delaying access by any
11 person to another telecommunications carrier;

12 (6) unreasonably acting or failing to act in a manner
13 that has a substantial adverse effect on the ability of
14 another telecommunications carrier to provide service to
15 its customers;

16 (7) unreasonably failing to offer services to
17 customers in a local exchange, where a telecommunications
18 carrier is certificated to provide service and has entered
19 into an interconnection agreement for the provision of
20 local exchange telecommunications services, with the
21 intent to delay or impede the ability of the incumbent
22 local exchange telecommunications carrier to provide
23 inter-LATA telecommunications services;

24 (8) violating the terms of or unreasonably delaying
25 implementation of an interconnection agreement entered
26 into pursuant to Section 252 of the federal

1 Telecommunications Act of 1996;

2 (9) unreasonably refusing or delaying access to or
3 provision of operation support systems to another
4 telecommunications carrier or providing inferior operation
5 support systems to another telecommunications carrier;

6 (10) unreasonably failing to offer network elements
7 that the Commission or the Federal Communications
8 Commission has determined must be offered on an unbundled
9 basis to another telecommunications carrier in a manner
10 consistent with the Commission's or Federal Communications
11 Commission's orders or rules requiring such offerings;

12 (11) violating the obligations of Section 13-801; and

13 (12) violating an order of the Commission regarding
14 matters between telecommunications carriers.

15 (Source: P.A. 98-45, eff. 6-28-13.)

16 (220 ILCS 5/13-515)

17 Sec. 13-515. Enforcement.

18 (a) The following expedited procedures shall be used to
19 enforce the provisions of Section 13-514 of this Act, provided
20 that, for a violation of paragraph (8) of Section 13-514 to
21 qualify for the expedited procedures of this Section, the
22 violation must be in a manner that unreasonably delays,
23 increases the cost, or impedes the availability of
24 telecommunications services to consumers. However, the
25 Commission, the complainant, and the respondent may mutually

1 agree to adjust the procedures established in this Section.

2 (b) (Blank).

3 (c) No complaint may be filed under this Section until the
4 complainant has first notified the respondent of the alleged
5 violation and offered the respondent 48 hours to correct the
6 situation. Provision of notice and the opportunity to correct
7 the situation creates a rebuttable presumption of knowledge
8 under Section 13-514. After the filing of a complaint under
9 this Section, the parties may agree to follow the mediation
10 process under Section 10-101.1 of this Act. The time periods
11 specified in subdivision (d) (7) of this Section shall be tolled
12 during the time spent in mediation under Section 10-101.1.

13 (d) A telecommunications carrier may file a complaint with
14 the Commission alleging a violation of Section 13-514 in
15 accordance with this subsection:

16 (1) The complaint shall be filed with the Chief Clerk
17 of the Commission and shall be served in hand upon the
18 respondent, the executive director, and the general
19 counsel of the Commission at the time of the filing.

20 (2) A complaint filed under this subsection shall
21 include a statement that the requirements of subsection (c)
22 have been fulfilled and that the respondent did not correct
23 the situation as requested.

24 (3) Reasonable discovery specific to the issue of the
25 complaint may commence upon filing of the complaint.
26 Requests for discovery must be served in hand and responses

1 to discovery must be provided in hand to the requester
2 within 14 days after a request for discovery is made.

3 (4) An answer and any other responsive pleading to the
4 complaint shall be filed with the Commission and served in
5 hand at the same time upon the complainant, the executive
6 director, and the general counsel of the Commission within
7 7 days after the date on which the complaint is filed.

8 (5) If the answer or responsive pleading raises the
9 issue that the complaint violates subsection (i) of this
10 Section, the complainant may file a reply to such
11 allegation within 3 days after actual service of such
12 answer or responsive pleading. Within 4 days after the time
13 for filing a reply has expired, the hearing officer or
14 arbitrator shall either issue a written decision
15 dismissing the complaint as frivolous in violation of
16 subsection (i) of this Section including the reasons for
17 such disposition or shall issue an order directing that the
18 complaint shall proceed.

19 (6) A pre-hearing conference shall be held within 14
20 days after the date on which the complaint is filed.

21 (7) The hearing shall commence within 30 days of the
22 date on which the complaint is filed. The hearing may be
23 conducted by a hearing examiner or by an arbitrator.
24 Parties and the Commission staff shall be entitled to
25 present evidence and legal argument in oral or written form
26 as deemed appropriate by the hearing examiner or

1 arbitrator. The hearing examiner or arbitrator shall issue
2 a written decision within 60 days after the date on which
3 the complaint is filed. The decision shall include reasons
4 for the disposition of the complaint and, if a violation of
5 Section 13-514 is found, directions and a deadline for
6 correction of the violation.

7 (8) Any party may file a petition requesting the
8 Commission to review the decision of the hearing examiner
9 or arbitrator within 5 days of such decision. Any party may
10 file a response to a petition for review within 3 business
11 days after actual service of the petition. After the time
12 for filing of the petition for review, but no later than 15
13 days after the decision of the hearing examiner or
14 arbitrator, the Commission shall decide to adopt the
15 decision of the hearing examiner or arbitrator or shall
16 issue its own final order.

17 (e) If the alleged violation has a substantial adverse
18 effect on the ability of the complainant to provide service to
19 customers, the complainant may include in its complaint a
20 request for an order for emergency relief. The Commission,
21 acting through its designated hearing examiner or arbitrator,
22 shall act upon such a request within 2 business days of the
23 filing of the complaint. An order for emergency relief may be
24 granted, without an evidentiary hearing, upon a verified
25 factual showing that the party seeking relief will likely
26 succeed on the merits, that the party will suffer irreparable

1 harm in its ability to serve customers if emergency relief is
2 not granted, and that the order is in the public interest. An
3 order for emergency relief shall include a finding that the
4 requirements of this subsection have been fulfilled and shall
5 specify the directives that must be fulfilled by the respondent
6 and deadlines for meeting those directives. The decision of the
7 hearing examiner or arbitrator to grant or deny emergency
8 relief shall be considered an order of the Commission unless
9 the Commission enters its own order within 2 calendar days of
10 the decision of the hearing examiner or arbitrator. The order
11 for emergency relief may require the responding party to act or
12 refrain from acting so as to protect the provision of
13 competitive service offerings to customers. Any action
14 required by an emergency relief order must be technically
15 feasible and economically reasonable and the respondent must be
16 given a reasonable period of time to comply with the order.

17 (f) The Commission is authorized to obtain outside
18 resources including, but not limited to, arbitrators and
19 consultants for the purposes of the hearings authorized by this
20 Section. Any arbitrator or consultant obtained by the
21 Commission shall be approved by both parties to the hearing.
22 The cost of such outside resources including, but not limited
23 to, arbitrators and consultants shall be borne by the parties.
24 The Commission shall review the bill for reasonableness and
25 assess the parties for reasonable costs dividing the costs
26 according to the resolution of the complaint brought under this

1 Section. Such costs shall be paid by the parties directly to
2 the arbitrators, consultants, and other providers of outside
3 resources within 60 days after receiving notice of the
4 assessments from the Commission. Interest at the statutory rate
5 shall accrue after expiration of the 60-day period. The
6 Commission, arbitrators, consultants, or other providers of
7 outside resources may apply to a court of competent
8 jurisdiction for an order requiring payment.

9 (g) The Commission shall assess the parties under this
10 subsection for all of the Commission's costs of investigation
11 and conduct of the proceedings brought under this Section
12 including, but not limited to, the prorated salaries of staff,
13 attorneys, hearing examiners, and support personnel and
14 including any travel and per diem, directly attributable to the
15 complaint brought pursuant to this Section, but excluding those
16 costs provided for in subsection (f), dividing the costs
17 according to the resolution of the complaint brought under this
18 Section. All assessments made under this subsection shall be
19 paid into the Public Utility Fund within 60 days after
20 receiving notice of the assessments from the Commission.
21 Interest at the statutory rate shall accrue after the
22 expiration of the 60 day period. The Commission is authorized
23 to apply to a court of competent jurisdiction for an order
24 requiring payment.

25 (h) If the Commission determines that there is an imminent
26 threat to competition or to the public interest, the Commission

1 may, notwithstanding any other provision of this Act, seek
2 temporary, preliminary, or permanent injunctive relief from a
3 court of competent jurisdiction either prior to or after the
4 hearing.

5 (i) A party shall not bring or defend a proceeding brought
6 under this Section or assert or controvert an issue in a
7 proceeding brought under this Section, unless there is a
8 non-frivolous basis for doing so. By presenting a pleading,
9 written motion, or other paper in complaint or defense of the
10 actions or inaction of a party under this Section, a party is
11 certifying to the Commission that to the best of that party's
12 knowledge, information, and belief, formed after a reasonable
13 inquiry of the subject matter of the complaint or defense, that
14 the complaint or defense is well grounded in law and fact, and
15 under the circumstances:

16 (1) it is not being presented to harass the other
17 party, cause unnecessary delay in the provision of
18 competitive telecommunications services to consumers, or
19 create needless increases in the cost of litigation; and

20 (2) the allegations and other factual contentions have
21 evidentiary support or, if specifically so identified, are
22 likely to have evidentiary support after reasonable
23 opportunity for further investigation or discovery as
24 defined herein.

25 (j) If, after notice and a reasonable opportunity to
26 respond, the Commission determines that subsection (i) has been

1 violated, the Commission shall impose appropriate sanctions
2 upon the party or parties that have violated subsection (i) or
3 are responsible for the violation. The sanctions shall be not
4 more than \$30,000, plus the amount of expenses accrued by the
5 Commission for conducting the hearing. Payment of sanctions
6 imposed under this subsection shall be made to the Common
7 School Fund within 30 days of imposition of such sanctions.

8 (k) An appeal of a Commission Order made pursuant to this
9 Section shall not effectuate a stay of the Order unless a court
10 of competent jurisdiction specifically finds that the party
11 seeking the stay will likely succeed on the merits, that the
12 party will suffer irreparable harm without the stay, and that
13 the stay is in the public interest.

14 (Source: P.A. 98-45, eff. 6-28-13.)

15 (220 ILCS 5/13-516)

16 Sec. 13-516. Enforcement remedies for prohibited actions
17 by telecommunications carriers.

18 (a) In addition to any other provision of this Act, all of
19 the following remedies may be applied for violations of Section
20 13-514, provided that, for a violation of paragraph (8) of
21 Section 13-514 to qualify for the remedies in this Section, the
22 violation must be in a manner that unreasonably delays,
23 increases the cost, or impedes the availability of
24 telecommunications services to consumers:

25 (1) A Commission order directing the violating

1 telecommunications carrier to cease and desist from
2 violating the Act or a Commission order or rule.

3 (2) Notwithstanding any other provision of this Act,
4 for a second and any subsequent violation of Section 13-514
5 committed by a telecommunications carrier after the
6 effective date of this amendatory Act of the 92nd General
7 Assembly, the Commission may impose penalties of up to
8 \$30,000 or 0.00825% of the telecommunications carrier's
9 gross intrastate annual telecommunications revenue,
10 whichever is greater, per violation unless the
11 telecommunications carrier has fewer than 35,000
12 subscriber access lines, in which case the civil penalty
13 may not exceed \$2,000 per violation. The second and any
14 subsequent violation of Section 13-514 need not be of the
15 same nature or provision of the Section for a penalty to be
16 imposed. Matters resolved through voluntary mediation
17 pursuant to Section 10-101.1 shall not be considered as a
18 violation of Section 13-514 in computing eligibility for
19 imposition of a penalty under this subdivision (a) (2). Each
20 day of a continuing offense shall be treated as a separate
21 violation for purposes of levying any penalty under this
22 Section. The period for which the penalty shall be levied
23 shall commence on the day the telecommunications carrier
24 first violated Section 13-514 or on the day of the notice
25 provided to the telecommunications carrier pursuant to
26 subsection (c) of Section 13-515, whichever is later, and

1 shall continue until the telecommunications carrier is in
2 compliance with the Commission order. In assessing a
3 penalty under this subdivision (a) (2), the Commission may
4 consider mitigating factors, including those specified in
5 items (1) through (4) of subsection (a) of Section 13-304.

6 (3) The Commission shall award damages, attorney's
7 fees, and costs to any telecommunications carrier that was
8 subjected to a violation of Section 13-514.

9 (b) The Commission may waive penalties imposed under
10 subdivision (a) (2) if it makes a written finding as to its
11 reasons for waiving the penalty. Reasons for waiving a penalty
12 shall include, but not be limited to, technological
13 infeasibility and acts of God.

14 (c) The Commission shall establish by rule procedures for
15 the imposition of remedies under subsection (a) that, at a
16 minimum, provide for notice, hearing and a written order
17 relating to the imposition of remedies.

18 (d) Unless enforcement of an order entered by the
19 Commission under Section 13-515 otherwise directs or is stayed
20 by the Commission or by an appellate court reviewing the
21 Commission's order, at any time after 30 days from the entry of
22 the order, either the Commission, or the telecommunications
23 carrier found by the Commission to have been subjected to a
24 violation of Section 13-514, or both, is authorized to petition
25 a court of competent jurisdiction for an order at law or in
26 equity requiring enforcement of the Commission order. The court

1 shall determine (1) whether the Commission entered the order
2 identified in the petition and (2) whether the violating
3 telecommunications carrier has complied with the Commission's
4 order. A certified copy of a Commission order shall be prima
5 facie evidence that the Commission entered the order so
6 certified. Pending the court's resolution of the petition, the
7 court may award temporary or preliminary injunctive relief, or
8 such other equitable relief as may be necessary, to effectively
9 implement and enforce the Commission's order in a timely
10 manner.

11 If after a hearing the court finds that the Commission
12 entered the order identified in the petition and that the
13 violating telecommunications carrier has not complied with the
14 Commission's order, the court shall enter judgment requiring
15 the violating telecommunications carrier to comply with the
16 Commission's order and order such relief at law or in equity as
17 the court deems necessary to effectively implement and enforce
18 the Commission's order in a timely manner. The court shall also
19 award to the petitioner, or petitioners, attorney's fees and
20 costs, which shall be taxed and collected as part of the costs
21 of the case.

22 If the court finds that the violating telecommunications
23 carrier has failed to comply with the timely payment of
24 damages, attorney's fees, or costs ordered by the Commission,
25 the court shall order the violating telecommunications carrier
26 to pay to the telecommunications carrier or carriers awarded

1 the damages, fees, or costs by the Commission additional
2 damages for the sake of example and by way of punishment for
3 the failure to timely comply with the order of the Commission,
4 unless the court finds a reasonable basis for the violating
5 telecommunications carrier's failure to make timely payment
6 according to the Commission's order, in which instance the
7 court shall establish a new date for payment to be made.

8 (e) Payment of damages, attorney's fees, and costs imposed
9 under subsection (a) shall be made within 30 days after
10 issuance of the Commission order imposing the penalties,
11 damages, attorney's fees, or costs, unless otherwise directed
12 by the Commission or a reviewing court under an appeal taken
13 pursuant to Article X. Payment of penalties imposed under
14 subsection (a) shall be made to the Common School Fund within
15 30 days of issuance of the Commission order imposing the
16 penalties.

17 (Source: P.A. 98-45, eff. 6-28-13.)

18 (220 ILCS 5/13-517)

19 Sec. 13-517. Provision of advanced telecommunications
20 services.

21 (a) Every Incumbent Local Exchange Carrier
22 (telecommunications carrier that offers or provides a
23 noncompetitive telecommunications service) shall offer or
24 provide advanced telecommunications services to not less than
25 80% of its customers by January 1, 2005.

1 (b) The Commission is authorized to grant a full or partial
2 waiver of the requirements of this Section upon verified
3 petition of any Incumbent Local Exchange Carrier ("ILEC") which
4 demonstrates that full compliance with the requirements of this
5 Section would be unduly economically burdensome or technically
6 infeasible or otherwise impractical in exchanges with low
7 population density. Notice of any such petition must be given
8 to all potentially affected customers. If no potentially
9 affected customer requests the opportunity for a hearing on the
10 waiver petition, the Commission may, in its discretion, allow
11 the waiver request to take effect without hearing. The
12 Commission shall grant such petition to the extent that, and
13 for such duration as, the Commission determines that such
14 waiver:

15 (1) is necessary:

16 (A) to avoid a significant adverse economic impact
17 on users of telecommunications services generally;

18 (B) to avoid imposing a requirement that is unduly
19 economically burdensome;

20 (C) to avoid imposing a requirement that is
21 technically infeasible; or

22 (D) to avoid imposing a requirement that is
23 otherwise impractical to implement in exchanges with
24 low population density; and

25 (2) is consistent with the public interest,
26 convenience, and necessity.

1 The Commission shall act upon any petition filed under this
2 subsection within 180 days after receiving such petition. The
3 Commission may by rule establish standards for granting any
4 waiver of the requirements of this Section. The Commission may,
5 upon complaint or on its own motion, hold a hearing to
6 reconsider its grant of a waiver in whole or in part. In the
7 event that the Commission, following hearing, determines that
8 the affected ILEC no longer meets the requirements of item (2)
9 of this subsection, the Commission shall by order rescind such
10 waiver, in whole or in part. In the event and to the degree the
11 Commission rescinds such waiver, the Commission shall
12 establish an implementation schedule for compliance with the
13 requirements of this Section.

14 (c) As used in this Section, "advanced telecommunications
15 services" means services capable of supporting, in at least one
16 direction, a speed in excess of 200 kilobits per second (kbps)
17 to the network demarcation point at the subscriber's premises.
18 (Source: P.A. 97-813, eff. 7-13-12.)

19 (220 ILCS 5/13-518)

20 Sec. 13-518. Optional service packages.

21 (a) It is the intent of this Section to provide unlimited
22 local service packages at prices that will result in savings
23 for the average consumer. Each telecommunications carrier that
24 provides competitive and noncompetitive services, and that is
25 subject to an alternative regulation plan pursuant to Section

1 13-506.1 of this Article, shall provide, in addition to such
2 other services as it offers, the following optional packages of
3 services for a fixed monthly rate, which, along with the terms
4 and conditions thereof, the Commission shall review, pursuant
5 to Article IX of this Act, to determine whether such rates,
6 terms, and conditions are fair, just, and reasonable.

7 (1) A budget package, which shall consist of
8 residential access service and unlimited local calls.

9 (2) A flat rate package, which shall consist of
10 residential access service, unlimited local calls, and the
11 customer's choice of 2 vertical services as defined in this
12 Section.

13 (3) An enhanced flat rate package, which shall consist
14 of residential access service for 2 lines, unlimited local
15 calls, the customer's choice of 2 vertical services as
16 defined in this Section, and unlimited local toll service.

17 (b) Nothing in this Section or this Act shall be construed
18 to prohibit any telecommunications carrier subject to this
19 Section from charging customers who elect to take one of the
20 groups of services offered pursuant to this Section, any
21 applicable surcharges, fees, and taxes.

22 (c) The term "vertical services", when used in this
23 Section, includes, but is not necessarily limited to, call
24 waiting, call forwarding, 3-way calling, caller ID, call
25 tracing, automatic callback, repeat dialing, and voicemail.

26 (d) The service packages described in this Section shall be

1 defined as noncompetitive services.

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

3 (220 ILCS 5/13-519)

4 Sec. 13-519. Fire alarm; discontinuance of service. When a
5 telecommunications carrier initiates a discontinuance of
6 service on a known emergency system or fire alarm system that
7 is required by the local authority to be a dedicated phone line
8 circuit to the central dispatch of the fire department or fire
9 protection district or, if applicable, the police department,
10 the telecommunications carrier shall also transmit a copy of
11 the written notice of discontinuance to that local authority.

12 (Source: P.A. 93-412, eff. 1-1-04.)

13 (220 ILCS 5/13-601) (from Ch. 111 2/3, par. 13-601)

14 Sec. 13-601. Application of Article VII. The provisions of
15 Article VII of this Act are applicable only to
16 telecommunications carriers offering or providing
17 noncompetitive telecommunications service, and the
18 Commission's regulation thereof, except that (1) the approval
19 of contracts and arrangements with affiliated interests
20 required by paragraph (3) of Section 7-101 shall not apply to
21 such telecommunications carriers provided that, except as
22 provided in item (2), those contracts and arrangements shall be
23 filed with the Commission and (2) affiliated interest contracts
24 or arrangements entered into by such telecommunications

1 carriers where the increased obligation thereunder does not
2 exceed the lesser of \$5,000,000 or 5% of such carrier's prior
3 annual revenue from noncompetitive services are not required to
4 be filed with the Commission.

5 (Source: P.A. 89-440, eff. 12-15-95.)

6 (220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)

7 Sec. 13-701. Notwithstanding any other provision of this
8 Act to the contrary, the Commission has no power to supervise
9 or control any telephone cooperative as respects assessment
10 schedules or local service rates made or charged by such a
11 cooperative on a nondiscriminatory basis. In addition, the
12 Commission has no power to inquire into, or require the
13 submission of, the terms, conditions or agreements by or under
14 which telephone cooperatives are financed. A telephone
15 cooperative shall file with the Commission either a copy of the
16 annual financial report required by the Rural Electrification
17 Administration, or the annual financial report required of
18 other public utilities.

19 Sections 13-712 and 13-713 of this Act do not apply to
20 telephone cooperatives.

21 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

22 (220 ILCS 5/13-702) (from Ch. 111 2/3, par. 13-702)

23 Sec. 13-702. Every telecommunications carrier operating in
24 this State shall receive, transmit and deliver, without

1 discrimination or delay, the conversations, messages or other
2 transmissions of every other telecommunications carrier with
3 which a joint rate has been established or with whose line a
4 physical connection may have been made.

5 (Source: P.A. 84-1063.)

6 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

7 Sec. 13-703. (a) The Commission shall design and implement
8 a program whereby each telecommunications carrier providing
9 local exchange service shall provide a telecommunications
10 device capable of servicing the needs of those persons with a
11 hearing or speech disability together with a single party line,
12 at no charge additional to the basic exchange rate, to any
13 subscriber who is certified as having a hearing or speech
14 disability by a hearing care professional, as defined in the
15 Hearing Instrument Consumer Protection Act, a speech-language
16 pathologist, or a qualified State agency and to any subscriber
17 which is an organization serving the needs of those persons
18 with a hearing or speech disability as determined and specified
19 by the Commission pursuant to subsection (d).

20 (b) The Commission shall design and implement a program,
21 whereby each telecommunications carrier providing local
22 exchange service shall provide a telecommunications relay
23 system, using third party intervention to connect those persons
24 having a hearing or speech disability with persons of normal
25 hearing by way of intercommunications devices and the telephone

1 system, making available reasonable access to all phases of
2 public telephone service to persons who have a hearing or
3 speech disability. In order to design a telecommunications
4 relay system which will meet the requirements of those persons
5 with a hearing or speech disability available at a reasonable
6 cost, the Commission shall initiate an investigation and
7 conduct public hearings to determine the most cost-effective
8 method of providing telecommunications relay service to those
9 persons who have a hearing or speech disability when using
10 telecommunications devices and therein solicit the advice,
11 counsel, and physical assistance of Statewide nonprofit
12 consumer organizations that serve persons with hearing or
13 speech disabilities in such hearings and during the development
14 and implementation of the system. The Commission shall phase in
15 this program, on a geographical basis, as soon as is
16 practicable, but no later than June 30, 1990.

17 (c) The Commission shall establish a competitively neutral
18 rate recovery mechanism that establishes charges in an amount
19 to be determined by the Commission for each line of a
20 subscriber to allow telecommunications carriers providing
21 local exchange service to recover costs as they are incurred
22 under this Section. Beginning no later than April 1, 2016, and
23 on a yearly basis thereafter, the Commission shall initiate a
24 proceeding to establish the competitively neutral amount to be
25 charged or assessed to subscribers of telecommunications
26 carriers and wireless carriers, Interconnected VoIP service

1 providers, and consumers of prepaid wireless
2 telecommunications service in a manner consistent with this
3 subsection (c) and subsection (f) of this Section. The
4 Commission shall issue its order establishing the
5 competitively neutral amount to be charged or assessed to
6 subscribers of telecommunications carriers and wireless
7 carriers, Interconnected VoIP service providers, and
8 purchasers of prepaid wireless telecommunications service on
9 or prior to June 1 of each year, and such amount shall take
10 effect June 1 of each year.

11 Telecommunications carriers, wireless carriers,
12 Interconnected VoIP service providers, and sellers of prepaid
13 wireless telecommunications service shall have 60 days from the
14 date the Commission files its order to implement the new rate
15 established by the order.

16 (d) The Commission shall determine and specify those
17 organizations serving the needs of those persons having a
18 hearing or speech disability that shall receive a
19 telecommunications device and in which offices the equipment
20 shall be installed in the case of an organization having more
21 than one office. For the purposes of this Section,
22 "organizations serving the needs of those persons with hearing
23 or speech disabilities" means centers for independent living as
24 described in Section 12a of the Rehabilitation of Persons with
25 Disabilities Act and not-for-profit organizations whose
26 primary purpose is serving the needs of those persons with

1 hearing or speech disabilities. The Commission shall direct the
2 telecommunications carriers subject to its jurisdiction and
3 this Section to comply with its determinations and
4 specifications in this regard.

5 (e) As used in this Section:

6 "Prepaid wireless telecommunications service" has the
7 meaning given to that term under Section 10 of the Prepaid
8 Wireless 9-1-1 Surcharge Act.

9 "Retail transaction" has the meaning given to that term
10 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

11 "Seller" has the meaning given to that term under Section
12 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

13 "Telecommunications carrier providing local exchange
14 service" includes, without otherwise limiting the meaning of
15 the term, telecommunications carriers which are purely mutual
16 concerns, having no rates or charges for services, but paying
17 the operating expenses by assessment upon the members of such a
18 company and no other person.

19 "Wireless carrier" has the meaning given to that term under
20 Section 2 10 of the ~~Wireless~~ Emergency Telephone System Safety
21 Act.

22 (f) Interconnected VoIP service providers, sellers of
23 prepaid wireless telecommunications service, and wireless
24 carriers in Illinois shall collect and remit assessments
25 determined in accordance with this Section in a competitively
26 neutral manner in the same manner as a telecommunications

1 carrier providing local exchange service. However, the
2 assessment imposed on consumers of prepaid wireless
3 telecommunications service shall be collected by the seller
4 from the consumer and imposed per retail transaction as a
5 percentage of that retail transaction on all retail
6 transactions occurring in this State. The assessment on
7 subscribers of wireless carriers and consumers of prepaid
8 wireless telecommunications service shall not be imposed or
9 collected prior to June 1, 2016.

10 Sellers of prepaid wireless telecommunications service
11 shall remit the assessments to the Department of Revenue on the
12 same form and in the same manner which they remit the fee
13 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
14 the purposes of display on the consumers' receipts, the rates
15 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
16 Act and the assessment under this Section may be combined. In
17 administration and enforcement of this Section, the provisions
18 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
19 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
20 Section 15 and subsections (c) and (e) of Section 20 of the
21 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015
22 (the effective date of Public Act 99-6), the seller shall be
23 permitted to deduct and retain 3% of the assessments that are
24 collected by the seller from consumers and that are remitted
25 and timely filed with the Department) that are not inconsistent
26 with this Section, shall apply, as far as practicable, to the

1 subject matter of this Section to the same extent as if those
2 provisions were included in this Section. The Department shall
3 deposit all assessments and penalties collected under this
4 Section into the Illinois Telecommunications Access
5 Corporation Fund, a special fund created in the State treasury.
6 On or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 amount available to the Commission for distribution out of the
9 Illinois Telecommunications Access Corporation Fund. The
10 amount certified shall be the amount (not including credit
11 memoranda) collected during the second preceding calendar
12 month by the Department, plus an amount the Department
13 determines is necessary to offset any amounts which were
14 erroneously paid to a different taxing body or fund. The amount
15 paid to the Illinois Telecommunications Access Corporation
16 Fund shall not include any amount equal to the amount of
17 refunds made during the second preceding calendar month by the
18 Department to retailers under this Section or any amount that
19 the Department determines is necessary to offset any amounts
20 which were payable to a different taxing body or fund but were
21 erroneously paid to the Illinois Telecommunications Access
22 Corporation Fund. The Commission shall distribute all the funds
23 to the Illinois Telecommunications Access Corporation and the
24 funds may only be used in accordance with the provisions of
25 this Section. The Department shall deduct 2% of all amounts
26 deposited in the Illinois Telecommunications Access

1 Corporation Fund during every year of remitted assessments. Of
2 the 2% deducted by the Department, one-half shall be
3 transferred into the Tax Compliance and Administration Fund to
4 reimburse the Department for its direct costs of administering
5 the collection and remittance of the assessment. The remaining
6 one-half shall be transferred into the Public Utility Fund to
7 reimburse the Commission for its costs of distributing to the
8 Illinois Telecommunications Access Corporation the amount
9 certified by the Department for distribution. The amount to be
10 charged or assessed under subsections (c) and (f) is not
11 imposed on a provider or the consumer for wireless Lifeline
12 service where the consumer does not pay the provider for the
13 service. Where the consumer purchases from the provider
14 optional minutes, texts, or other services in addition to the
15 federally funded Lifeline benefit, a consumer must pay the
16 charge or assessment, and it must be collected by the seller
17 according to this subsection (f).

18 Interconnected VoIP services shall not be considered an
19 intrastate telecommunications service for the purposes of this
20 Section in a manner inconsistent with federal law or Federal
21 Communications Commission regulation.

22 (g) The provisions of this Section are severable under
23 Section 1.31 of the Statute on Statutes.

24 (h) The Commission may adopt rules necessary to implement
25 this Section.

26 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; 99-642,

1 eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff. 1-27-17;
2 revised 2-15-17.)

3 (220 ILCS 5/13-704) (from Ch. 111 2/3, par. 13-704)

4 Sec. 13-704. Each page of a billing statement which sets
5 forth charges assessed against a customer by a
6 telecommunications carrier for telecommunications service
7 shall reflect the telephone number or customer account number
8 to which the charges are being billed. If a telecommunications
9 carrier offers electronic billing, customers may elect to have
10 their bills sent electronically. Such bills shall be
11 transmitted with instructions for payment. Information sent
12 electronically shall be deemed to satisfy any requirement in
13 this Section that such information be printed or written on a
14 customer bill. Bills may be paid electronically or by the use
15 of a customer-preferred financially accredited credit or debit
16 methodology.

17 (Source: P.A. 96-927, eff. 6-15-10.)

18 (220 ILCS 5/13-705) (from Ch. 111 2/3, par. 13-705)

19 Sec. 13-705. Every telephone directory distributed after
20 July 1, 1990 to the general public in this State which lists
21 the calling numbers of telephones, of any telephone exchange
22 located in this State, shall also contain a listing, at no
23 additional charge, of any special calling number assigned to
24 any telecommunication device for the deaf in use within the

1 geographic area of coverage for the directory, unless the
2 telephone company is notified by the telecommunication device
3 subscriber that the subscriber does not wish the TDD number to
4 be listed in the directory. Such listing shall include, but is
5 not limited to, residential, commercial and governmental
6 numbers with telecommunication device access and shall include
7 a designation if the device is for print or display
8 communication only or if it also accommodates voice
9 transmission. In addition to the aforementioned requirements
10 each telephone directory so distributed shall also contain a
11 listing of any city and county emergency services and any
12 police telecommunication device for the deaf calling numbers in
13 the coverage area within this State which is included in the
14 directory as well as the listing of the Illinois State Police
15 emergency telecommunication device for the deaf calling number
16 in Springfield. This emergency numbers listing shall be
17 preceded by the words "Emergency Assistance for Deaf Persons"
18 which shall be as legible and printed in the same size as all
19 other emergency subheadings on the page; provided, that the
20 provisions of this Section do not apply to those directories
21 distributed solely for business advertising purposes, commonly
22 known as classified directories.

23 (Source: P.A. 85-1404.)

24 (220 ILCS 5/13-706) (from Ch. 111 2/3, par. 13-706)

25 Sec. 13-706. Except as provided in Section 13-707 of this

1 Act, all essential telephones, all coin-operated phones and all
2 emergency telephones sold, rented or distributed by any other
3 means in this State after July 1, 1990 shall be hearing-aid
4 compatible. The provisions of this Section shall not apply to
5 any telephone that is manufactured before July 1, 1989.

6 (Source: P.A. 85-1440.)

7 (220 ILCS 5/13-707) (from Ch. 111 2/3, par. 13-707)

8 Sec. 13-707. The following telephones shall be exempt from
9 the requirements of Section 13-706 of this Act: telephones used
10 with public mobile services; telephones used with private radio
11 services; and cordless telephones. The exemption provided in
12 this Section shall not apply with respect to cordless
13 telephones manufactured or imported more than 3 years after
14 September 19, 1988. The Commission shall periodically assess
15 the appropriateness of continuing in effect the exemptions
16 provided herein for public mobile service and private radio
17 service telephones and report their findings to the General
18 Assembly.

19 (Source: P.A. 85-1440.)

20 (220 ILCS 5/13-709)

21 Sec. 13-709. Orders of correction.

22 (a) A telecommunications carrier shall comply with orders
23 of correction issued by the Department of Public Health under
24 Section 5 of the Illinois Plumbing License Law.

1 (b) Upon receiving notification from the Department of
2 Public Health that a telecommunications carrier has failed to
3 comply with an order of correction, the Illinois Commerce
4 Commission shall enforce the order.

5 (c) The good faith compliance by a telecommunications
6 carrier with an order of the Department of Public Health or
7 Illinois Commerce Commission to terminate service pursuant to
8 Section 5 of the Illinois Plumbing License Law shall constitute
9 a complete defense to any civil action brought against the
10 telecommunications carrier arising from the termination of
11 service.

12 (Source: P.A. 91-184, eff. 1-1-00.)

13 (220 ILCS 5/13-712)

14 Sec. 13-712. Basic local exchange service quality;
15 customer credits.

16 (a) It is the intent of the General Assembly that every
17 telecommunications carrier meet minimum service quality
18 standards in providing noncompetitive basic local exchange
19 service on a non-discriminatory basis to all classes of
20 customers.

21 (b) Definitions:

22 (1) (Blank).

23 (2) "Basic local exchange service" means residential
24 and business lines used for local exchange
25 telecommunications service as defined in Section 13-204 of

1 this Act, that have not been classified as competitive
2 pursuant to either Section 13-502 or subdivision (c) (5) of
3 Section 13-506.2 of this Act, excluding:

4 (A) services that employ advanced
5 telecommunications capability as defined in Section
6 706(c) (1) of the federal Telecommunications Act of
7 1996;

8 (B) vertical services;

9 (C) company official lines; and

10 (D) records work only.

11 (3) "Link Up" refers to the Link Up Assistance program
12 defined and established at 47 C.F.R. Section 54.411 et seq.
13 as amended.

14 (c) The Commission shall promulgate service quality rules
15 for basic local exchange service, which may include fines,
16 penalties, customer credits, and other enforcement mechanisms.
17 In developing such service quality rules, the Commission shall
18 consider, at a minimum, the carrier's gross annual intrastate
19 revenue; the frequency, duration, and recurrence of the
20 violation; and the relative harm caused to the affected
21 customer or other users of the network. In imposing fines, the
22 Commission shall take into account compensation or credits paid
23 by the telecommunications carrier to its customers pursuant to
24 this Section in compensation for the violation found pursuant
25 to this Section. These rules shall become effective within one
26 year after the effective date of this amendatory Act of the

1 92nd General Assembly.

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

4 (1) Install basic local exchange service within 5
5 business days after receipt of an order from the customer
6 unless the customer requests an installation date that is
7 beyond 5 business days after placing the order for basic
8 service and to inform the customer of its duty to install
9 service within this timeframe. If installation of service
10 is requested on or by a date more than 5 business days in
11 the future, the telecommunications carrier shall install
12 service by the date requested. A telecommunications
13 carrier offering basic local exchange service utilizing
14 the network or network elements of another carrier shall
15 install new lines for basic local exchange service within 3
16 business days after provisioning of the line or lines by
17 the carrier whose network or network elements are being
18 utilized is complete. This subdivision (d)(1) does not
19 apply to the migration of a customer between
20 telecommunications carriers, so long as the customer
21 maintains dial tone.

22 (2) Restore basic local exchange service for a customer
23 within 30 hours of receiving notice that a customer is out
24 of service. This provision applies to service disruptions
25 that occur when a customer switches existing basic local
26 exchange service from one carrier to another.

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

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

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

17 (1) If a carrier fails to repair an out-of-service
18 condition for basic local exchange service within 30 hours,
19 the carrier shall provide a credit to the customer. If the
20 service disruption is for over 30 hours but less than 48
21 hours, the credit must be equal to a pro-rata portion of
22 the monthly recurring charges for all local services
23 disrupted. If the service disruption is for more than 48
24 hours, but not more than 72 hours, the credit must be equal
25 to at least 33% of one month's recurring charges for all
26 local services disrupted. If the service disruption is for

1 more than 72 hours, but not more than 96 hours, the credit
2 must be equal to at least 67% of one month's recurring
3 charges for all local services disrupted. If the service
4 disruption is for more than 96 hours, but not more than 120
5 hours, the credit must be equal to one month's recurring
6 charges for all local services disrupted. For each day or
7 portion thereof that the service disruption continues
8 beyond the initial 120-hour period, the carrier shall also
9 provide an additional credit of \$20 per day.

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

1 the requested date was more than 5 business days after the
2 date of the order, the carrier shall also provide an
3 additional credit of \$20 per day until service is
4 installed.

5 (3) If a carrier fails to keep a scheduled repair or
6 installation appointment when a customer premises visit
7 requires a customer to be present, the carrier shall credit
8 the customer \$25 per missed appointment. A credit required
9 by this subsection does not apply when the carrier provides
10 the customer notice of its inability to keep the
11 appointment no later than 8 p.m. of the day prior to the
12 scheduled date of the appointment.

13 (4) If the violation of a basic local exchange service
14 quality standard is caused by a carrier other than the
15 carrier providing retail service to the customer, the
16 carrier providing retail service to the customer shall
17 credit the customer as provided in this Section. The
18 carrier causing the violation shall reimburse the carrier
19 providing retail service the amount credited the customer.
20 When applicable, an interconnection agreement shall govern
21 compensation between the carrier causing the violation, in
22 whole or in part, and the retail carrier providing the
23 credit to the customer.

24 (5) (Blank).

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

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

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

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

7 (iv) is extended by the carrier's inability to gain
8 access to the customer's premises due to the customer
9 missing an appointment, provided that the violation is
10 not further extended by the carrier;

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

14 (vi) occurs as a result of a carrier's right to
15 refuse service to a customer as provided in Commission
16 rules; or

17 (vii) occurs as a result of a lack of facilities
18 where a customer requests service at a geographically
19 remote location, a customer requests service in a
20 geographic area where the carrier is not currently
21 offering service, or there are insufficient facilities
22 to meet the customer's request for service, subject to
23 a carrier's obligation for reasonable facilities
24 planning.

25 (7) The provisions of this subsection are cumulative
26 and shall not in any way diminish or replace other civil or

1 administrative remedies available to a customer or a class
2 of customers.

3 (f) The rules shall require each telecommunications
4 carrier to provide to the Commission, on a quarterly basis and
5 in a form suitable for posting on the Commission's website, a
6 public report that includes performance data for basic local
7 exchange service quality of service. The performance data shall
8 be disaggregated for each geographic area and each customer
9 class of the State for which the telecommunications carrier
10 internally monitored performance data as of a date 120 days
11 preceding the effective date of this amendatory Act of the 92nd
12 General Assembly. The report shall include, at a minimum,
13 performance data on basic local exchange service
14 installations, lines out of service for more than 30 hours,
15 carrier response to customer calls, trouble reports, and missed
16 repair and installation commitments.

17 (g) The Commission shall establish and implement carrier to
18 carrier wholesale service quality rules and establish remedies
19 to ensure enforcement of the rules.

20 (Source: P.A. 98-45, eff. 6-28-13.)

21 (220 ILCS 5/13-713)

22 Sec. 13-713. Consumer complaint resolution process.

23 (a) It is the intent of the General Assembly that consumer
24 complaints against telecommunications carriers shall be
25 concluded as expeditiously as possible consistent with the

1 rights of the parties thereto to the due process of law and
2 protection of the public interest.

3 (b) The Commission shall promulgate rules that permit
4 parties to resolve disputes through mediation. A consumer may
5 request mediation upon completion of the Commission's informal
6 complaint process and prior to the initiation of a formal
7 complaint as described in Commission rules.

8 (c) A residential consumer or business consumer with fewer
9 than 20 lines shall have the right to request mediation for
10 resolution of a dispute with a telecommunications carrier. The
11 carrier shall be required to participate in mediation at the
12 consumer's request.

13 (d) The Commission may retain the services of an
14 independent neutral mediator or trained Commission staff to
15 facilitate resolution of the consumer dispute. The mediation
16 process must be completed no later than 45 days after the
17 consumer requests mediation.

18 (e) If the parties reach agreement, the agreement shall be
19 reduced to writing at the conclusion of the mediation. The
20 writing shall contain mutual conditions, payment arrangements,
21 or other terms that resolve the dispute in its entirety. If the
22 parties are unable to reach agreement or after 45 days,
23 whichever occurs first, the consumer may file a formal
24 complaint with the Commission as described in Commission rules.

25 (f) If either the consumer or the carrier fails to abide by
26 the terms of the settlement agreement, either party may

1 exercise any rights it may have as specified in the terms of
2 the agreement or as provided in Commission rules.

3 (g) All notes, writings and settlement discussions related
4 to the mediation shall be exempt from discovery and shall be
5 inadmissible in any agency or court proceeding.

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

7 (220 ILCS 5/13-801) (from Ch. 111 2/3, par. 13-801)

8 Sec. 13-801. Incumbent local exchange carrier obligations.

9 (a) This Section provides additional State requirements
10 contemplated by, but not inconsistent with, Section 261(c) of
11 the federal Telecommunications Act of 1996, and not preempted
12 by orders of the Federal Communications Commission. A
13 telecommunications carrier not subject to regulation under an
14 alternative regulation plan pursuant to Section 13-506.1 of
15 this Act shall not be subject to the provisions of this
16 Section, to the extent that this Section imposes requirements
17 or obligations upon the telecommunications carrier that exceed
18 or are more stringent than those obligations imposed by Section
19 251 of the federal Telecommunications Act of 1996 and
20 regulations promulgated thereunder.

21 An incumbent local exchange carrier shall provide a
22 requesting telecommunications carrier with interconnection,
23 collocation, network elements, and access to operations
24 support systems on just, reasonable, and nondiscriminatory
25 rates, terms, and conditions to enable the provision of any and

1 all existing and new telecommunications services within the
2 LATA, including, but not limited to, local exchange and
3 exchange access. The Commission shall require the incumbent
4 local exchange carrier to provide interconnection,
5 collocation, and network elements in any manner technically
6 feasible to the fullest extent possible to implement the
7 maximum development of competitive telecommunications services
8 offerings. As used in this Section, to the extent that
9 interconnection, collocation, or network elements have been
10 deployed for or by the incumbent local exchange carrier or one
11 of its wireline local exchange affiliates in any jurisdiction,
12 it shall be presumed that such is technically feasible in
13 Illinois.

14 (b) Interconnection.

15 (1) An incumbent local exchange carrier shall provide
16 for the facilities and equipment of any requesting
17 telecommunications carrier's interconnection with the
18 incumbent local exchange carrier's network on just,
19 reasonable, and nondiscriminatory rates, terms, and
20 conditions:

21 (A) for the transmission and routing of local
22 exchange, and exchange access telecommunications
23 services;

24 (B) at any technically feasible point within the
25 incumbent local exchange carrier's network; however,
26 the incumbent local exchange carrier may not require

1 the requesting carrier to interconnect at more than one
2 technically feasible point within a LATA; and

3 (C) that is at least equal in quality and
4 functionality to that provided by the incumbent local
5 exchange carrier to itself or to any subsidiary,
6 affiliate, or any other party to which the incumbent
7 local exchange carrier provides interconnection.

8 (2) An incumbent local exchange carrier shall make
9 available to any requesting telecommunications carrier, to
10 the extent technically feasible, those services,
11 facilities, or interconnection agreements or arrangements
12 that the incumbent local exchange carrier or any of its
13 incumbent local exchange subsidiaries or affiliates offers
14 in another state under the terms and conditions, but not
15 the stated rates, negotiated pursuant to Section 252 of the
16 federal Telecommunications Act of 1996. Rates shall be
17 established in accordance with the requirements of
18 subsection (g) of this Section. An incumbent local exchange
19 carrier shall also make available to any requesting
20 telecommunications carrier, to the extent technically
21 feasible, and subject to the unbundling provisions of
22 Section 251(d)(2) of the federal Telecommunications Act of
23 1996, those unbundled network element or interconnection
24 agreements or arrangements that a local exchange carrier
25 affiliate of the incumbent local exchange carrier obtains
26 in another state from the incumbent local exchange carrier

1 in that state, under the terms and conditions, but not the
2 stated rates, obtained through negotiation, or through an
3 arbitration initiated by the affiliate, pursuant to
4 Section 252 of the federal Telecommunications Act of 1996.
5 Rates shall be established in accordance with the
6 requirements of subsection (g) of this Section.

7 (c) Collocation. An incumbent local exchange carrier shall
8 provide for physical or virtual collocation of any type of
9 equipment for interconnection or access to network elements at
10 the premises of the incumbent local exchange carrier on just,
11 reasonable, and nondiscriminatory rates, terms, and
12 conditions. The equipment shall include, but is not limited to,
13 optical transmission equipment, multiplexers, remote switching
14 modules, and cross-connects between the facilities or
15 equipment of other collocated carriers. The equipment shall
16 also include microwave transmission facilities on the exterior
17 and interior of the incumbent local exchange carrier's premises
18 used for interconnection to, or for access to network elements
19 of, the incumbent local exchange carrier or a collocated
20 carrier, unless the incumbent local exchange carrier
21 demonstrates to the Commission that it is not practical due to
22 technical reasons or space limitations. An incumbent local
23 exchange carrier shall allow, and provide for, the most
24 reasonably direct and efficient cross-connects, that are
25 consistent with safety and network reliability standards,
26 between the facilities of collocated carriers. An incumbent

1 local exchange carrier shall also allow, and provide for, cross
2 connects between a noncollocated telecommunications carrier's
3 network elements platform, or a noncollocated
4 telecommunications carrier's transport facilities, and the
5 facilities of any collocated carrier, consistent with safety
6 and network reliability standards.

7 (d) Network elements. The incumbent local exchange carrier
8 shall provide to any requesting telecommunications carrier,
9 for the provision of an existing or a new telecommunications
10 service, nondiscriminatory access to network elements on any
11 unbundled or bundled basis, as requested, at any technically
12 feasible point on just, reasonable, and nondiscriminatory
13 rates, terms, and conditions.

14 (1) An incumbent local exchange carrier shall provide
15 unbundled network elements in a manner that allows
16 requesting telecommunications carriers to combine those
17 network elements to provide a telecommunications service.

18 (2) An incumbent local exchange carrier shall not
19 separate network elements that are currently combined,
20 except at the explicit direction of the requesting carrier.

21 (3) Upon request, an incumbent local exchange carrier
22 shall combine any sequence of unbundled network elements
23 that it ordinarily combines for itself, including but not
24 limited to, unbundled network elements identified in The
25 Draft of the Proposed Ameritech Illinois 271 Amendment
26 (I2A) found in Schedule SJA-4 attached to Exhibit 3.1 filed

1 by Illinois Bell Telephone Company on or about March 28,
2 2001 with the Illinois Commerce Commission under Illinois
3 Commerce Commission Docket Number 00-0700. The Commission
4 shall determine those network elements the incumbent local
5 exchange carrier ordinarily combines for itself if there is
6 a dispute between the incumbent local exchange carrier and
7 the requesting telecommunications carrier under this
8 subdivision of this Section of this Act.

9 The incumbent local exchange carrier shall be entitled
10 to recover from the requesting telecommunications carrier
11 any just and reasonable special construction costs
12 incurred in combining such unbundled network elements (i)
13 if such costs are not already included in the established
14 price of providing the network elements, (ii) if the
15 incumbent local exchange carrier charges such costs to its
16 retail telecommunications end users, and (iii) if fully
17 disclosed in advance to the requesting telecommunications
18 carrier. The Commission shall determine whether the
19 incumbent local exchange carrier is entitled to any special
20 construction costs if there is a dispute between the
21 incumbent local exchange carrier and the requesting
22 telecommunications carrier under this subdivision of this
23 Section of this Act.

24 (4) A telecommunications carrier may use a network
25 elements platform consisting solely of combined network
26 elements of the incumbent local exchange carrier to provide

1 end to end telecommunications service for the provision of
2 existing and new local exchange, interexchange that
3 includes local, local toll, and intraLATA toll, and
4 exchange access telecommunications services within the
5 LATA to its end users or payphone service providers without
6 the requesting telecommunications carrier's provision or
7 use of any other facilities or functionalities.

8 (5) The Commission shall establish maximum time
9 periods for the incumbent local exchange carrier's
10 provision of network elements. The maximum time period
11 shall be no longer than the time period for the incumbent
12 local exchange carrier's provision of comparable retail
13 telecommunications services utilizing those network
14 elements. The Commission may establish a maximum time
15 period for a particular network element that is shorter
16 than for a comparable retail telecommunications service
17 offered by the incumbent local exchange carrier if a
18 requesting telecommunications carrier establishes that it
19 shall perform other functions or activities after receipt
20 of the particular network element to provide
21 telecommunications services to end users. The burden of
22 proof for establishing a maximum time period for a
23 particular network element that is shorter than for a
24 comparable retail telecommunications service offered by
25 the incumbent local exchange carrier shall be on the
26 requesting telecommunications carrier. Notwithstanding any

1 other provision of this Article, unless and until the
2 Commission establishes by rule or order a different
3 specific maximum time interval, the maximum time intervals
4 shall not exceed 5 business days for the provision of
5 unbundled loops, both digital and analog, 10 business days
6 for the conditioning of unbundled loops or for existing
7 combinations of network elements for an end user that has
8 existing local exchange telecommunications service, and
9 one business day for the provision of the high frequency
10 portion of the loop (line-sharing) for at least 95% of the
11 requests of each requesting telecommunications carrier for
12 each month.

13 In measuring the incumbent local exchange carrier's
14 actual performance, the Commission shall ensure that
15 occurrences beyond the control of the incumbent local
16 exchange carrier that adversely affect the incumbent local
17 exchange carrier's performance are excluded when
18 determining actual performance levels. Such occurrences
19 shall be determined by the Commission, but at a minimum
20 must include work stoppage or other labor actions and acts
21 of war. Exclusions shall also be made for performance that
22 is governed by agreements approved by the Commission and
23 containing timeframes for the same or similar measures or
24 for when a requesting telecommunications carrier requests
25 a longer time interval.

26 (6) When a telecommunications carrier requests a

1 network elements platform referred to in subdivision
2 (d)(4) of this Section, without the need for field work
3 outside of the central office, for an end user that has
4 existing local exchange telecommunications service
5 provided by an incumbent local exchange carrier, or by
6 another telecommunications carrier through the incumbent
7 local exchange carrier's network elements platform, unless
8 otherwise agreed by the telecommunications carriers, the
9 incumbent local exchange carrier shall provide the
10 requesting telecommunications carrier with the requested
11 network elements platform within 3 business days for at
12 least 95% of the requests for each requesting
13 telecommunications carrier for each month. A requesting
14 telecommunications carrier may order the network elements
15 platform as is for an end user that has such existing local
16 exchange service without changing any of the features
17 previously selected by the end user. The incumbent local
18 exchange carrier shall provide the requested network
19 elements platform without any disruption to the end user's
20 services.

21 Absent a contrary agreement between the
22 telecommunications carriers entered into after the
23 effective date of this amendatory Act of the 92nd General
24 Assembly, as of 12:01 a.m. on the third business day after
25 placing the order for a network elements platform, the
26 requesting telecommunications carrier shall be the

1 presubscribed primary local exchange carrier for that end
2 user line and shall be entitled to receive, or to direct
3 the disposition of, all revenues for all services utilizing
4 the network elements in the platform, unless it is
5 established that the end user of the existing local
6 exchange service did not authorize the requesting
7 telecommunications carrier to make the request.

8 (e) Operations support systems. The Commission shall
9 establish minimum standards with just, reasonable, and
10 nondiscriminatory rates, terms, and conditions for the
11 preordering, ordering, provisioning, maintenance and repair,
12 and billing functions of the incumbent local exchange carrier's
13 operations support systems provided to other
14 telecommunications carriers.

15 (f) Resale. An incumbent local exchange carrier shall offer
16 all retail telecommunications services, that the incumbent
17 local exchange carrier provides at retail to subscribers who
18 are not telecommunications carriers, within the LATA, together
19 with each applicable optional feature or functionality,
20 subject to resale at wholesale rates without imposing any
21 unreasonable or discriminatory conditions or limitations.
22 Wholesale rates shall be based on the retail rates charged to
23 end users for the telecommunications service requested,
24 excluding the portion thereof attributable to any marketing,
25 billing, collection, and other costs avoided by the local
26 exchange carrier. The Commission may determine under Article IX

1 of this Act that certain noncompetitive services, together with
2 each applicable optional feature or functionality, that are
3 offered to residence customers under different rates, charges,
4 terms, or conditions than to other customers should not be
5 subject to resale under the rates, charges, terms, or
6 conditions available only to residence customers.

7 (g) Cost based rates. Interconnection, collocation,
8 network elements, and operations support systems shall be
9 provided by the incumbent local exchange carrier to requesting
10 telecommunications carriers at cost based rates. The immediate
11 implementation and provisioning of interconnection,
12 collocation, network elements, and operations support systems
13 shall not be delayed due to any lack of determination by the
14 Commission as to the cost based rates. When cost based rates
15 have not been established, within 30 days after the filing of a
16 petition for the setting of interim rates, or after the
17 Commission's own motion, the Commission shall provide for
18 interim rates that shall remain in full force and effect until
19 the cost based rate determination is made, or the interim rate
20 is modified, by the Commission.

21 (h) Rural exemption. This Section does not apply to certain
22 rural telephone companies as described in 47 U.S.C. 251(f).

23 (i) Schedule of rates. A telecommunications carrier may
24 request the incumbent local exchange carrier to provide a
25 schedule of rates listing each of the rate elements of the
26 incumbent local exchange carrier that pertains to a proposed

1 order identified by the requesting telecommunications carrier
2 for any of the matters covered in this Section. The incumbent
3 local exchange carrier shall deliver the requested schedule of
4 rates to the requesting telecommunications carrier within 2
5 business days for 95% of the requests for each requesting
6 carrier

7 (j) Special access circuits. Other than as provided in
8 subdivision (d)(4) of this Section for the network elements
9 platform described in that subdivision, nothing in this
10 amendatory Act of the 92nd General Assembly is intended to
11 require or prohibit the substitution of switched or special
12 access services by or with a combination of network elements
13 nor address the Illinois Commerce Commission's jurisdiction or
14 authority in this area.

15 (k) The Commission shall determine any matters in dispute
16 between the incumbent local exchange carrier and the requesting
17 carrier pursuant to Section 13-515 of this Act.

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

19 (220 ILCS 5/13-802.1)

20 Sec. 13-802.1. Depreciation; examination and audit;
21 agreement conditions; federal Telecommunications Act of 1996.

22 (a) In performing any cost analysis authorized pursuant to
23 this Act, the Commission may ascertain and determine and by
24 order fix the proper and adequate rate of depreciation of the
25 property for a telecommunications carrier for the purpose of

1 such cost analysis.

2 (b) The Commission may provide for the examination and
3 audit of all accounts. Items subject to the Commission's
4 regulatory requirements shall be so allocated in the manner
5 prescribed by the Commission. The officers and employees of the
6 Commission shall have the authority under the direction of the
7 Commission to inspect and examine any and all books, accounts,
8 papers, records, and memoranda kept by the telecommunications
9 carrier.

10 (c) The Commission is authorized to adopt rules and
11 regulations concerning the conditions to be contained in and
12 become a part of contracts for noncompetitive
13 telecommunications services in a manner consistent with this
14 Act and federal law.

15 (d) The Commission shall have the authority to, and shall
16 engage in, all state regulatory actions needed to implement and
17 enforce the federal Telecommunications Act of 1996 consistent
18 with federal law, including, but not limited to, the
19 negotiation, arbitration, implementation, resolution of
20 disputes and enforcement of interconnection agreements arising
21 under Sections 251 and 252 of the federal Telecommunications
22 Act of 1996.

23 (Source: P.A. 98-45, eff. 6-28-13.)

24 (220 ILCS 5/13-804)

25 Sec. 13-804. Broadband investment. Increased investment

1 into broadband infrastructure is critical to the economic
2 development of this State and a key component to the retention
3 of existing jobs and the creation of new jobs. The removal of
4 regulatory uncertainty will attract greater private-sector
5 investment in broadband infrastructure. Notwithstanding other
6 provisions of this Article:

7 (A) the Commission shall have the authority to certify
8 providers of wireless services, including, but not limited
9 to, private radio service, public mobile service, or
10 commercial mobile service, as those terms are defined in 47
11 U.S.C. 332 on the effective date of this amendatory Act of
12 the 96th General Assembly or as amended thereafter, to
13 provide telecommunications services in Illinois;

14 (B) the Commission shall have the authority to certify
15 providers of wireless services, including, but not limited
16 to, private radio service, public mobile service, or
17 commercial mobile service, as those terms are defined in 47
18 U.S.C. 332 on the effective date of this amendatory Act of
19 the 96th General Assembly or as amended thereafter, as
20 eligible telecommunications carriers in Illinois, as that
21 term has the meaning prescribed in 47 U.S.C. 214 on the
22 effective date of this amendatory Act of the 96th General
23 Assembly or as amended thereafter;

24 (C) the Commission shall have the authority to register
25 providers of fixed or non-nomadic Interconnected VoIP
26 service as Interconnected VoIP service providers in

1 Illinois in accordance with Section 401.1 of this Article;

2 (D) the Commission shall have the authority to require
3 providers of Interconnected VoIP service to participate in
4 hearing and speech disability programs; and

5 (E) the Commission shall have the authority to access
6 information provided to the non-profit organization under
7 Section 20 of the High Speed Internet Services and
8 Information Technology Act, provided the Commission enters
9 into a proprietary and confidentiality agreement governing
10 such information.

11 Except to the extent expressly permitted by and consistent
12 with federal law, the regulations of the Federal Communications
13 Commission, this Article, Article XXI or XXII of this Act, or
14 this amendatory Act of the 96th General Assembly, the
15 Commission shall not regulate the rates, terms, conditions,
16 quality of service, availability, classification, or any other
17 aspect of service regarding (i) broadband services, (ii)
18 Interconnected VoIP services, (iii) information services, as
19 defined in 47 U.S.C. 153(20) on the effective date of this
20 amendatory Act of the 96th General Assembly or as amended
21 thereafter, or (iv) wireless services, including, but not
22 limited to, private radio service, public mobile service, or
23 commercial mobile service, as those terms are defined in 47
24 U.S.C. 332 on the effective date of this amendatory Act of the
25 96th General Assembly or as amended thereafter.

26 (Source: P.A. 96-927, eff. 6-15-10.)

1 (220 ILCS 5/13-900)

2 Sec. 13-900. Authority to serve as 9-1-1 system provider;
3 rules.

4 (a) The General Assembly finds that it is necessary to
5 require the certification of 9-1-1 system providers to ensure
6 the safety of the lives and property of Illinoisans and
7 Illinois businesses, and to otherwise protect and promote the
8 public safety, health, and welfare of the citizens of this
9 State and their property.

10 (b) For purposes of this Section:

11 "9-1-1 system" has the same meaning as that term is
12 defined in Section 2.19 of the Emergency Telephone System
13 Act.

14 "9-1-1 system provider" means any person, corporation,
15 limited liability company, partnership, sole
16 proprietorship, or entity of any description whatever that
17 acts as a system provider within the meaning of Section
18 2.18 of the Emergency Telephone System Act.

19 "Emergency Telephone System Board" has the same
20 meaning as that term is defined in Sections 2.11 and 15.4
21 of the Emergency Telephone System Act.

22 "Public safety agency personnel" means personnel
23 employed by a public safety agency, as that term is defined
24 in Section 2.02 of the Emergency Telephone System Act,
25 whose responsibilities include responding to requests for

1 emergency services.

2 (c) Except as otherwise provided in this Section, beginning
3 July 1, 2010, it is unlawful for any 9-1-1 system provider to
4 offer or provide or seek to offer or provide to any emergency
5 telephone system board or 9-1-1 system, or agent,
6 representative, or designee thereof, any network and database
7 service used or intended to be used by any emergency telephone
8 system board or 9-1-1 system for the purpose of answering,
9 transferring, or relaying requests for emergency services, or
10 dispatching public safety agency personnel in response to
11 requests for emergency services, unless the 9-1-1 system
12 provider has applied for and received a Certificate of 9-1-1
13 System Provider Authority from the Commission. The Commission
14 shall approve an application for a Certificate of 9-1-1 System
15 Provider Authority upon a showing by the applicant, and a
16 finding by the Commission, after notice and hearing, that the
17 applicant possesses sufficient technical, financial, and
18 managerial resources and abilities to provide network service
19 and database services that it seeks authority to provide in its
20 application for service authority, in a safe, continuous, and
21 uninterrupted manner.

22 (d) No incumbent local exchange carrier that provides, as
23 of the effective date of this amendatory Act of the 96th
24 General Assembly, any 9-1-1 network and 9-1-1 database service
25 used or intended to be used by any Emergency Telephone System
26 Board or 9-1-1 system, shall be required to obtain a

1 Certificate of 9-1-1 System Provider Authority under this
2 Section. No entity that possesses, as of the effective date of
3 this amendatory Act of the 96th General Assembly, a Certificate
4 of Service Authority and provides 9-1-1 network and 9-1-1
5 database services to any incumbent local exchange carrier as of
6 the effective date of this amendatory Act of the 96th General
7 Assembly shall be required to obtain a Certificate of 9-1-1
8 System Provider Authority under this Section.

9 (e) Any and all enforcement authority granted to the
10 Commission under this Section shall apply exclusively to 9-1-1
11 system providers granted a Certificate of Service Authority
12 under this Section and shall not apply to incumbent local
13 exchange carriers that are providing 9-1-1 service as of the
14 effective date of this amendatory Act of the 96th General
15 Assembly.

16 (Source: P.A. 96-25, eff. 6-30-09.)

17 (220 ILCS 5/13-900.1)

18 Sec. 13-900.1. Authority over 9-1-1 rates and terms of
19 service. Notwithstanding any other provision of this Article,
20 the Commission retains its full authority over the rates and
21 service quality as they apply to 9-1-1 system providers,
22 including the Commission's existing authority over
23 interconnection with 9-1-1 system providers and 9-1-1 systems.
24 The rates, terms, and conditions for 9-1-1 service shall be
25 tariffed and shall be provided in the manner prescribed by this

1 Act and shall be subject to the applicable laws, including
2 rules or regulations adopted and orders issued by the
3 Commission or the Federal Communications Commission. The
4 Commission retains this full authority regardless of the
5 technologies utilized or deployed by 9-1-1 system providers.

6 (Source: P.A. 96-927, eff. 6-15-10; 97-333, eff. 8-12-11.)

7 (220 ILCS 5/13-900.2)

8 Sec. 13-900.2. Access services.

9 (a) This Section shall apply to switched access rates
10 charged by all carriers other than Electing Providers whose
11 switched access rates are governed by subsection (g) of Section
12 13-506.2 of this Act.

13 (b) Except as otherwise provided in subsection (c) of this
14 Section, the rates of any telecommunications carrier,
15 including, but not limited to, competitive local exchange
16 carriers, providing intrastate switched access service shall
17 be reduced to rates no higher than the carrier's rates for
18 interstate switched access service as follows:

19 (1) by January 1, 2011, each telecommunications
20 carrier must reduce its intrastate switched access rates by
21 an amount equal to 50% of the difference between its then
22 current intrastate switched access rates and its then
23 current interstate switched access rates;

24 (2) by January 1, 2012, each telecommunications
25 carrier must further reduce its intrastate switched access

1 rates by an amount equal to 50% of the difference between
2 its then current intrastate switched access rates and its
3 then current interstate switched access rates;

4 (3) by July 1, 2012, each telecommunications carrier
5 must reduce its intrastate switched access rates to mirror
6 its then current interstate switched access rates and rate
7 structure.

8 Following 24 months after the effective date of this
9 amendatory Act of the 96th General Assembly, each
10 telecommunications carrier must continue to set its intrastate
11 switched access rates to mirror its interstate switched access
12 rates and rate structure. For purposes of this Section, the
13 rate for intrastate switched access service means the
14 composite, per-minute rate for that service, including all
15 applicable fixed and traffic-sensitive charges, including, but
16 not limited to, carrier common line charges.

17 (c) Subsection (b) of this Section shall not apply to
18 incumbent local exchange carriers serving 35,000 or fewer
19 access lines.

20 (d) Nothing in subsection (b) of this Section prohibits a
21 telecommunications carrier from electing to offer intrastate
22 switched access service at rates lower than its interstate
23 rates.

24 (e) The Commission shall have no authority to order a
25 telecommunications carrier to set its rates for intrastate
26 switched access at a level lower than its interstate switched

1 access rates.

2 (Source: P.A. 96-927, eff. 6-15-10.)

3 (220 ILCS 5/13-900.3)

4 Sec. 13-900.3. Regulatory flexibility for 9-1-1 system
5 providers.

6 (a) For purposes of this Section, "Regional Pilot Project"
7 to implement next generation 9-1-1 has the same meaning as that
8 term is defined in Section 2.22 of the Emergency Telephone
9 System Act.

10 (b) For the limited purpose of a Regional Pilot Project to
11 implement next generation 9-1-1, as defined in Section 13-900
12 of this Article, the Commission may forbear from applying any
13 rule or provision of Section 13-900 as it applies to
14 implementation of the Regional Pilot Project to implement next
15 generation 9-1-1 if the Commission determines, after notice and
16 hearing, that: (1) enforcement of the rule is not necessary to
17 ensure the development and improvement of emergency
18 communication procedures and facilities in such a manner as to
19 be able to quickly respond to any person requesting 9-1-1
20 services from police, fire, medical, rescue, and other
21 emergency services; (2) enforcement of the rule or provision is
22 not necessary for the protection of consumers; and (3)
23 forbearance from applying such provisions or rules is
24 consistent with the public interest. The Commission may
25 exercise such forbearance with respect to one, and only one,

1 Regional Pilot Project as authorized by Sections 10 and 11 of
2 the Emergency Telephone Systems Act to implement next
3 generation 9-1-1.

4 (Source: P.A. 96-1443, eff. 8-20-10; 97-333, eff. 8-12-11.)

5 (220 ILCS 5/13-901) (from Ch. 111 2/3, par. 13-901)

6 Sec. 13-901. Operator Service Provider.

7 (a) For the purposes of this Section:

8 (1) "Operator service provider" means every
9 telecommunications carrier that provides operator services
10 or any other person or entity that the Commission
11 determines is providing operator services.

12 (2) "Aggregator" means any person or entity that is not
13 an operator service provider and that in the ordinary
14 course of its operations makes telephones available to the
15 public or to transient users of its premises including, but
16 not limited to, a hotel, motel, hospital, or university for
17 telephone calls between points within this State that are
18 specified by the user using an operator service provider.

19 (3) "Operator services" means any telecommunications
20 service that includes, as a component, any automatic or
21 live assistance to a consumer to arrange for billing or
22 completion, or both, of a telephone call between points
23 within this State that are specified by the user through a
24 method other than:

25 (A) automatic completion with billing to the

1 telephone from which the call originated;

2 (B) completion through an access code or a
3 proprietary account number used by the consumer, with
4 billing to an account previously established with the
5 carrier by the consumer; or

6 (C) completion in association with directory
7 assistance services.

8 (b) The Commission shall, by rule or order, adopt and
9 enforce operating requirements for the provision of
10 operator-assisted services. The rules shall apply to operator
11 service providers and to aggregators. The rules shall be
12 compatible with the rules adopted by the Federal Communications
13 Commission under the federal Telephone Operator Consumer
14 Services Improvement Act of 1990. These requirements shall
15 address, but not necessarily be limited to, the following:

16 (1) oral and written notification of the identity of
17 the operator service provider and the availability of
18 information regarding operator service provider rates,
19 collection methods, and complaint resolution methods;

20 (2) restrictions on billing and charges for operator
21 services;

22 (3) restrictions on "call splashing" as that term is
23 defined in 47 C.F.R. Section 64.708;

24 (4) access to other telecommunications carriers by the
25 use of access codes including, but not limited to 800, 888,
26 950, and 10XXX numbers;

1 (5) the appropriate routing and handling of emergency
2 calls;

3 (6) the enforcement of these rules through tariffs for
4 operator services and by a requirement that operator
5 service providers withhold payment of compensation to
6 aggregators that have been found to be noncomplying by the
7 Commission.

8 (c) The Commission shall adopt any rule necessary to make
9 rules previously adopted under this Section compatible with the
10 rules of the Federal Communications Commission no later than
11 one year after the effective date of this amendatory Act of
12 1993.

13 (d) A violation of any rule adopted by the Commission under
14 subsection (b) is a business offense subject to a fine of not
15 less than \$1,000 nor more than \$5,000. In addition, the
16 Commission may, after notice and hearing, order any
17 telecommunications carrier to terminate service to any
18 aggregator found to have violated any rule.

19 (Source: P.A. 90-38, eff. 6-27-97; 91-49, eff. 6-30-99.)

20 (220 ILCS 5/13-902)

21 Sec. 13-902. Authorization and verification of a
22 subscriber's change in telecommunications carrier.

23 (a) Definitions; scope.

24 (1) "Submitting carrier" means any telecommunications
25 carrier that requests on behalf of a subscriber that the

1 subscriber's telecommunications carrier be changed and
2 seeks to provide retail services to the end user
3 subscriber.

4 (2) "Executing carrier" means any telecommunications
5 carrier that effects a request that a subscriber's
6 telecommunications carrier be changed.

7 (3) "Authorized carrier" means any telecommunications
8 carrier that submits a change, on behalf of a subscriber,
9 in the subscriber's selection of a provider of
10 telecommunications service with the subscriber's
11 authorization verified in accordance with the procedures
12 specified in this Section.

13 (4) "Unauthorized carrier" means any
14 telecommunications carrier that submits a change, on
15 behalf of a subscriber, in the subscriber's selection of a
16 provider of telecommunications service but fails to obtain
17 the subscriber's authorization verified in accordance with
18 the procedures specified in this Section.

19 (5) "Unauthorized change" means a change in a
20 subscriber's selection of a provider of telecommunications
21 service that was made without authorization verified in
22 accordance with the verification procedures specified in
23 this Section.

24 (6) "Subscriber" means:

25 (A) the party identified in the account records of
26 a common carrier as responsible for payment of the

1 telephone bill;

2 (B) any adult person authorized by such party to
3 change telecommunications services or to charge
4 services to the account; or

5 (C) any person contractually or otherwise lawfully
6 authorized to represent such party.

7 This Section does not apply to retail business subscribers
8 served by more than 20 lines.

9 (b) Authorization from the subscriber. "Authorization"
10 means an express, affirmative act by a subscriber agreeing to
11 the change in the subscriber's telecommunications carrier to
12 another carrier. A subscriber's telecommunications service
13 shall be provided by the telecommunications carrier selected by
14 the subscriber.

15 (c) Authorization and verification of orders for
16 telecommunications service.

17 (1) No telecommunications carrier shall submit or
18 execute a change on behalf of a subscriber in the
19 subscriber's selection of a provider of telecommunications
20 service except in accordance with the procedures
21 prescribed in this subsection.

22 (2) No submitting carrier shall submit a change on the
23 behalf of a subscriber in the subscriber's selection of a
24 provider of telecommunications service prior to obtaining:

25 (A) authorization from the subscriber; and

26 (B) verification of that authorization in

1 accordance with the procedures prescribed in this
2 Section.

3 The submitting carrier shall maintain and preserve records
4 of verification of subscriber authorization for a minimum
5 period of 2 years after obtaining such verification.

6 (3) An executing carrier shall not verify the
7 submission of a change in a subscriber's selection of a
8 provider of telecommunications service received from a
9 submitting carrier. For an executing carrier, compliance
10 with the procedures described in this Section shall be
11 defined as prompt execution, without any unreasonable
12 delay, of changes that have been verified by a submitting
13 carrier.

14 (4) Commercial mobile radio services (CMRS) providers
15 shall be excluded from the verification requirements of
16 this Section as long as they are not required to provide
17 equal access to common carriers for the provision of
18 telephone toll services, in accordance with 47 U.S.C.
19 332(c)(8).

20 (5) Where a telecommunications carrier is selling more
21 than one type of telecommunications service (e.g., local
22 exchange, intraLATA/intrastate toll, interLATA/interstate
23 toll, and international toll), that carrier must obtain
24 separate authorization from the subscriber for each
25 service sold, although the authorizations may be made
26 within the same solicitation. Each authorization must be

1 verified separately from any other authorizations obtained
2 in the same solicitation. Each authorization must be
3 verified in accordance with the verification procedures
4 prescribed in this Section.

5 (6) No telecommunications carrier shall submit a
6 preferred carrier change order unless and until the order
7 has been confirmed in accordance with one of the following
8 procedures:

9 (A) The telecommunications carrier has obtained
10 the subscriber's written or electronically signed
11 authorization in a form that meets the requirements of
12 subsection (d).

13 (B) The telecommunications carrier has obtained
14 the subscriber's electronic authorization to submit
15 the preferred carrier change order. Such authorization
16 must be placed from the telephone number or numbers on
17 which the preferred carrier is to be changed and must
18 confirm the information in subsections (b) and (c) of
19 this Section. Telecommunications carriers electing to
20 confirm sales electronically shall establish one or
21 more toll-free telephone numbers exclusively for that
22 purpose. Calls to the toll-free telephone numbers must
23 connect a subscriber to a voice response unit, or
24 similar mechanism, that records the required
25 information regarding the preferred carrier change,
26 including automatically recording the originating

1 automatic number identification.

2 (C) An appropriately qualified independent third
3 party has obtained, in accordance with the procedures
4 set forth in paragraphs (7) through (10) of this
5 subsection, the subscriber's oral authorization to
6 submit the preferred carrier change order that
7 confirms and includes appropriate verification data.
8 The independent third party must not be owned, managed,
9 controlled, or directed by the carrier or the carrier's
10 marketing agent; must not have any financial incentive
11 to confirm preferred carrier change orders for the
12 carrier or the carrier's marketing agent; and must
13 operate in a location physically separate from the
14 carrier or the carrier's marketing agent.

15 (7) Methods of third party verification. Automated
16 third party verification systems and three-way conference
17 calls may be used for verification purposes so long as the
18 requirements of paragraphs (8) through (10) of this
19 subsection are satisfied.

20 (8) Carrier initiation of third party verification. A
21 carrier or a carrier's sales representative initiating a
22 three-way conference call or a call through an automated
23 verification system must drop off the call once the
24 three-way connection has been established.

25 (9) Requirements for content and format of third party
26 verification. All third party verification methods shall

1 elicit, at a minimum, the identity of the subscriber;
2 confirmation that the person on the call is authorized to
3 make the carrier change; confirmation that the person on
4 the call wants to make the carrier change; the names of the
5 carriers affected by the change; the telephone numbers to
6 be switched; and the types of service involved. Third party
7 verifiers may not market the carrier's services by
8 providing additional information, including information
9 regarding preferred carrier freeze procedures.

10 (10) Other requirements for third party verification.
11 All third party verifications shall be conducted in the
12 same language that was used in the underlying sales
13 transaction and shall be recorded in their entirety. In
14 accordance with the procedures set forth in paragraph
15 (2)(B) of this subsection, submitting carriers shall
16 maintain and preserve audio records of verification of
17 subscriber authorization for a minimum period of 2 years
18 after obtaining such verification. Automated systems must
19 provide consumers with an option to speak with a live
20 person at any time during the call.

21 (11) Telecommunications carriers must provide
22 subscribers the option of using one of the authorization
23 and verification procedures specified in paragraph (6) of
24 this subsection in addition to an electronically signed
25 authorization and verification procedure under paragraph
26 (6) (A) of this subsection.

1 (d) Letter of agency form and content.

2 (1) A telecommunications carrier may use a written or
3 electronically signed letter of agency to obtain
4 authorization or verification, or both, of a subscriber's
5 request to change his or her preferred carrier selection. A
6 letter of agency that does not conform with this Section is
7 invalid for purposes of this Section.

8 (2) The letter of agency shall be a separate document
9 (or an easily separable document) or located on a separate
10 screen or webpage containing only the authorizing language
11 described in paragraph (5) of this subsection having the
12 sole purpose of authorizing a telecommunications carrier
13 to initiate a preferred carrier change. The letter of
14 agency must be signed and dated by the subscriber to the
15 telephone line or lines requesting the preferred carrier
16 change.

17 (3) The letter of agency shall not be combined on the
18 same document, screen, or webpage with inducements of any
19 kind.

20 (4) Notwithstanding paragraphs (2) and (3) of this
21 subsection, the letter of agency may be combined with
22 checks that contain only the required letter of agency
23 language as prescribed in paragraph (5) of this subsection
24 and the necessary information to make the check a
25 negotiable instrument. The letter of agency check shall not
26 contain any promotional language or material. The letter of

1 agency check shall contain in easily readable, bold-face
2 type on the front of the check, a notice that the
3 subscriber is authorizing a preferred carrier change by
4 signing the check. The letter of agency language shall be
5 placed near the signature line on the back of the check.

6 (5) At a minimum, the letter of agency must be printed
7 with a type of sufficient size and readability to be
8 clearly legible and must contain clear and unambiguous
9 language that confirms:

10 (A) The subscriber's billing name and address and
11 each telephone number to be covered by the preferred
12 carrier change order;

13 (B) The decision to change the preferred carrier
14 from the current telecommunications carrier to the
15 soliciting telecommunications carrier;

16 (C) That the subscriber designates (insert the
17 name of the submitting carrier) to act as the
18 subscriber's agent for the preferred carrier change;

19 (D) That the subscriber understands that only one
20 telecommunications carrier may be designated as the
21 subscriber's interstate or interLATA preferred
22 interexchange carrier for any one telephone number. To
23 the extent that a jurisdiction allows the selection of
24 additional preferred carriers (e.g., local exchange,
25 intraLATA/intrastate toll, interLATA/interstate toll,
26 or international interexchange) the letter of agency

1 must contain separate statements regarding those
2 choices, although a separate letter of agency for each
3 choice is not necessary; and

4 (E) That the subscriber may consult with the
5 carrier as to whether a fee will apply to the change in
6 the subscriber's preferred carrier.

7 (6) Any carrier designated in a letter of agency as a
8 preferred carrier must be the carrier directly setting the
9 rates for the subscriber.

10 (7) Letters of agency shall not suggest or require that
11 a subscriber take some action in order to retain the
12 subscriber's current telecommunications carrier.

13 (8) If any portion of a letter of agency is translated
14 into another language then all portions of the letter of
15 agency must be translated into that language. Every letter
16 of agency must be translated into the same language as any
17 promotional materials, oral descriptions, or instructions
18 provided with the letter of agency.

19 (9) Letters of agency submitted with an electronically
20 signed authorization must include the consumer disclosures
21 required by Section 101(c) of the Electronic Signatures in
22 Global and National Commerce Act.

23 (10) A telecommunications carrier shall submit a
24 preferred carrier change order on behalf of a subscriber
25 within no more than 60 days after obtaining a written or
26 electronically signed letter of agency.

1 (11) If a telecommunications carrier uses a letter of
2 agency, the carrier shall send a letter to the subscriber
3 using first class mail, postage prepaid, no later than 10
4 days after the telecommunications carrier submitting the
5 change in the subscriber's telecommunications carrier is
6 on notice that the change has occurred. The letter must
7 inform the subscriber of the details of the
8 telecommunications carrier change and provide the
9 subscriber with a toll free number to call should the
10 subscriber wish to cancel the change.

11 (e) A switch in a subscriber's selection of a provider of
12 telecommunications service that complies with the rules
13 promulgated by the Federal Communications Commission and any
14 amendments thereto shall be deemed to be in compliance with the
15 provisions of this Section.

16 (f) The Commission shall promulgate any rules necessary to
17 administer this Section. The rules promulgated under this
18 Section shall comport with the rules, if any, promulgated by
19 the Attorney General pursuant to the Consumer Fraud and
20 Deceptive Business Practices Act and with any rules promulgated
21 by the Federal Communications Commission.

22 (g) Complaints may be filed with the Commission under this
23 Section by a subscriber whose telecommunications service has
24 been provided by an unauthorized telecommunications carrier as
25 a result of an unreasonable delay, by a subscriber whose
26 telecommunications carrier has been changed to another

1 telecommunications carrier in a manner not in compliance with
2 this Section, by a subscriber's authorized telecommunications
3 carrier that has been removed as a subscriber's
4 telecommunications carrier in a manner not in compliance with
5 this Section, by a subscriber's authorized submitting carrier
6 whose change order was delayed unreasonably, or by the
7 Commission on its own motion. Upon filing of the complaint, the
8 parties may mutually agree to submit the complaint to the
9 Commission's established mediation process. Remedies in the
10 mediation process may include, but shall not be limited to, the
11 remedies set forth in this subsection. In its discretion, the
12 Commission may deny the availability of the mediation process
13 and submit the complaint to hearings. If the complaint is not
14 submitted to mediation or if no agreement is reached during the
15 mediation process, hearings shall be held on the complaint. If,
16 after notice and hearing, the Commission finds that a
17 telecommunications carrier has violated this Section or a rule
18 promulgated under this Section, the Commission may in its
19 discretion do any one or more of the following:

20 (1) Require the violating telecommunications carrier
21 to refund to the subscriber all fees and charges collected
22 from the subscriber for services up to the time the
23 subscriber receives written notice of the fact that the
24 violating carrier is providing telecommunications service
25 to the subscriber, including notice on the subscriber's
26 bill. For unreasonable delays wherein telecommunications

1 service is provided by an unauthorized carrier, the
2 Commission may require the violating carrier to refund to
3 the subscriber all fees and charges collected from the
4 subscriber during the unreasonable delay. The Commission
5 may order the remedial action outlined in this subsection
6 only to the extent that the same remedial action is allowed
7 pursuant to rules or regulations promulgated by the Federal
8 Communications Commission.

9 (2) Require the violating telecommunications carrier
10 to refund to the subscriber charges collected in excess of
11 those that would have been charged by the subscriber's
12 authorized telecommunications carrier.

13 (3) Require the violating telecommunications carrier
14 to pay to the subscriber's authorized telecommunications
15 carrier the amount the authorized telecommunications
16 carrier would have collected for the telecommunications
17 service. The Commission is authorized to reduce this
18 payment by any amount already paid by the violating
19 telecommunications carrier to the subscriber's authorized
20 telecommunications carrier for those telecommunications
21 services.

22 (4) Require the violating telecommunications carrier
23 to pay a fine of up to \$1,000 into the Public Utility Fund
24 for each repeated and intentional violation of this
25 Section.

26 (5) Issue a cease and desist order.

1 (6) For a pattern of violation of this Section or for
2 intentionally violating a cease and desist order, revoke
3 the violating telecommunications carrier's certificate of
4 service authority.

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

6 (220 ILCS 5/13-903)

7 Sec. 13-903. Authorization, verification or notification,
8 and dispute resolution for covered product and service charges
9 on the telephone bill.

10 (a) Definitions. As used in this Section:

11 (1) "Subscriber" means a telecommunications carrier's
12 retail business customer served by not more than 20 lines
13 or a retail residential customer.

14 (2) "Telecommunications carrier" has the meaning given
15 in Section 13-202 of the Public Utilities Act and includes
16 agents and employees of a telecommunications carrier,
17 except that "telecommunications carrier" does not include
18 a provider of commercial mobile radio services (as defined
19 by 47 U.S.C. 332(d)(1)).

20 (b) Applicability of Section. This Section does not apply
21 to:

22 (1) changes in a subscriber's local exchange
23 telecommunications service or interexchange
24 telecommunications service;

25 (2) message telecommunications charges that are

1 initiated by dialing 1+, 0+, 0-, 1010XXX, or collect calls
2 and charges for video services if the service provider has
3 the necessary call detail record to establish the billing
4 for the call or service; and

5 (3) telecommunications services available on a
6 subscriber's line when the subscriber activates and pays
7 for the services on a per use basis.

8 (c) Requirements for billing authorized charges. A
9 telecommunications carrier shall meet all of the following
10 requirements before submitting charges for any product or
11 service to be billed on any subscriber's telephone bill:

12 (1) Inform the subscriber. The telecommunications
13 carrier offering the product or service must thoroughly
14 inform the subscriber of the product or service being
15 offered, including all associated charges, and explicitly
16 inform the subscriber that the associated charges for the
17 product or service will appear on the subscriber's
18 telephone bill.

19 (2) Obtain subscriber authorization. The subscriber
20 must have clearly and explicitly consented to obtaining the
21 product or service offered and to having the associated
22 charges appear on the subscriber's telephone bill. The
23 consent must be verified by the service provider in
24 accordance with subsection (d) of this Section. A record of
25 the consent must be maintained by the telecommunications
26 carrier offering the product or service for at least 24

1 months immediately after the consent and verification were
2 obtained.

3 (d) Verification or notification. Except in
4 subscriber-initiated transactions with a certificated
5 telecommunications carrier for which the telecommunications
6 carrier has the appropriate documentation, the
7 telecommunications carrier, after obtaining the subscriber's
8 authorization in the required manner, shall either verify the
9 authorization or notify the subscriber as follows:

10 (1) Independent third-party verification:

11 (A) Verification shall be obtained by an
12 independent third party that:

13 (i) operates from a facility physically
14 separate from that of the telecommunications
15 carrier;

16 (ii) is not directly or indirectly managed,
17 controlled, directed, or owned wholly or in part by
18 the telecommunications carrier or the carrier's
19 marketing agent; and

20 (iii) does not derive commissions or
21 compensation based upon the number of sales
22 confirmed.

23 (B) The third-party verification agent shall
24 state, and shall obtain the subscriber's
25 acknowledgment of, the following disclosures:

26 (i) the subscriber's name, address, and the

1 telephone numbers of all telephone lines that will
2 be charged for the product or service of the
3 telecommunications carrier;

4 (ii) that the person speaking to the third
5 party verification agent is in fact the
6 subscriber;

7 (iii) that the subscriber wishes to purchase
8 the product or service of the telecommunications
9 carrier and is agreeing to do so;

10 (iv) that the subscriber understands that the
11 charges for the product or service of the
12 telecommunications carrier will appear on the
13 subscriber's telephone bill; and

14 (v) the name and customer service telephone
15 number of the telecommunications carrier.

16 (C) The telecommunications carrier shall retain,
17 electronically or otherwise, proof of the verification
18 of sales for a minimum of 24 months.

19 (2) Notification. Written notification shall be
20 provided as follows:

21 (A) the telecommunications carrier shall mail a
22 letter to the subscriber using first class mail,
23 postage prepaid, no later than 10 days after initiation
24 of the product or service;

25 (B) the letter shall be a separate document sent
26 for the sole purpose of describing the product or

1 service of the telecommunications carrier;

2 (C) the letter shall be printed with 10-point or
3 larger type and clearly and conspicuously disclose the
4 material terms and conditions of the offer of the
5 telecommunications carrier, as described in paragraph
6 (1) of subsection (c);

7 (D) the letter shall contain a toll-free telephone
8 number the subscriber can call to cancel the product or
9 service;

10 (E) the telecommunications carrier shall retain,
11 electronically or otherwise, proof of written
12 notification for a minimum of 24 months; and

13 (F) written notification can be provided via
14 electronic mail if consumers are given the disclosures
15 required by Section 101(c) of the Electronic
16 Signatures in Global and National Commerce Act.

17 (e) Unauthorized charges.

18 (1) Responsibilities of the billing telecommunications
19 carrier for unauthorized charges. If a subscriber's
20 telephone bill is charged for any product or service
21 without proper subscriber authorization and verification
22 or notification of authorization in compliance with this
23 Section, the telecommunications carrier that billed the
24 subscriber, on its knowledge or notification of any
25 unauthorized charge, shall promptly, but not later than 45
26 days after the date of the knowledge or notification of an

1 unauthorized charge:

2 (A) notify the product or service provider to
3 immediately cease charging the subscriber for the
4 unauthorized product or service;

5 (B) remove the unauthorized charge from the
6 subscriber's bill; and

7 (C) refund or credit to the subscriber all money
8 that the subscriber has paid for any unauthorized
9 charge.

10 (f) The Commission shall promulgate any rules necessary to
11 ensure that subscribers are not billed on the telephone bill
12 for products or services in a manner not in compliance with
13 this Section. The rules promulgated under this Section shall
14 comport with the rules, if any, promulgated by the Attorney
15 General pursuant to the Consumer Fraud and Deceptive Business
16 Practices Act and with any rules promulgated by the Federal
17 Communications Commission or Federal Trade Commission.

18 (g) Complaints may be filed with the Commission under this
19 Section by a subscriber who has been billed on the telephone
20 bill for products or services not in compliance with this
21 Section or by the Commission on its own motion. Upon filing of
22 the complaint, the parties may mutually agree to submit the
23 complaint to the Commission's established mediation process.
24 Remedies in the mediation process may include, but shall not be
25 limited to, the remedies set forth in paragraphs (1) through
26 (4) of this subsection. In its discretion, the Commission may

1 deny the availability of the mediation process and submit the
2 complaint to hearings. If the complaint is not submitted to
3 mediation or if no agreement is reached during the mediation
4 process, hearings shall be held on the complaint pursuant to
5 Article X of this Act. If after notice and hearing, the
6 Commission finds that a telecommunications carrier has
7 violated this Section or a rule promulgated under this Section,
8 the Commission may in its discretion order any one or more of
9 the following:

10 (1) Require the violating telecommunications carrier
11 to pay a fine of up to \$1,000 into the Public Utility Fund
12 for each repeated and intentional violation of this
13 Section.

14 (2) Require the violating carrier to refund or cancel
15 all charges for products or services not billed in
16 compliance with this Section.

17 (3) Issue a cease and desist order.

18 (4) For a pattern of violation of this Section or for
19 intentionally violating a cease and desist order, revoke
20 the violating telecommunications carrier's certificate of
21 service authority.

22 (Source: P.A. 98-756, eff. 7-16-14.)

23 (220 ILCS 5/13-904 new)

24 Sec. 13-904. Continuation of Article; validation.

25 (a) The General Assembly finds and declares that this

1 amendatory Act of the 100th General Assembly manifests the
2 intention of the General Assembly to extend the repeal of this
3 Article and have this Article continue in effect until December
4 31, 2020.

5 (b) This Article shall be deemed to have been in continuous
6 effect since July 1, 2017 and it shall continue to be in effect
7 henceforward until it is otherwise lawfully repealed. All
8 previously enacted amendments to this Article taking effect on
9 or after July 1, 2017, are hereby validated. All actions taken
10 in reliance on or under this Article by the Illinois Commerce
11 Commission or any other person or entity are hereby validated.

12 (c) In order to ensure the continuing effectiveness of this
13 Article, it is set forth in full and reenacted by this
14 amendatory Act of the 100th General Assembly. Striking and
15 underscoring are used only to show changes being made to the
16 base text. This reenactment is intended as a continuation of
17 this Article. It is not intended to supersede any amendment to
18 this Article that is enacted by the 100th General Assembly.

19 (220 ILCS 5/13-1200)

20 Sec. 13-1200. Repealer. This Article is repealed December
21 31, 2020 ~~July 1, 2017.~~

22 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

23 (220 ILCS 5/Art. XXI heading)

24 ARTICLE XXI. CABLE AND VIDEO COMPETITION

1 (Source: P.A. 95-9, eff. 6-30-07.)

2 (220 ILCS 5/21-100)

3 Sec. 21-100. Short title. This Article may be cited as the
4 Cable and Video Competition Law of 2007.

5 (Source: P.A. 95-9, eff. 6-30-07.)

6 (220 ILCS 5/21-101)

7 Sec. 21-101. Findings. With respect to cable and video
8 competition, the General Assembly finds that:

9 (a) The economy in the State of Illinois will be
10 enhanced by investment in new communications, cable
11 services, and video services infrastructure, including
12 broadband facilities, fiber optic, and Internet protocol
13 technologies.

14 (b) Cable services and video services bring important
15 daily benefits to Illinois consumers by providing news,
16 education, and entertainment.

17 (c) Competitive cable service and video service
18 providers are capable of providing new video programming
19 services and competition to Illinois consumers and of
20 decreasing the prices for video programming services paid
21 by Illinois consumers.

22 (d) Although there has been some competitive entry into
23 the facilities-based video programming market since
24 current franchising requirements in this State were

1 enacted, further entry by facilities-based providers could
2 benefit consumers, provided cable and video services are
3 equitably available to all Illinois consumers at
4 reasonable prices.

5 (e) The provision of competitive cable services and
6 video services is a matter of statewide concern that
7 extends beyond the boundaries of individual local units of
8 government. Notwithstanding the foregoing, public
9 rights-of-way are limited resources over which the
10 municipality has a custodial duty to ensure that they are
11 used, repaired, and maintained in a manner that best serves
12 the public interest.

13 (f) The State authorization process and uniform
14 standards and procedures in this Article are intended to
15 enable rapid and widespread entry by competitive
16 providers, which will bring to Illinois consumers the
17 benefits of video competition, including providing
18 consumers with more choice, lower prices, higher speed and
19 more advanced Internet access, more diverse and varied
20 news, public information, education, and entertainment
21 programming, and will bring to this State and its local
22 units of government the benefits of new infrastructure
23 investment, job growth, and innovation in broadband and
24 Internet protocol technologies and deployment.

25 (g) Providing an incumbent cable or video service
26 provider with the option to secure a State-issued

1 authorization through the termination of existing cable
2 franchises between incumbent cable and video service
3 providers and any local franchising authority is part of
4 the new regulatory framework established by this Article.

5 This Article is intended to best ensure equal treatment and
6 parity among providers and technologies.

7 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

8 (220 ILCS 5/21-101.1)

9 Sec. 21-101.1. Applicability. The provisions of Public Act
10 95-9 shall apply only to a holder of a cable service or video
11 service authorization issued by the Commission pursuant to this
12 Article, and shall not apply to any person or entity that
13 provides cable television services under a cable television
14 franchise issued by any municipality or county pursuant to
15 Section 11-42-11 of the Illinois Municipal Code (65 ILCS
16 5/11-42-11) or Section 5-1095 of the Counties Code (55 ILCS
17 5/5-1095), unless specifically provided for herein. A local
18 unit of government that has an existing agreement for the
19 provision of video services with a company or entity that uses
20 its telecommunications facilities to provide video service as
21 of May 30, 2007 may continue to operate under that agreement or
22 may, at its discretion, terminate the existing agreement and
23 require the video provider to obtain a State-issued
24 authorization under this Article.

25 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

1 (220 ILCS 5/21-201)

2 Sec. 21-201. Definitions. As used in this Article:

3 (a) "Access" means that the cable or video provider is
4 capable of providing cable services or video services at the
5 household address using any technology, other than
6 direct-to-home satellite service, that provides 2-way
7 broadband Internet capability and video programming, content,
8 and functionality, regardless of whether any customer has
9 ordered service or whether the owner or landlord or other
10 responsible person has granted access to the household. If more
11 than one technology is used, the technologies shall provide
12 similar 2-way broadband Internet accessibility and similar
13 video programming.

14 (b) "Basic cable or video service" means any cable or video
15 service offering or tier that includes the retransmission of
16 local television broadcast signals.

17 (c) "Broadband service" means a high speed service
18 connection to the public Internet capable of supporting, in at
19 least one direction, a speed in excess of 200 kilobits per
20 second (kbps) to the network demarcation point at the
21 subscriber's premises.

22 (d) "Cable operator" means that term as defined in item (5)
23 of 47 U.S.C. 522.

24 (e) "Cable service" means that term as defined in item (6)
25 of 47 U.S.C. 522.

1 (f) "Cable system" means that term as defined in item (7)
2 of 47 U.S.C. 522.

3 (g) "Commission" means the Illinois Commerce Commission.

4 (h) "Competitive cable service or video service provider"
5 means a person or entity that is providing or seeks to provide
6 cable service or video service in an area where there is at
7 least one incumbent cable operator.

8 (i) "Designated market area" means a designated market
9 area, as determined by Nielsen Media Research and published in
10 the 1999-2000 Nielsen Station Index Directory and Nielsen
11 Station Index United States Television Household Estimates or
12 any successor publication. For any designated market area that
13 crosses State lines, only households in the portion of the
14 designated market area that is located within the holder's
15 telecommunications service area in the State where access to
16 video service will be offered shall be considered.

17 (j) "Footprint" means the geographic area designated by the
18 cable service or video service provider as the geographic area
19 in which it will offer cable services or video services during
20 the period of its State-issued authorization. Each footprint
21 shall be identified in terms of either (i) exchanges, as that
22 term is defined in Section 13-206 of this Act; (ii) a
23 collection of United States Census Bureau Block numbers (13
24 digit); (iii) if the area is smaller than the areas identified
25 in either (i) or (ii), by geographic information system digital
26 boundaries meeting or exceeding national map accuracy

1 standards; or (iv) local units of government.

2 (k) "Holder" means a person or entity that has received
3 authorization to offer or provide cable or video service from
4 the Commission pursuant to Section 21-401 of this Article.

5 (l) "Household" means a house, an apartment, a mobile home,
6 a group of rooms, or a single room that is intended for
7 occupancy as separate living quarters. Separate living
8 quarters are those in which the occupants live and eat
9 separately from any other persons in the building and that have
10 direct access from the outside of the building or through a
11 common hall. This definition is consistent with the United
12 States Census Bureau, as that definition may be amended
13 thereafter.

14 (m) "Incumbent cable operator" means a person or entity
15 that provided cable services or video services in a particular
16 area under a franchise agreement with a local unit of
17 government pursuant to Section 11-42-11 of the Illinois
18 Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the
19 Counties Code (55 ILCS 5/5-1095) on January 1, 2007.

20 (n) "Local franchising authority" means the local unit of
21 government that has or requires a franchise with a cable
22 operator, a provider of cable services, or a provider of video
23 services to construct or operate a cable or video system or to
24 offer cable services or video services under Section 11-42-11
25 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section
26 5-1095 of the Counties Code (55 ILCS 5/5-1095).

1 (o) "Local unit of government" means a city, village,
2 incorporated town, or county.

3 (p) "Low-income household" means those residential
4 households located within the holder's existing telephone
5 service area where the average annual household income is less
6 than \$35,000, based on the United States Census Bureau
7 estimates adjusted annually to reflect rates of change and
8 distribution.

9 (q) "Public rights-of-way" means the areas on, below, or
10 above a public roadway, highway, street, public sidewalk,
11 alley, waterway, or utility easements dedicated for compatible
12 uses.

13 (r) "Service" means the provision of cable service or video
14 service to subscribers and the interaction of subscribers with
15 the person or entity that has received authorization to offer
16 or provide cable or video service from the Commission pursuant
17 to Section 21-401 of this Act.

18 (s) "Service provider fee" means the amount paid under
19 Section 21-801 of this Act by the holder to a municipality, or
20 in the case of an unincorporated service area to a county, for
21 service areas within its territorial jurisdiction, but under no
22 circumstances shall the service provider fee be paid to more
23 than one local unit of government for the same portion of the
24 holder's service area.

25 (t) "Telecommunications service area" means the area
26 designated by the Commission as the area in which a

1 telecommunications company was obligated to provide
2 non-competitive local telephone service as of February 8, 1996
3 as incorporated into Section 13-202.5 of this Act.

4 (u) "Video programming" means that term as defined in item
5 (20) of 47 U.S.C. 522.

6 (v) "Video service" means video programming and subscriber
7 interaction, if any, that is required for the selection or use
8 of such video programming services, and that is provided
9 through wireline facilities located at least in part in the
10 public rights-of-way without regard to delivery technology,
11 including Internet protocol technology. This definition does
12 not include any video programming provided by a commercial
13 mobile service provider defined in subsection (d) of 47 U.S.C.
14 332 or any video programming provided solely as part of, and
15 via, service that enables users to access content, information,
16 electronic mail, or other services offered over the public
17 Internet.

18 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

19 (220 ILCS 5/21-301)

20 Sec. 21-301. Eligibility.

21 (a) A person or entity seeking to provide cable service or
22 video service in this State after June 30, 2007 (the effective
23 date of Public Act 95-9) shall either (1) obtain a State-issued
24 authorization pursuant to Section 21-401 of the Public
25 Utilities Act (220 ILCS 5/21-401); (2) obtain authorization

1 pursuant to Section 11-42-11 of the Illinois Municipal Code (65
2 ILCS 5/11-42-11); or (3) obtain authorization pursuant to
3 Section 5-1095 of the Counties Code (55 ILCS 5/5-1095).

4 (b) An incumbent cable operator shall be eligible to apply
5 for a State-issued authorization as provided in subsection (c)
6 of this Section. Upon expiration of its current franchise
7 agreement, an incumbent cable operator may obtain State
8 authorization from the Commission pursuant to this Article or
9 may pursue a franchise renewal with the appropriate local
10 franchise authority under State and federal law. An incumbent
11 cable operator and any successor-in-interest that receives a
12 State-issued authorization shall be obligated to provide
13 access to cable services or video services within any local
14 unit of government at the same levels required by the local
15 franchising authorities for the local unit of government on
16 June 30, 2007 (the effective date of Public Act 95-9).

17 (c) (1) An incumbent cable operator may elect to terminate
18 its agreement with the local franchising authority and obtain a
19 State-issued authorization by providing written notice to the
20 Commission and the affected local franchising authority and any
21 entity authorized by that franchising authority to manage
22 public, education, and government access at least 180 days
23 prior to its filing an application for a State-issued
24 authorization. The existing agreement shall be terminated on
25 the date that the Commission issues the State-issued
26 authorization.

1 (2) An incumbent cable operator that elects to
2 terminate an existing agreement with a local franchising
3 authority under this Section is responsible for remitting
4 to the affected local franchising authority and any entity
5 designated by that local franchising authority to manage
6 public, education, and government access before the 46th
7 day after the date the agreement is terminated any accrued
8 but unpaid fees due under the terminated agreement. If that
9 incumbent cable operator has credit remaining from prepaid
10 franchise fees, such amount of the remaining credit may be
11 deducted from any future fees the incumbent cable operator
12 must pay to the local franchising authority pursuant to
13 subsection (b) of Section 21-801 of this Act.

14 (3) An incumbent cable operator that elects to
15 terminate an existing agreement with a local franchising
16 authority under this Section shall pay the affected local
17 franchising authority and any entity designated by that
18 franchising authority to manage public, education, and
19 government access, at the time that they would have been
20 due, all monetary payments for public, education, or
21 government access that would have been due during the
22 remaining term of the agreement had it not been terminated
23 as provided in this paragraph. All payments made by an
24 incumbent cable operator pursuant to the previous sentence
25 of this paragraph may be credited against the fees that
26 that operator owes under item (1) of subsection (d) of

1 Section 21-801 of this Act.

2 (d) For purposes of this Article, the Commission shall be
3 the franchising authority for cable service or video service
4 providers that apply for and obtain a State-issued
5 authorization under this Article with regard to the footprint
6 covered by such authorization. Notwithstanding any other
7 provision of this Article, holders using telecommunications
8 facilities to provide cable service or video service are not
9 obligated to provide that service outside the holder's
10 telecommunications service area.

11 (e) Any person or entity that applies for and obtains a
12 State-issued authorization under this Article shall not be
13 subject to Section 11-42-11 of the Illinois Municipal Code (65
14 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55
15 ILCS 5/5-1095), except as provided in this Article. Except as
16 provided under this Article, neither the Commission nor any
17 local unit of government may require a person or entity that
18 has applied for and obtained a State-issued authorization to
19 obtain a separate franchise or pay any franchise fee on cable
20 service or video service.

21 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

22 (220 ILCS 5/21-401)

23 Sec. 21-401. Applications.

24 (a) (1) A person or entity seeking to provide cable service
25 or video service pursuant to this Article shall not use the

1 public rights-of-way for the installation or construction of
2 facilities for the provision of cable service or video service
3 or offer cable service or video service until it has obtained a
4 State-issued authorization to offer or provide cable or video
5 service under this Section, except as provided for in item (2)
6 of this subsection (a). All cable or video providers offering
7 or providing service in this State shall have authorization
8 pursuant to either (i) the Cable and Video Competition Law of
9 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
10 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
11 5-1095 of the Counties Code (55 ILCS 5/5-1095).

12 (2) Nothing in this Section shall prohibit a local unit of
13 government from granting a permit to a person or entity for the
14 use of the public rights-of-way to install or construct
15 facilities to provide cable service or video service, at its
16 sole discretion. No unit of local government shall be liable
17 for denial or delay of a permit prior to the issuance of a
18 State-issued authorization.

19 (b) The application to the Commission for State-issued
20 authorization shall contain a completed affidavit submitted by
21 the applicant and signed by an officer or general partner of
22 the applicant affirming all of the following:

23 (1) That the applicant has filed or will timely file
24 with the Federal Communications Commission all forms
25 required by that agency in advance of offering cable
26 service or video service in this State.

1 (2) That the applicant agrees to comply with all
2 applicable federal and State statutes and regulations.

3 (3) That the applicant agrees to comply with all
4 applicable local unit of government regulations.

5 (4) An exact description of the cable service or video
6 service area where the cable service or video service will
7 be offered during the term of the State-issued
8 authorization. The service area shall be identified in
9 terms of either (i) exchanges, as that term is defined in
10 Section 13-206 of this Act; (ii) a collection of United
11 States Census Bureau Block numbers (13 digit); (iii) if the
12 area is smaller than the areas identified in either (i) or
13 (ii), by geographic information system digital boundaries
14 meeting or exceeding national map accuracy standards; or
15 (iv) local unit of government. The description shall
16 include the number of low-income households within the
17 service area or footprint. If an applicant is an incumbent
18 cable operator, the incumbent cable operator and any
19 successor-in-interest shall be obligated to provide access
20 to cable services or video services within any local units
21 of government at the same levels required by the local
22 franchising authorities for the local unit of government on
23 June 30, 2007 (the effective date of Public Act 95-9), and
24 its application shall provide a description of an area no
25 smaller than the service areas contained in its franchise
26 or franchises within the jurisdiction of the local unit of

1 government in which it seeks to offer cable or video
2 service.

3 (5) The location and telephone number of the
4 applicant's principal place of business within this State
5 and the names of the applicant's principal executive
6 officers who are responsible for communications concerning
7 the application and the services to be offered pursuant to
8 the application, the applicant's legal name, and any name
9 or names under which the applicant does or will provide
10 cable services or video services in this State.

11 (6) A certification that the applicant has
12 concurrently delivered a copy of the application to all
13 local units of government that include all or any part of
14 the service area identified in item (4) of this subsection
15 (b) within such local unit of government's jurisdictional
16 boundaries.

17 (7) The expected date that cable service or video
18 service will be initially offered in the area identified in
19 item (4) of this subsection (b). In the event that a holder
20 does not offer cable services or video services within 3
21 months after the expected date, it shall amend its
22 application and update the expected date service will be
23 offered and explain the delay in offering cable services or
24 video services.

25 (8) For any entity that received State-issued
26 authorization prior to this amendatory Act of the 98th

1 General Assembly as a cable operator and that intends to
2 proceed as a cable operator under this Article, the entity
3 shall file a written affidavit with the Commission and
4 shall serve a copy of the affidavit with any local units of
5 government affected by the authorization within 30 days
6 after the effective date of this amendatory Act of the 98th
7 General Assembly stating that the holder will be providing
8 cable service under the State-issued authorization.

9 The application shall include adequate assurance that the
10 applicant possesses the financial, managerial, legal, and
11 technical qualifications necessary to construct and operate
12 the proposed system, to promptly repair any damage to the
13 public right-of-way caused by the applicant, and to pay the
14 cost of removal of its facilities. To accomplish these
15 requirements, the applicant may, at the time the applicant
16 seeks to use the public rights-of-way in that jurisdiction, be
17 required by the State of Illinois or later be required by the
18 local unit of government, or both, to post a bond, produce a
19 certificate of insurance, or otherwise demonstrate its
20 financial responsibility.

21 The application shall include the applicant's general
22 standards related to customer service required by Section
23 22-501 of this Act, which shall include, but not be limited to,
24 installation, disconnection, service and repair obligations;
25 appointment hours; employee ID requirements; customer service
26 telephone numbers and hours; procedures for billing, charges,

1 deposits, refunds, and credits; procedures for termination of
2 service; notice of deletion of programming service and changes
3 related to transmission of programming or changes or increases
4 in rates; use and availability of parental control or lock-out
5 devices; complaint procedures and procedures for bill dispute
6 resolution and a description of the rights and remedies
7 available to consumers if the holder does not materially meet
8 their customer service standards; and special services for
9 customers with visual, hearing, or mobility disabilities.

10 (c)(1) The applicant may designate information that it
11 submits in its application or subsequent reports as
12 confidential or proprietary, provided that the applicant
13 states the reasons the confidential designation is necessary.
14 The Commission shall provide adequate protection for such
15 information pursuant to Section 4-404 of this Act. If the
16 Commission, a local unit of government, or any other party
17 seeks public disclosure of information designated as
18 confidential, the Commission shall consider the confidential
19 designation in a proceeding under the Illinois Administrative
20 Procedure Act, and the burden of proof to demonstrate that the
21 designated information is confidential shall be upon the
22 applicant. Designated information shall remain confidential
23 pending the Commission's determination of whether the
24 information is entitled to confidential treatment. Information
25 designated as confidential shall be provided to local units of
26 government for purposes of assessing compliance with this

1 Article as permitted under a Protective Order issued by the
2 Commission pursuant to the Commission's rules and to the
3 Attorney General pursuant to Section 6.5 of the Attorney
4 General Act (15 ILCS 205/6.5). Information designated as
5 confidential under this Section or determined to be
6 confidential upon Commission review shall only be disclosed
7 pursuant to a valid and enforceable subpoena or court order or
8 as required by the Freedom of Information Act. Nothing herein
9 shall delay the application approval timeframes set forth in
10 this Article.

11 (2) Information regarding the location of video services
12 that have been or are being offered to the public and aggregate
13 information included in the reports required by this Article
14 shall not be designated or treated as confidential.

15 (d)(1) The Commission shall post all applications it
16 receives under this Article on its web site within 5 business
17 days.

18 (2) The Commission shall notify an applicant for a cable
19 service or video service authorization whether the applicant's
20 application and affidavit are complete on or before the 15th
21 business day after the applicant submits the application. If
22 the application and affidavit are not complete, the Commission
23 shall state in its notice all of the reasons the application or
24 affidavit are incomplete, and the applicant shall resubmit a
25 complete application. The Commission shall have 30 days after
26 submission by the applicant of a complete application and

1 affidavit to issue the service authorization. If the Commission
2 does not notify the applicant regarding the completeness of the
3 application and affidavit or issue the service authorization
4 within the time periods required under this subsection, the
5 application and affidavit shall be considered complete and the
6 service authorization issued upon the expiration of the 30th
7 day.

8 (e) Any authorization issued by the Commission will expire
9 on December 31, 2023 ~~2020~~ and shall contain or include all of
10 the following:

11 (1) A grant of authority, including an authorization
12 issued prior to this amendatory Act of the 98th General
13 Assembly, to provide cable service or video service in the
14 service area footprint as requested in the application,
15 subject to the provisions of this Article in existence on
16 the date the grant of authority was issued, and any
17 modifications to this Article enacted at any time prior to
18 the date in Section 21-1601 of this Act, and to the laws of
19 the State and the ordinances, rules, and regulations of the
20 local units of government.

21 (2) A grant of authority to use, occupy, and construct
22 facilities in the public rights-of-way for the delivery of
23 cable service or video service in the service area
24 footprint, subject to the laws, ordinances, rules, or
25 regulations of this State and local units of governments.

26 (3) A statement that the grant of authority is subject

1 to lawful operation of the cable service or video service
2 by the applicant, its affiliated entities, or its
3 successors-in-interest.

4 (e-5) The Commission shall notify a local unit of
5 government within 3 business days of the grant of any
6 authorization within a service area footprint if that
7 authorization includes any part of the local unit of
8 government's jurisdictional boundaries and state whether the
9 holder will be providing video service or cable service under
10 the authorization.

11 (f) The authorization issued pursuant to this Section by
12 the Commission may be transferred to any successor-in-interest
13 to the applicant to which it is initially granted without
14 further Commission action if the successor-in-interest (i)
15 submits an application and the information required by
16 subsection (b) of this Section for the successor-in-interest
17 and (ii) is not in violation of this Article or of any federal,
18 State, or local law, ordinance, rule, or regulation. A
19 successor-in-interest shall file its application and notice of
20 transfer with the Commission and the relevant local units of
21 government no less than 15 business days prior to the
22 completion of the transfer. The Commission is not required or
23 authorized to act upon the notice of transfer; however, the
24 transfer is not effective until the Commission approves the
25 successor-in-interest's application. A local unit of
26 government or the Attorney General may seek to bar a transfer

1 of ownership by filing suit in a court of competent
2 jurisdiction predicated on the existence of a material and
3 continuing breach of this Article by the holder, a pattern of
4 noncompliance with customer service standards by the potential
5 successor-in-interest, or the insolvency of the potential
6 successor-in-interest. If a transfer is made when there are
7 violations of this Article or of any federal, State, or local
8 law, ordinance, rule, or regulation, the successor-in-interest
9 shall be subject to 3 times the penalties provided for in this
10 Article.

11 (g) The authorization issued pursuant to this Section by
12 the Commission may be terminated, or its cable service or video
13 service area footprint may be modified, by the cable service
14 provider or video service provider by submitting notice to the
15 Commission and to the relevant local unit of government
16 containing a description of the change on the same terms as the
17 initial description pursuant to item (4) of subsection (b) of
18 this Section. The Commission is not required or authorized to
19 act upon that notice. It shall be a violation of this Article
20 for a holder to discriminate against potential residential
21 subscribers because of the race or income of the residents in
22 the local area in which the group resides by terminating or
23 modifying its cable service or video service area footprint. It
24 shall be a violation of this Article for a holder to terminate
25 or modify its cable service or video service area footprint if
26 it leaves an area with no cable service or video service from

1 any provider.

2 (h) The Commission's authority to administer this Article
3 is limited to the powers and duties explicitly provided under
4 this Article. Its authority under this Article does not include
5 or limit the powers and duties that the Commission has under
6 the other Articles of this Act, the Illinois Administrative
7 Procedure Act, or any other law or regulation to conduct
8 proceedings, other than as provided in subsection (c), or has
9 to promulgate rules or regulations. The Commission shall not
10 have the authority to limit or expand the obligations and
11 requirements provided in this Section or to regulate or control
12 a person or entity to the extent that person or entity is
13 providing cable service or video service, except as provided in
14 this Article.

15 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14; 99-6,
16 eff. 6-29-15.)

17 (220 ILCS 5/21-601)

18 Sec. 21-601. Public, education, and government access. For
19 the purposes of this Section, "programming" means content
20 produced or provided by any person, group, governmental agency,
21 or noncommercial public or private agency or organization.

22 (a) Not later than 90 days after a request by the local
23 unit of government or its designee that has received notice
24 under subsection (a) of Section 21-801 of this Act, the holder
25 shall (i) designate the same amount of capacity on its network

1 to provide for public, education, and government access use as
2 the incumbent cable operator is required to designate under its
3 franchise terms in effect with a local unit of government on
4 January 1, 2007 and (ii) retransmit to its subscribers the same
5 number of public, education, and government access channels as
6 the incumbent cable operator was retransmitting to subscribers
7 on January 1, 2007.

8 (b) If the local unit of government produces or maintains
9 the public education or government programming in a manner or
10 form that is compatible with the holder's network, it shall
11 transmit such programming to the holder in that form provided
12 that form permits the holder to satisfy the requirements of
13 subsection (c) of this Section. If the local unit of government
14 does not produce or maintain such programming in that manner or
15 form, then the holder shall be responsible for any changes in
16 the form of the transmission necessary to make public,
17 education, and government programming compatible with the
18 technology or protocol used by the holder to deliver services.
19 The holder shall receive programming from the local unit of
20 government (or the local unit of government's public,
21 education, and government programming providers) and transmit
22 that public, education, and government programming directly to
23 the holder's subscribers within the local unit of government's
24 jurisdiction at no cost to the local unit of government or the
25 public, education, and government programming providers. If
26 the holder is required to change the form of the transmission,

1 the local unit of government or its designee shall provide
2 reasonable access to the holder to allow the holder to transmit
3 the public, education, and government programming in an
4 economical manner subject to the requirements of subsection (c)
5 of this Section.

6 (c) The holder shall provide to subscribers public,
7 education, and government access channel capacity at
8 equivalent visual and audio quality and equivalent
9 functionality, from the viewing perspective of the subscriber,
10 to that of commercial channels carried on the holder's basic
11 cable or video service offerings or tiers without the need for
12 any equipment other than the equipment necessary to receive the
13 holder's basic cable or video service offerings or tiers.

14 (d) The holder and an incumbent cable operator shall
15 negotiate in good faith to interconnect their networks, if
16 needed, for the purpose of providing public, education, and
17 government programming. Interconnection may be accomplished by
18 direct cable, microwave link, satellite, or other reasonable
19 method of connection. The holder and the incumbent cable
20 operator shall provide interconnection of the public,
21 education, and government channels on reasonable terms and
22 conditions and may not withhold the interconnection. If a
23 holder and an incumbent cable operator cannot reach a mutually
24 acceptable interconnection agreement, the local unit of
25 government may require the incumbent cable operator to allow
26 the holder to interconnect its network with the incumbent cable

1 operator's network at a technically feasible point on their
2 networks. If no technically feasible point for interconnection
3 is available, the holder and an incumbent cable operator shall
4 each make an interconnection available to the public,
5 education, and government channel originators at their local
6 origination points and shall provide the facilities necessary
7 for the interconnection. The cost of any interconnection shall
8 be borne by the holder unless otherwise agreed to by the
9 parties. The interconnection required by this subsection shall
10 be completed within the 90-day deadline set forth in subsection
11 (a) of this Section.

12 (e) The public, education, and government channels shall be
13 for the exclusive use of the local unit of government or its
14 designee to provide public, education, and government
15 programming. The public, education, and government channels
16 shall be used only for noncommercial purposes. However,
17 advertising, underwriting, or sponsorship recognition may be
18 carried on the channels for the purpose of funding public,
19 education, and government access related activities.

20 (f) Public, education, and government channels shall all be
21 carried on the holder's basic cable or video service offerings
22 or tiers. To the extent feasible, the public, education, and
23 government channels shall not be separated numerically from
24 other channels carried on the holder's basic cable or video
25 service offerings or tiers, and the channel numbers for the
26 public, education, and government channels shall be the same

1 channel numbers used by the incumbent cable operator, unless
2 prohibited by federal law. After the initial designation of
3 public, education, and government channel numbers, the channel
4 numbers shall not be changed without the agreement of the local
5 unit of government or the entity to which the local unit of
6 government has assigned responsibility for managing public,
7 education, and government access channels, unless the change is
8 required by federal law. Each channel shall be capable of
9 carrying a National Television System Committee (NTSC)
10 television signal.

11 (g) The holder shall provide a listing of public,
12 education, and government channels on channel cards and menus
13 provided to subscribers in a manner equivalent to other
14 channels if the holder uses such cards and menus. Further, the
15 holder shall provide a listing of public, education, and
16 government programming on its electronic program guide if such
17 a guide is utilized by the holder. It is the public, education,
18 and government entity's responsibility to provide the holder or
19 its designated agent, as determined by the holder, with program
20 schedules and information in a timely manner.

21 (h) If less than 3 public, education, and government
22 channels are provided within the local unit of government as of
23 January 1, 2007, a local unit of government whose jurisdiction
24 lies within the authorized service area of the holder may
25 initially request the holder to designate sufficient capacity
26 for up to 3 public, education, and government channels. A local

1 unit of government or its designee that seeks to add additional
2 capacity shall give the holder a written notification
3 specifying the number of additional channels to be used,
4 specifying the number of channels in actual use, and verifying
5 that the additional channels requested will be put into actual
6 use.

7 (i) The holder shall, within 90 days of a request by the
8 local unit of government or its designated public, education,
9 or government access entity, provide sufficient capacity for an
10 additional channel for public, education, and government
11 access when the programming on a given access channel exceeds
12 40 hours per week as measured on a quarterly basis. The
13 additional channel shall not be used for any purpose other than
14 for carrying additional public, education, or government
15 access programming.

16 (j) The public, education, and government access
17 programmer is solely responsible for the content that it
18 provides over designated public, education, or government
19 channels. A holder shall not exercise any editorial control
20 over any programming on any channel designed for public,
21 education, or government use or on any other channel required
22 by law or a binding agreement with the local unit of
23 government.

24 (k) A holder shall not be subject to any civil or criminal
25 liability for any program carried on any channel designated for
26 public, education, or government use.

1 (1) A court of competent jurisdiction shall have exclusive
2 jurisdiction to enforce any requirement under this Section or
3 resolve any dispute regarding the requirements set forth in
4 this Section, and no provider of cable service or video service
5 may be barred from providing service or be required to
6 terminate service as a result of that dispute or enforcement
7 action.

8 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

9 (220 ILCS 5/21-701)

10 Sec. 21-701. Emergency alert system. The holder shall
11 comply with all applicable requirements of the Federal
12 Communications Commission involving the distribution and
13 notification of federal, State, and local emergency messages
14 over the emergency alert system applicable to cable operators.
15 The holder will provide a requesting local unit of government
16 with sufficient information regarding how to submit, via
17 telephone or web listing, a local emergency alert for
18 distribution over its cable or video network. To the extent
19 that a local unit of government requires incumbent cable
20 operators to provide emergency alert system messages or
21 services in excess of the requirements of this Section, the
22 holder shall comply with any such additional requirements
23 within the jurisdiction of the local franchising authority. The
24 holder may provide a local emergency alert to an area larger
25 than the boundaries of the local unit of government issuing the

1 emergency alert.

2 (Source: P.A. 95-9, eff. 6-30-07.)

3 (220 ILCS 5/21-801)

4 Sec. 21-801. Applicable fees payable to the local unit of
5 government.

6 (a) Prior to offering cable service or video service in a
7 local unit of government's jurisdiction, a holder shall notify
8 the local unit of government. The notice shall be given to the
9 local unit of government at least 10 days before the holder
10 begins to offer cable service or video service within the
11 boundaries of that local unit of government.

12 (b) In any local unit of government in which a holder
13 offers cable service or video service on a commercial basis,
14 the holder shall be liable for and pay the service provider fee
15 to the local unit of government. The local unit of government
16 shall adopt an ordinance imposing such a fee. The holder's
17 liability for the fee shall commence on the first day of the
18 calendar month that is at least 30 days after the holder
19 receives such ordinance. For any such ordinance adopted on or
20 after the effective date of this amendatory Act of the 99th
21 General Assembly, the holder's liability shall commence on the
22 first day of the calendar month that is at least 30 days after
23 the adoption of such ordinance. The ordinance shall be sent by
24 mail, postage prepaid, to the address listed on the holder's
25 application provided to the local unit of government pursuant

1 to item (6) of subsection (b) of Section 21-401 of this Act.
2 The fee authorized by this Section shall be 5% of gross
3 revenues or the same as the fee paid to the local unit of
4 government by any incumbent cable operator providing cable
5 service. The payment of the service provider fee shall be due
6 on a quarterly basis, 45 days after the close of the calendar
7 quarter. If mailed, the fee is considered paid on the date it
8 is postmarked. Except as provided in this Article, the local
9 unit of government may not demand any additional fees or
10 charges from the holder and may not demand the use of any other
11 calculation method other than allowed under this Article.

12 (c) For purposes of this Article, "gross revenues" means
13 all consideration of any kind or nature, including, without
14 limitation, cash, credits, property, and in-kind contributions
15 received by the holder for the operation of a cable or video
16 system to provide cable service or video service within the
17 holder's cable service or video service area within the local
18 unit of government's jurisdiction.

19 (1) Gross revenues shall include the following:

20 (i) Recurring charges for cable service or video
21 service.

22 (ii) Event-based charges for cable service or
23 video service, including, but not limited to,
24 pay-per-view and video-on-demand charges.

25 (iii) Rental of set-top boxes and other cable
26 service or video service equipment.

1 (iv) Service charges related to the provision of
2 cable service or video service, including, but not
3 limited to, activation, installation, and repair
4 charges.

5 (v) Administrative charges related to the
6 provision of cable service or video service, including
7 but not limited to service order and service
8 termination charges.

9 (vi) Late payment fees or charges, insufficient
10 funds check charges, and other charges assessed to
11 recover the costs of collecting delinquent payments.

12 (vii) A pro rata portion of all revenue derived by
13 the holder or its affiliates pursuant to compensation
14 arrangements for advertising or for promotion or
15 exhibition of any products or services derived from the
16 operation of the holder's network to provide cable
17 service or video service within the local unit of
18 government's jurisdiction. The allocation shall be
19 based on the number of subscribers in the local unit of
20 government divided by the total number of subscribers
21 in relation to the relevant regional or national
22 compensation arrangement.

23 (viii) Compensation received by the holder that is
24 derived from the operation of the holder's network to
25 provide cable service or video service with respect to
26 commissions that are received by the holder as

1 compensation for promotion or exhibition of any
2 products or services on the holder's network, such as a
3 "home shopping" or similar channel, subject to item
4 (ix) of this paragraph (1).

5 (ix) In the case of a cable service or video
6 service that is bundled or integrated functionally
7 with other services, capabilities, or applications,
8 the portion of the holder's revenue attributable to the
9 other services, capabilities, or applications shall be
10 included in gross revenue unless the holder can
11 reasonably identify the division or exclusion of the
12 revenue from its books and records that are kept in the
13 regular course of business.

14 (x) The service provider fee permitted by
15 subsection (b) of this Section.

16 (2) Gross revenues do not include any of the following:

17 (i) Revenues not actually received, even if
18 billed, such as bad debt, subject to item (vi) of
19 paragraph (1) of this subsection (c).

20 (ii) Refunds, discounts, or other price
21 adjustments that reduce the amount of gross revenues
22 received by the holder of the State-issued
23 authorization to the extent the refund, rebate,
24 credit, or discount is attributable to cable service or
25 video service.

26 (iii) Regardless of whether the services are

1 bundled, packaged, or functionally integrated with
2 cable service or video service, any revenues received
3 from services not classified as cable service or video
4 service, including, without limitation, revenue
5 received from telecommunications services, information
6 services, or the provision of directory or Internet
7 advertising, including yellow pages, white pages,
8 banner advertisement, and electronic publishing, or
9 any other revenues attributed by the holder to noncable
10 service or nonvideo service in accordance with the
11 holder's books and records and records kept in the
12 regular course of business and any applicable laws,
13 rules, regulations, standards, or orders.

14 (iv) The sale of cable services or video services
15 for resale in which the purchaser is required to
16 collect the service provider fee from the purchaser's
17 subscribers to the extent the purchaser certifies in
18 writing that it will resell the service within the
19 local unit of government's jurisdiction and pay the fee
20 permitted by subsection (b) of this Section with
21 respect to the service.

22 (v) Any tax or fee of general applicability imposed
23 upon the subscribers or the transaction by a city,
24 State, federal, or any other governmental entity and
25 collected by the holder of the State-issued
26 authorization and required to be remitted to the taxing

1 entity, including sales and use taxes.

2 (vi) Security deposits collected from subscribers.

3 (vii) Amounts paid by subscribers to "home
4 shopping" or similar vendors for merchandise sold
5 through any home shopping channel offered as part of
6 the cable service or video service.

7 (3) Revenue of an affiliate of a holder shall be
8 included in the calculation of gross revenues to the extent
9 the treatment of the revenue as revenue of the affiliate
10 rather than the holder has the effect of evading the
11 payment of the fee permitted by subsection (b) of this
12 Section which would otherwise be paid by the cable service
13 or video service.

14 (d) (1) Except for a holder providing cable service that is
15 subject to the fee in subsection (i) of this Section, the
16 holder shall pay to the local unit of government or the entity
17 designated by that local unit of government to manage public,
18 education, and government access, upon request as support for
19 public, education, and government access, a fee equal to no
20 less than (i) 1% of gross revenues or (ii) if greater, the
21 percentage of gross revenues that incumbent cable operators pay
22 to the local unit of government or its designee for public,
23 education, and government access support in the local unit of
24 government's jurisdiction. For purposes of item (ii) of
25 paragraph (1) of this subsection (d), the percentage of gross
26 revenues that all incumbent cable operators pay shall be equal

1 to the annual sum of the payments that incumbent cable
2 operators in the service area are obligated to pay by
3 franchises and agreements or by contracts with the local
4 government designee for public, education and government
5 access in effect on January 1, 2007, including the total of any
6 lump sum payments required to be made over the term of each
7 franchise or agreement divided by the number of years of the
8 applicable term, divided by the annual sum of such incumbent
9 cable operator's or operators' gross revenues during the
10 immediately prior calendar year. The sum of payments includes
11 any payments that an incumbent cable operator is required to
12 pay pursuant to item (3) of subsection (c) of Section 21-301.

13 (2) A local unit of government may require all holders of a
14 State-issued authorization and all cable operators franchised
15 by that local unit of government on June 30, 2007 (the
16 effective date of this Section) in the franchise area to
17 provide to the local unit of government, or to the entity
18 designated by that local unit of government to manage public,
19 education, and government access, information sufficient to
20 calculate the public, education, and government access
21 equivalent fee and any credits under paragraph (1) of this
22 subsection (d).

23 (3) The fee shall be due on a quarterly basis and paid 45
24 days after the close of the calendar quarter. Each payment
25 shall include a statement explaining the basis for the
26 calculation of the fee. If mailed, the fee is considered paid

1 on the date it is postmarked. The liability of the holder for
2 payment of the fee under this subsection shall commence on the
3 same date as the payment of the service provider fee pursuant
4 to subsection (b) of this Section.

5 (e) The holder may identify and collect the amount of the
6 service provider fee as a separate line item on the regular
7 bill of each subscriber.

8 (f) The holder may identify and collect the amount of the
9 public, education, and government programming support fee as a
10 separate line item on the regular bill of each subscriber.

11 (g) All determinations and computations under this Section
12 shall be made pursuant to the definition of gross revenues set
13 forth in this Section and shall be made pursuant to generally
14 accepted accounting principles.

15 (h) Nothing contained in this Article shall be construed to
16 exempt a holder from any tax that is or may later be imposed by
17 the local unit of government, including any tax that is or may
18 later be required to be paid by or through the holder with
19 respect to cable service or video service. A State-issued
20 authorization shall not affect any requirement of the holder
21 with respect to payment of the local unit of government's
22 simplified municipal telecommunications tax or any other tax as
23 it applies to any telephone service provided by the holder. A
24 State-issued authorization shall not affect any requirement of
25 the holder with respect to payment of the local unit of
26 government's 911 or E911 fees, taxes, or charges.

1 (i) Except for a municipality having a population of
2 2,000,000 or more, the fee imposed under paragraph (1) of
3 subsection (d) by a local unit of government against a holder
4 who is a cable operator shall be as follows:

5 (1) the fee shall be collected and paid only for
6 capital costs that are considered lawful under Subchapter
7 VI of the federal Communications Act of 1934, as amended,
8 and as implemented by the Federal Communications
9 Commission;

10 (2) the local unit of government shall impose any fee
11 by ordinance; and

12 (3) the fee may not exceed 1% of gross revenue; if,
13 however, on the date that an incumbent cable operator files
14 an application under Section 21-401, the incumbent cable
15 operator is operating under a franchise agreement that
16 imposes a fee for support for capital costs for public,
17 education, and government access facilities obligations in
18 excess of 1% of gross revenue, then the cable operator
19 shall continue to provide support for capital costs for
20 public, education, and government access facilities
21 obligations at the rate stated in such agreement.

22 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

23 (220 ILCS 5/21-901)

24 Sec. 21-901. Audits.

25 (a) A holder that has received State-issued authorization

1 under this Article is subject to an audit of its service
2 provider fees derived from the provision of cable or video
3 services to subscribers within any part of the local unit of
4 government which is located in the holder's service territory.
5 Any such audit shall be conducted by the local unit of
6 government or its agent for the sole purpose of determining any
7 overpayment or underpayment of the holder's service provider
8 fee to the local unit of government.

9 (b) Beginning on or after the effective date of this
10 amendatory Act of the 99th General Assembly, any audit
11 conducted pursuant to this Section by a local government shall
12 be governed by Section 11-42-11.05 of the Illinois Municipal
13 Code or Section 5-1095.1 of the Counties Code.

14 (Source: P.A. 99-6, eff. 6-29-15.)

15 (220 ILCS 5/21-1001)

16 Sec. 21-1001. Local unit of government authority.

17 (a) The holder of a State-issued authorization shall comply
18 with all the applicable construction and technical standards
19 and right-of-way occupancy standards set forth in a local unit
20 of government's code of ordinances relating to the use of
21 public rights-of-way, pole attachments, permit obligations,
22 indemnification, performance bonds, penalties, or liquidated
23 damages. The applicable requirements for a holder that is using
24 its existing telecommunications network or constructing a
25 telecommunications network shall be the same requirements that

1 the local unit of government imposes on telecommunications
2 providers in its jurisdiction. The applicable requirements for
3 a holder that is using or constructing a cable system shall be
4 the same requirements the local unit of government imposes on
5 other cable operators in its jurisdiction.

6 (b) A local unit of government shall allow the holder to
7 install, construct, operate, maintain, and remove a cable
8 service, video service, or telecommunications network within a
9 public right-of-way and shall provide the holder with open,
10 comparable, nondiscriminatory, and competitively neutral
11 access to the public right-of-way on the same terms applicable
12 to other cable service or video service providers or cable
13 operators in its jurisdiction. Notwithstanding any other
14 provisions of law, if a local unit of government is permitted
15 by law to require the holder of a State authorization to seek a
16 permit to install, construct, operate, maintain, or remove its
17 cable service, video service, or telecommunications network
18 within a public right-of-way, those permits shall be deemed
19 granted within 45 days after being submitted, if not otherwise
20 acted upon by the local unit of government, provided the holder
21 complies with the requirements applicable to the holder in its
22 jurisdiction.

23 (c) A local unit of government may impose reasonable terms,
24 but it may not discriminate against the holder with respect to
25 any of the following:

26 (1) The authorization or placement of a cable service,

1 video service, or telecommunications network or equipment
2 in public rights-of-way.

3 (2) Access to a building.

4 (3) A local unit of government utility pole attachment.

5 (d) If a local unit of government imposes a permit fee on
6 incumbent cable operators, it may impose a permit fee on the
7 holder only to the extent it imposes such a fee on incumbent
8 cable operators. In all other cases, these fees may not exceed
9 the actual, direct costs incurred by the local unit of
10 government for issuing the relevant permit. In no event may a
11 fee under this Section be levied if the holder already has paid
12 a permit fee of any kind in connection with the same activity
13 that would otherwise be covered by the permit fee under this
14 Section provided no additional equipment, work, function, or
15 other burden is added to the existing activity for which the
16 permit was issued.

17 (e) Nothing in this Article shall affect the rights that
18 any holder has under Section 4 of the Telephone Line Right of
19 Way Act (220 ILCS 65/4).

20 (f) In addition to the other requirements in this Section,
21 if the holder installs, upgrades, constructs, operates,
22 maintains, and removes facilities or equipment within a public
23 right-of-way to provide cable service or video service, it
24 shall comply with the following:

25 (1) The holder must locate its equipment in the
26 right-of-way as to cause only minimum interference with the

1 use of streets, alleys, and other public ways and places,
2 and to cause only minimum impact upon and interference with
3 the rights and reasonable convenience of property owners
4 who adjoin any of the said streets, alleys, or other public
5 ways. No fixtures shall be placed in any public ways in
6 such a manner to interfere with the usual travel on such
7 public ways, nor shall such fixtures or equipment limit the
8 visibility of vehicular or pedestrian traffic, or both.

9 (2) The holder shall comply with a local unit of
10 government's reasonable requests to place equipment on
11 public property where possible and promptly comply with
12 local unit of government direction with respect to the
13 location and screening of equipment and facilities. In
14 constructing or upgrading its cable or video network in the
15 right-of-way, the holder shall use the smallest suitable
16 equipment enclosures and power pedestals and cabinets then
17 in use by the holder for the application.

18 (3) The holder's construction practices shall be in
19 accordance with all applicable Sections of the
20 Occupational Safety and Health Act of 1970, as amended, as
21 well as all applicable State laws, including the Civil
22 Administrative Code of Illinois, and local codes, where
23 applicable, as adopted by the local unit of government. All
24 installation of electronic equipment shall be of a
25 permanent nature, durable, and, where applicable,
26 installed in accordance with the provisions of the National

1 Electrical Safety Code of the National Bureau of Standards
2 and National Electrical Code of the National Board of Fire
3 Underwriters.

4 (4) The holder shall not interfere with the local unit
5 of government's performance of public works. Nothing in the
6 State-issued authorization shall be in preference or
7 hindrance to the right of the local unit of government to
8 perform or carry on any public works or public improvements
9 of any kind. The holder expressly agrees that it shall, at
10 its own expense, protect, support, temporarily disconnect,
11 relocate in the same street or other public place, or
12 remove from such street or other public place any of the
13 network, system, facilities, or equipment when required to
14 do so by the local unit of government because of necessary
15 public health, safety, and welfare improvements. In the
16 event a holder and other users of a public right-of-way,
17 including incumbent cable operators or utilities, are
18 required to relocate and compensation is paid to the users
19 of such public right-of-way, such parties shall be treated
20 equally with respect to such compensation.

21 (5) The holder shall comply with all local units of
22 government inspection requirements. The making of
23 post-construction, subsequent or periodic inspections, or
24 both, or the failure to do so shall not operate to relieve
25 the holder of any responsibility, obligation, or
26 liability.

1 (6) The holder shall maintain insurance or provide
2 evidence of self insurance as required by an applicable
3 ordinance of the local unit of government.

4 (7) The holder shall reimburse all reasonable
5 make-ready expenses, including aerial and underground
6 installation expenses requested by the holder to the local
7 unit of government within 30 days of billing to the holder,
8 provided that such charges shall be at the same rates as
9 charges to others for the same or similar services.

10 (8) The holder shall indemnify and hold harmless the
11 local unit of government and all boards, officers,
12 employees, and representatives thereof from all claims,
13 demands, causes of action, liability, judgments, costs and
14 expenses, or losses for injury or death to persons or
15 damage to property owned by, and Worker's Compensation
16 claims against any parties indemnified herein, arising out
17 of, caused by, or as a result of the holder's construction,
18 lines, cable, erection, maintenance, use or presence of, or
19 removal of any poles, wires, conduit, appurtenances
20 thereto, or equipment or attachments thereto. The holder,
21 however, shall not indemnify the local unit of government
22 for any liabilities, damages, cost, and expense resulting
23 from the willful misconduct, or negligence of the local
24 unit of government, its officers, employees, and agents.
25 The obligations imposed pursuant to this Section by a local
26 unit of government shall be competitively neutral.

1 (9) The holder, upon request, shall provide the local
2 unit of government with information describing the
3 location of the cable service or video service facilities
4 and equipment located in the unit of local government's
5 rights-of-way pursuant to its State-issued authorization.
6 If designated by the holder as confidential, such
7 information provided pursuant to this subsection shall be
8 exempt from inspection and copying under the Freedom of
9 Information Act and shall not be disclosed by the unit of
10 local government to any third party without the written
11 consent of the holder.

12 (Source: P.A. 99-6, eff. 6-29-15.)

13 (220 ILCS 5/21-1101)

14 Sec. 21-1101. Requirements to provide video services.

15 (a) The holder of a State-issued authorization shall not
16 deny access to cable service or video service to any potential
17 residential subscribers because of the race or income of the
18 residents in the local area in which the potential subscribers
19 reside.

20 (b) (Blank).

21 (c)(1) If the holder of a State-issued authorization is
22 using telecommunications facilities to provide cable or video
23 service and has more than 1,000,000 telecommunications access
24 lines in this State, the holder shall provide access to its
25 cable or video service to a number of households equal to at

1 least 35% of the households in the holder's telecommunications
2 service area in the State within 3 years after the date a
3 holder receives a State-issued authorization from the
4 Commission and to a number not less than 50% of these
5 households within 5 years after the date a holder receives a
6 State-issued authorization from the Commission; provided that
7 the holder of a State-issued authorization is not required to
8 meet the 50% requirement in this paragraph (1) until 2 years
9 after at least 15% of the households with access to the
10 holder's video service subscribe to the service for 6
11 consecutive months.

12 The holder's obligation to provide such access in the State
13 shall be distributed, as the holder determines, within 3
14 designated market areas, one in each of the northeastern,
15 central, and southwestern portions of the holder's
16 telecommunications service area in the State. The designated
17 market area for the northeastern portion shall consist of 2
18 separate and distinct reporting areas: (i) a city with more
19 than 1,000,000 inhabitants, and (ii) all other local units of
20 government on a combined basis within such designated market
21 area in which it offers video service.

22 If any state, in which a holder subject to this subsection
23 (c) or one of its affiliates provides or seeks to provide cable
24 or video service, adopts a law permitting state-issued
25 authorization or statewide franchises to provide cable or video
26 service that requires a cable or video provider to offer

1 service to more than 35% of the households in the cable or
2 video provider's service area in that state within 3 years,
3 holders subject to this subsection (c) shall provide service in
4 this State to the same percentage of households within 3 years
5 of adoption of such law in that state.

6 Furthermore, if any state, in which a holder subject to
7 this subsection (c) or one of its affiliates provides or seeks
8 to provide cable or video service, adopts a law requiring a
9 holder of a state-issued authorization or statewide franchises
10 to offer cable or video service to more than 35% of its
11 households if less than 15% of the households with access to
12 the holder's video service subscribe to the service for 6
13 consecutive months, then as a precondition to further
14 build-out, holders subject to this subsection (c) shall be
15 subject to the same percentage of service subscription in
16 meeting its obligation to provide service to 50% of the
17 households in this State.

18 (2) Within 3 years after the date a holder receives a
19 State-issued authorization from the Commission, at least 30% of
20 the total households with access to the holder's cable or video
21 service shall be low-income.

22 Within each designated market area listed in paragraph (1)
23 of this subsection (c), the holder's obligation to offer
24 service to low-income households shall be measured by each
25 exchange, as that term is defined in Section 13-206 of this Act
26 in which the holder chooses to provide cable or video service.

1 The holder is under no obligation to serve or provide access to
2 an entire exchange; however, in addition to the statewide
3 obligation to provide low-income access provided by this
4 Section, in each exchange in which the holder chooses to
5 provide cable or video service, the holder shall provide access
6 to a percentage of low-income households that is at least equal
7 to the percentage of the total low-income households within
8 that exchange.

9 (d) (1) All other holders shall only provide access to one
10 or more exchanges, as that term is defined in Section 13-206 of
11 this Act, or to local units of government and shall provide
12 access to their cable or video service to a number of
13 households equal to 35% of the households in the exchange or
14 local unit of government within 3 years after the date a holder
15 receives a State-issued authorization from the Commission and
16 to a number not less than 50% of these households within 5
17 years after the date a holder receives a State-issued
18 authorization from the Commission, provided that if the holder
19 is an incumbent cable operator or any successor-in-interest
20 company, it shall be obligated to provide access to cable or
21 video services within the jurisdiction of a local unit of
22 government at the same levels required by the local franchising
23 authorities for that local unit of government on June 30, 2007
24 (the effective date of Public Act 95-9).

25 (2) Within 3 years after the date a holder receives a
26 State-issued authorization from the Commission, at least 30% of

1 the total households with access to the holder's cable or video
2 service shall be low-income.

3 Within each designated exchange, as that term is defined in
4 Section 13-206 of this Act, or local unit of government listed
5 in paragraph (1) of this subsection (d), the holder's
6 obligation to offer service to low-income households shall be
7 measured by each exchange or local unit of government in which
8 the holder chooses to provide cable or video service. Except as
9 provided in paragraph (1) of this subsection (d), the holder is
10 under no obligation to serve or provide access to an entire
11 exchange or local unit of government; however, in addition to
12 the statewide obligation to provide low-income access provided
13 by this Section, in each exchange or local unit of government
14 in which the holder chooses to provide cable or video service,
15 the holder shall provide access to a percentage of low-income
16 households that is at least equal to the percentage of the
17 total low-income households within that exchange or local unit
18 of government.

19 (e) A holder subject to subsection (c) of this Section
20 shall provide wireline broadband service, defined as wireline
21 service, capable of supporting, in at least one direction, a
22 speed in excess of 200 kilobits per second (kbps), to the
23 network demarcation point at the subscriber's premises, to a
24 number of households equal to 90% of the households in the
25 holder's telecommunications service area by December 31, 2008,
26 or shall pay within 30 days of December 31, 2008 a sum of

1 \$15,000,000 to the Digital Divide Elimination Infrastructure
2 Fund established pursuant to Section 13-301.3 of this Act, or
3 any successor fund established by the General Assembly. In that
4 event the holder is required to make a payment pursuant to this
5 subsection (e), the holder shall have no further accounting for
6 this payment, which shall be used in any part of the State for
7 the purposes established in the Digital Divide Elimination
8 Infrastructure Fund or for broadband deployment.

9 (f) The holder of a State-issued authorization may satisfy
10 the requirements of subsections (c) and (d) of this Section
11 through the use of any technology, which shall not include
12 direct-to-home satellite service, that offers service,
13 functionality, and content that is demonstrably similar to that
14 provided through the holder's video service system.

15 (g) In any investigation into or complaint alleging that
16 the holder of a State-issued authorization has failed to meet
17 the requirements of this Section, the following factors may be
18 considered in justification or mitigation or as justification
19 for an extension of time to meet the requirements of
20 subsections (c) and (d) of this Section:

21 (1) The inability to obtain access to public and
22 private rights-of-way under reasonable terms and
23 conditions.

24 (2) Barriers to competition arising from existing
25 exclusive service arrangements in developments or
26 buildings.

1 (3) The inability to access developments or buildings
2 using reasonable technical solutions under commercially
3 reasonable terms and conditions.

4 (4) Natural disasters.

5 (5) Other factors beyond the control of the holder.

6 (h) If the holder relies on the factors identified in
7 subsection (g) of this Section in response to an investigation
8 or complaint, the holder shall demonstrate the following:

9 (1) what substantial effort the holder of a
10 State-issued authorization has taken to meet the
11 requirements of subsection (a) or (c) of this Section;

12 (2) which portions of subsection (g) of this Section
13 apply; and

14 (3) the number of days it has been delayed or the
15 requirements it cannot perform as a consequence of
16 subsection (g) of this Section.

17 (i) The factors in subsection (g) of this Section may be
18 considered by the Attorney General or by a court of competent
19 jurisdiction in determining whether the holder is in violation
20 of this Article.

21 (j) Every holder of a State-issued authorization, no later
22 than April 1, 2009, and annually no later than April 1
23 thereafter, shall report to the Commission for each of the
24 service areas as described in subsections (c) and (d) of this
25 Section in which it provides access to its video service in the
26 State, the following information:

1 (1) Cable service and video service information:

2 (A) The number of households in the holder's
3 telecommunications service area within each designated
4 market area as described in subsection (c) of this
5 Section or exchange or local unit of government as
6 described in subsection (d) of this Section in which it
7 offers video service.

8 (B) The number of households in the holder's
9 telecommunications service area within each designated
10 market area as described in subsection (c) of this
11 Section or exchange or local unit of government as
12 described in subsection (d) of this Section that are
13 offered access to video service by the holder.

14 (C) The number of households in the holder's
15 telecommunications service area in the State.

16 (D) The number of households in the holder's
17 telecommunications service area in the State that are
18 offered access to video service by the holder.

19 (2) Low-income household information:

20 (A) The number of low-income households in the
21 holder's telecommunications service area within each
22 designated market area as described in subsection (c)
23 of this Section, as further identified in terms of
24 exchanges, or exchange or local unit of government as
25 described in subsection (d) of this Section in which it
26 offers video service.

1 (B) The number of low-income households in the
2 holder's telecommunications service area within each
3 designated market area as described in subsection (c)
4 of this Section, as further identified in terms of
5 exchanges, or exchange or local unit of government as
6 described in subsection (d) of this Section in the
7 State that are offered access to video service by the
8 holder.

9 (C) The number of low-income households in the
10 holder's telecommunications service area in the State.

11 (D) The number of low-income households in the
12 holder's telecommunications service area in the State
13 that are offered access to video service by the holder.

14 (j-5) The requirements of subsection (c) of this Section
15 shall be satisfied upon the filing of an annual report with the
16 Commission in compliance with subsection (j) of this Section,
17 including an annual report filed prior to this amendatory Act
18 of the 98th General Assembly, that demonstrates the holder of
19 the authorization has satisfied the requirements of subsection
20 (c) of this Section for each of the service areas in which it
21 provides access to its cable service or video service in the
22 State. Notwithstanding the continued application of this
23 Article to the holder, upon satisfaction of the requirements of
24 subsection (c) of this Section, only the requirements of
25 subsection (a) of this Section 21-1101 of this Act and the
26 following reporting requirements shall continue to apply to

1 such holder:

2 (1) Cable service and video service information:

3 (A) The number of households in the holder's
4 telecommunications service area within each designated
5 market area in which it offers cable service or video
6 service.

7 (B) The number of households in the holder's
8 telecommunications service area within each designated
9 market area that are offered access to cable service or
10 video service by the holder.

11 (C) The number of households in the holder's
12 telecommunications service area in the State.

13 (D) The number of households in the holder's
14 telecommunications service area in the State that are
15 offered access to cable service or video service by the
16 holder.

17 (E) The exchanges or local units of government in
18 which the holder added cable service or video service
19 in the prior year.

20 (2) Low-income household information:

21 (A) The number of low-income households in the
22 holder's telecommunications service area within each
23 designated market area in which it offers video
24 service.

25 (B) The number of low-income households in the
26 holder's telecommunications service area within each

1 designated market area that are offered access to video
2 service by the holder.

3 (C) The number of low-income households in the
4 holder's telecommunications service area in the State.

5 (D) The number of low-income households in the
6 holder's telecommunications service area in the State
7 that are offered access to video service by the holder.

8 (j-10) The requirements of subsection (d) of this Section
9 shall be satisfied upon the filing of an annual report with the
10 Commission in compliance with subsection (j) of this Section,
11 including an annual report filed prior to this amendatory Act
12 of the 98th General Assembly, that demonstrates the holder of
13 the authorization has satisfied the requirements of subsection
14 (d) of this Section for each of the service areas in which it
15 provides access to its cable service or video service in the
16 State. Notwithstanding the continued application of this
17 Article to the holder, upon satisfaction of the requirements of
18 subsection (d) of this Section, only the requirements of
19 subsection (a) of this Section and the following reporting
20 requirements shall continue to apply to such holder:

21 (1) Cable service and video service information:

22 (A) The number of households in the holder's
23 footprint in which it offers cable service or video
24 service.

25 (B) The number of households in the holder's
26 footprint that are offered access to cable service or

1 video service by the holder.

2 (C) The exchanges or local units of government in
3 which the holder added cable service or video service
4 in the prior year.

5 (2) Low-income household information:

6 (A) The number of low-income households in the
7 holder's footprint in which it offers cable service or
8 video service.

9 (B) The number of low-income households in the
10 holder's footprint that are offered access to cable
11 service or video service by the holder.

12 (k) The Commission, within 30 days of receiving the first
13 report from holders under this Section, and annually no later
14 than July 1 thereafter, shall submit to the General Assembly a
15 report that includes, based on year-end data, the information
16 submitted by holders pursuant to subdivisions (1) and (2) of
17 subsections (j), (j-5), and (j-10) of this Section. The
18 Commission shall make this report available to any member of
19 the public or any local unit of government upon request. All
20 information submitted to the Commission and designated by
21 holders as confidential and proprietary shall be subject to the
22 disclosure provisions in subsection (c) of Section 21-401 of
23 this Act. No individually identifiable customer information
24 shall be subject to public disclosure.

25 (Source: P.A. 98-45, eff. 6-28-13.)

1 (220 ILCS 5/21-1201)

2 Sec. 21-1201. Multiple-unit dwellings; interference with
3 holder prohibited.

4 (a) Neither the owner of any multiple-unit residential
5 dwelling nor an agent or representative nor an assignee,
6 grantee, licensee, or similar holders of rights, including
7 easements, in any multiple-unit residential dwelling (the
8 "owner, agent or representative") shall unreasonably interfere
9 with the right of any tenant or lawful resident thereof to
10 receive cable service or video service installation or
11 maintenance from a holder of a State-issued authorization, or
12 related service that includes, but is not limited to, voice
13 service, Internet access or other broadband services (alone or
14 in combination) provided over the holder's cable services or
15 video services facilities; provided, however, the owner,
16 agent, or representative may require just and reasonable
17 compensation from the holder for its access to and use of such
18 property to provide installation, operation, maintenance, or
19 removal of such cable service or video service or related
20 services. For purposes of this Section, "access to and use of
21 such property" shall be provided in a nondiscriminatory manner
22 to all cable and video providers offering or providing services
23 at such property and includes common areas of such
24 multiple-unit dwelling, inside wire in the individual unit of
25 any tenant or lawful resident thereof that orders or receives
26 such service and the right to use and connect to building

1 infrastructure, including but not limited to existing cables,
2 wiring, conduit or inner duct, to provide cable service or
3 video service or related services. If there is a dispute
4 regarding the just compensation for such access and use, the
5 owner, agent, or representative shall obtain the payment of
6 just compensation from the holder pursuant to the process and
7 procedures applicable to an owner and franchisee in subsections
8 (c), (d), and (e) of Section 11-42-11.1 of the Illinois
9 Municipal Code (65 ILCS 5/11-42-11.1).

10 (b) Neither the owner of any multiple-unit residential
11 dwelling nor an agent or representative shall ask, demand, or
12 receive any additional payment, service, or gratuity in any
13 form from any tenant or lawful resident thereof as a condition
14 for permitting or cooperating with the installation of a cable
15 service or video service or related services to the dwelling
16 unit occupied by a tenant or resident requesting such service.

17 (c) Neither the owner of any multiple-unit residential
18 dwelling nor an agent or representative shall penalize, charge,
19 or surcharge a tenant or resident, forfeit or threaten to
20 forfeit any right of such tenant or resident, or discriminate
21 in any way against such tenant or resident who requests or
22 receives cable service or video service or related services
23 from a holder.

24 (d) Nothing in this Section shall prohibit the owner of any
25 multiple-unit residential dwelling nor an agent or
26 representative from requiring that a holder's facilities

1 conform to reasonable conditions necessary to protect safety,
2 functioning, appearance, and value of premises or the
3 convenience and safety of persons or property.

4 (e) The owner of any multiple-unit residential dwelling or
5 an agent or representative may require a holder to agree to
6 indemnify the owner, or his agents or representatives, for
7 damages or from liability for damages caused by the
8 installation, operation, maintenance, or removal of cable
9 service or video service facilities.

10 (f) For purposes of this Section, "multiple-unit dwelling"
11 or "such property" means a multiple dwelling unit building
12 (such as an apartment building, condominium building, or
13 cooperative) and any other centrally managed residential real
14 estate development (such as a gated community, mobile home
15 park, or garden apartment); provided however, that
16 multiple-unit dwelling shall not include time share units,
17 academic campuses and dormitories, military bases, hotels,
18 rooming houses, prisons, jails, halfway houses, nursing homes
19 or other assisted living facilities, and hospitals.

20 (Source: P.A. 98-45, eff. 6-28-13.)

21 (220 ILCS 5/21-1301)

22 Sec. 21-1301. Enforcement; penalties.

23 (a) The Attorney General is responsible for administering
24 and ensuring holders' compliance with this Article, provided
25 that nothing in this Article shall deprive local units of

1 government of the right to enforce applicable rights and
2 obligations.

3 (b) The Attorney General may conduct an investigation
4 regarding possible violations by holders of this Article
5 including, without limitation, the issuance of subpoenas to:

6 (1) require the holder to file a statement or report or
7 to answer interrogatories in writing as to all information
8 relevant to the alleged violations;

9 (2) examine, under oath, any person who possesses
10 knowledge or information related to the alleged
11 violations; and

12 (3) examine any record, book, document, account, or
13 paper related to the alleged violation.

14 (c) If the Attorney General determines that there is a
15 reason to believe that a holder has violated or is about to
16 violate this Article, the Attorney General may bring an action
17 in a court of competent jurisdiction in the name of the People
18 of the State against the holder to obtain temporary,
19 preliminary, or permanent injunctive relief and civil
20 penalties for any act, policy, or practice by the holder that
21 violates this Article.

22 (d) If a court orders a holder to make payments to the
23 Attorney General and the payments are to be used for the
24 operations of the Office of the Attorney General or if a holder
25 agrees to make payments to the Attorney General for the
26 operations of the Office of the Attorney General as part of an

1 Assurance of Voluntary Compliance, then the moneys paid under
2 any of the conditions described in this subsection (d) shall be
3 deposited into the Attorney General Court Ordered and Voluntary
4 Compliance Payment Projects Fund. Moneys in the Fund shall be
5 used, subject to appropriation, for the performance of any
6 function pertaining to the exercise of the duties to the
7 Attorney General, including, but not limited to, enforcement of
8 any law of this State and conducting public education programs;
9 however, any moneys in the Fund that are required by the court
10 to be used for a particular purpose shall be used for that
11 purpose.

12 (e) In an action against a holder brought pursuant to this
13 Article, the Attorney General may seek the assessment of one or
14 more of the following civil monetary penalties in any action
15 filed under this Article where the holder violates this Article
16 and does not remedy the violation within 30 days of notice by
17 the Attorney General:

18 (1) Any holder that violates or fails to comply with
19 any of the provisions of this Article or of its
20 State-issued authorization shall be subject to a civil
21 penalty of up to \$30,000 for each and every offense, or
22 0.00825% of the holder's gross revenues, as defined in
23 Section 21-801 of this Act, whichever is greater. Every
24 violation of the provisions of this Article by a holder is
25 a separate and distinct offense, provided that if the same
26 act or omission violates more than one provision of this

1 Article, only one penalty or cumulative penalty may be
2 imposed for such act or omission. In the case of a
3 continuing violation, each day's continuance thereof shall
4 be a separate and distinct offense, provided that the
5 cumulative penalty for any continuing violation shall not
6 exceed \$500,000 per year, and provided further that these
7 limits shall not apply where the violation was intentional
8 and either (i) created substantial risk to the safety of
9 the cable service or video service provider's employees or
10 customers or the public or (ii) was intended to cause
11 economic benefits to accrue to the violator.

12 (2) The holder's State-issued authorization may be
13 suspended or revoked if the holder fails to comply with the
14 provisions of this Article after a reasonable time to
15 achieve compliance has passed.

16 (3) If the holder is in violation of Section 21-1101 of
17 this Act, in addition to any other remedies provided by
18 law, a fine not to exceed 3% of the holder's total monthly
19 gross revenue, as that term is defined in this Article,
20 shall be imposed for each month from the date of violation
21 until the date that compliance is achieved.

22 (4) Nothing in this Section shall limit or affect the
23 powers of the Attorney General to enforce the provisions of
24 this Article, Section 22-501 of this Act, or the Consumer
25 Fraud and Deceptive Business Practices Act.

26 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

1 (220 ILCS 5/21-1401)

2 Sec. 21-1401. Home rule.

3 (a) The provisions of this Article are a limitation of home
4 rule powers under subsection (i) of Section 6 of Article VII of
5 the Illinois Constitution.

6 (b) Nothing in this Article shall be construed to limit or
7 deny a home rule unit's power to tax as set forth in Section 6
8 of Article VII of the Illinois Constitution.

9 (Source: P.A. 95-9, eff. 6-30-07.)

10 (220 ILCS 5/21-1501)

11 Sec. 21-1501. Except as otherwise provided in this Article,
12 this Article shall be enforced only by a court of competent
13 jurisdiction.

14 (Source: P.A. 95-9, eff. 6-30-07.)

15 (220 ILCS 5/21-1502)

16 Sec. 21-1502. Renewal upon repeal of Article. This Section
17 shall apply only to holders who received their State-issued
18 authorization as a cable operator. In the event this Article 21
19 is repealed, the cable operator may seek a renewal under 47
20 U.S.C. 546 subject to the following:

21 (1) Each municipality or county in which a cable
22 operator provided service under the State-issued
23 authorization shall be the franchising authority with

1 respect to any right of renewal under 47 U.S.C. 546 and the
2 provisions of this Section shall apply during the renewal
3 process.

4 (2) If the cable operator was an incumbent cable
5 operator in the local unit of government immediately prior
6 to obtaining a State-issued authorization, then the terms
7 of the local franchise agreement under which the incumbent
8 cable operator operated shall be effective until the later
9 of: (A) the expiration of what would have been the
10 remaining term of the agreement at the time of the
11 termination of the local franchise agreement pursuant to
12 subsection (c) of Section 21-301 of this Act or (B) the
13 expiration of the renewal process under 47 U.S.C. 546.

14 (3) If the cable operator was not an incumbent cable
15 operator in the service territory immediately prior to the
16 issuance of the State-issued authorization, then the
17 State-issued authorization shall continue in effect until
18 the expiration of the renewal process under 47 U.S.C. 546.

19 (4) In seeking a renewal under this Section, the cable
20 operator must provide the following information to the
21 local franchising authority:

22 (A) the number of subscribers within the franchise
23 area;

24 (B) the number of eligible local government
25 buildings that have access to cable services;

26 (C) the statistical records of performance under

1 the standards established by the Cable and Video
2 Customer Protection Law;

3 (D) cable system improvement and construction
4 plans during the term of the proposed franchise; and

5 (E) the proposed level of support for public,
6 educational, and governmental access programming.

7 (Source: P.A. 98-45, eff. 6-28-13.)

8 (220 ILCS 5/21-1503 new)

9 Sec. 21-1503. Continuation of Article; validation.

10 (a) The General Assembly finds and declares that this
11 amendatory Act of the 100th General Assembly manifests the
12 intention of the General Assembly to extend the repeal of this
13 Article and have this Article continue in effect until December
14 31, 2020.

15 (b) This Article shall be deemed to have been in continuous
16 effect since July 1, 2017 and it shall continue to be in effect
17 henceforward until it is otherwise lawfully repealed. All
18 previously enacted amendments to this Article taking effect on
19 or after July 1, 2017, are hereby validated. All actions taken
20 in reliance on or under this Article by the Illinois Commerce
21 Commission or any other person or entity are hereby validated.

22 (c) In order to ensure the continuing effectiveness of this
23 Article, it is set forth in full and reenacted by this
24 amendatory Act of the 100th General Assembly. Striking and
25 underscoring are used only to show changes being made to the

1 base text. This reenactment is intended as a continuation of
2 this Article. It is not intended to supersede any amendment to
3 this Article that is enacted by the 100th General Assembly.

4 (220 ILCS 5/21-1601)

5 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
6 this Article are repealed December 31, 2020 ~~July 1, 2017~~.

7 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

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