



Rep. Brandon W. Phelps

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1 AMENDMENT TO SENATE BILL 1839

2 AMENDMENT NO. _____. Amend Senate Bill 1839 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Telephone System Act is amended
5 by changing Sections 15.3, 15.3a, and 99 as follows:

6 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

7 (Section scheduled to be repealed on July 1, 2017)

8 Sec. 15.3. Local non-wireless surcharge.

9 (a) Except as provided in subsection (l) of this Section,
10 the corporate authorities of any municipality or any county
11 may, subject to the limitations of subsections (c), (d), and
12 (h), and in addition to any tax levied pursuant to the
13 Simplified Municipal Telecommunications Tax Act, impose a
14 monthly surcharge on billed subscribers of network connection
15 provided by telecommunication carriers engaged in the business
16 of transmitting messages by means of electricity originating

1 within the corporate limits of the municipality or county
2 imposing the surcharge at a rate per network connection
3 determined in accordance with subsection (c), however the
4 monthly surcharge shall not apply to a network connection
5 provided for use with pay telephone services. Provided,
6 however, that where multiple voice grade communications
7 channels are connected between the subscriber's premises and a
8 public switched network through private branch exchange (PBX)
9 or centrex type service, a municipality imposing a surcharge at
10 a rate per network connection, as determined in accordance with
11 this Act, shall impose:

12 (i) in a municipality with a population of 500,000 or
13 less or in any county, 5 such surcharges per network
14 connection, as determined in accordance with Section 2
15 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for
16 both regular service and advanced service provisioned
17 trunk lines;

18 (ii) in a municipality with a population, prior to
19 March 1, 2010, of 500,000 or more, 5 surcharges per network
20 connection, as determined in accordance with Section 2
21 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for
22 both regular service and advanced service provisioned
23 trunk lines;

24 (iii) in a municipality with a population, as of March
25 1, 2010, of 500,000 or more, 5 surcharges per network
26 connection, as determined in accordance with Section 2

1 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for
2 regular service provisioned trunk lines, and 12 surcharges
3 per network connection, as determined in accordance with
4 Section 2 ~~subsections (a) and (d) of Section 2.12~~ of this
5 Act, for advanced service provisioned trunk lines, except
6 where an advanced service provisioned trunk line supports
7 at least 2 but fewer than 23 simultaneous voice grade calls
8 ("VGC's"), a telecommunication carrier may elect to impose
9 fewer than 12 surcharges per trunk line as provided in
10 subsection (iv) of this Section; or

11 (iv) for an advanced service provisioned trunk line
12 connected between the subscriber's premises and the public
13 switched network through a P.B.X., where the advanced
14 service provisioned trunk line is capable of transporting
15 at least 2 but fewer than 23 simultaneous VGC's per trunk
16 line, the telecommunications carrier collecting the
17 surcharge may elect to impose surcharges in accordance with
18 the table provided in this Section, without limiting any
19 telecommunications carrier's obligations to otherwise keep
20 and maintain records. Any telecommunications carrier
21 electing to impose fewer than 12 surcharges per an advanced
22 service provisioned trunk line shall keep and maintain
23 records adequately to demonstrate the VGC capability of
24 each advanced service provisioned trunk line with fewer
25 than 12 surcharges imposed, provided that 12 surcharges
26 shall be imposed on an advanced service provisioned trunk

1 line regardless of the VGC capability where a
2 telecommunications carrier cannot demonstrate the VGC
3 capability of the advanced service provisioned trunk line.

4	Facility	VGC's	911 Surcharges
5	Advanced service provisioned trunk line	18-23	12
6	Advanced service provisioned trunk line	12-17	10
7	Advanced service provisioned trunk line	2-11	8

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

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

1 intergovernmental agreement shall automatically be
2 disconnected from the county in which it lies and connected to
3 the county which approved the referendum for purposes of a
4 surcharge on telecommunications carriers.

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

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

1 -----

2 Shall the county (or city, village
3 or incorporated town) of impose YES
4 a surcharge of up to ...¢ per month per
5 network connection, which surcharge will
6 be added to the monthly bill you receive -----
7 for telephone or telecommunications
8 charges, for the purpose of installing
9 (or improving) a 9-1-1 Emergency NO
10 Telephone System?

11 -----

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

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

21 The referendum requirement of this subsection (c) shall not
22 apply to any municipality with a population over 500,000 or to
23 any county in which a proposition as to whether a sophisticated
24 9-1-1 Emergency Telephone System should be installed in the
25 county, at a cost not to exceed a specified monthly amount per
26 network connection, has previously been approved by a majority

1 of the electors of the county voting on the proposition at an
2 election conducted before the effective date of this amendatory
3 Act of 1987.

4 (d) A county may not impose a surcharge, unless requested
5 by a municipality, in any incorporated area which has
6 previously approved a surcharge as provided in subsection (c)
7 or in any incorporated area where the corporate authorities of
8 the municipality have previously entered into a binding
9 contract or letter of intent with a telecommunications carrier
10 to provide sophisticated 9-1-1 service through municipal
11 funds.

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

16 (f) The surcharge authorized by this Section shall be
17 collected from the subscriber by the telecommunications
18 carrier providing the subscriber the network connection as a
19 separately stated item on the subscriber's bill.

20 (g) The amount of surcharge collected by the
21 telecommunications carrier shall be paid to the particular
22 municipality or county or Joint Emergency Telephone System
23 Board not later than 30 days after the surcharge is collected,
24 net of any network or other 9-1-1 or sophisticated 9-1-1 system
25 charges then due the particular telecommunications carrier, as
26 shown on an itemized bill. The telecommunications carrier

1 collecting the surcharge shall also be entitled to deduct 3% of
2 the gross amount of surcharge collected to reimburse the
3 telecommunications carrier for the expense of accounting and
4 collecting the surcharge.

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

16 (i) Any municipality or county or joint emergency telephone
17 system board that has imposed a surcharge pursuant to this
18 Section prior to the effective date of this amendatory Act of
19 1990 shall hereafter impose the surcharge in accordance with
20 subsection (b) of this Section.

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

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

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

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

1 other than a municipality with a population in excess of
2 500,000, shall cease to be imposed on January 1, 2016.

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

4 (50 ILCS 750/15.3a)

5 (Section scheduled to be repealed on July 1, 2017)

6 Sec. 15.3a. Local wireless surcharge.

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

21 (b) Until December 31, 2020 ~~July 1, 2017~~, the corporate
22 authorities of a municipality with a population in excess of
23 500,000 on the effective date of this amendatory Act of the
24 99th General Assembly may by ordinance continue to impose and
25 collect a monthly surcharge per commercial mobile radio service

1 (CMRS) connection or in-service telephone number billed on a
2 monthly basis that does not exceed the highest monthly
3 surcharge imposed as of January 1, 2014 by any county or
4 municipality under subsection (c) of Section 15.3 of this Act.
5 On or after December 31, 2020 ~~July 1, 2017~~, the municipality
6 may continue imposing and collecting its wireless carrier
7 surcharge as provided in and subject to the limitations of
8 subsection (a) of this Section.

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

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

19 (50 ILCS 750/99)

20 (Section scheduled to be repealed on July 1, 2017)

21 Sec. 99. Repealer. This Act is repealed on December 31,
22 2020 ~~July 1, 2017~~.

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

24 Section 15. The Prepaid Wireless 9-1-1 Surcharge Act is

1 amended by changing Section 15 as follows:

2 (50 ILCS 753/15)

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

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

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

24 (b) The prepaid wireless 9-1-1 surcharge shall be collected
25 by the seller from the consumer with respect to each retail

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

13 For purposes of this subsection (b), a retail transaction
14 occurs in this State if (i) the retail transaction is made in
15 person by a consumer at the seller's business location and the
16 business is located within the State; (ii) the seller is a
17 provider and sells prepaid wireless telecommunications service
18 to a consumer located in Illinois; (iii) the retail transaction
19 is treated as occurring in this State for purposes of the
20 Retailers' Occupation Tax Act; or (iv) a seller that is
21 included within the definition of a "retailer maintaining a
22 place of business in this State" under Section 2 of the Use Tax
23 Act makes a sale of prepaid wireless telecommunications service
24 to a consumer located in Illinois. In the case of a retail
25 transaction which does not occur in person at a seller's
26 business location, if a consumer uses a credit card to purchase

1 prepaid wireless telecommunications service on-line or over
2 the telephone, and no product is shipped to the consumer, the
3 transaction occurs in this State if the billing address for the
4 consumer's credit card is in this State.

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

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

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

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

22 For purposes of this subsection (c), the surcharge shall
23 not be imposed or collected from entities that have an active
24 tax exemption identification number issued by the Department
25 under Section 1g of the Retailers' Occupation Tax Act.

26 (d) The amount of the prepaid wireless 9-1-1 surcharge that

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

7 (e) (Blank).

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

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

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

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

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

20 Section 20. The Public Utilities Act is amended by changing
21 Sections 13-506.2, 13-1200, 21-1601, 21-401, and 21-1601 as
22 follows:

23 (220 ILCS 5/13-506.2)

24 (Section scheduled to be repealed on July 1, 2017)

1 Sec. 13-506.2. Market regulation for competitive retail
2 services.

3 (a) Definitions. As used in this Section:

4 (1) "Electing Provider" means a telecommunications
5 carrier that is subject to either rate regulation pursuant
6 to Section 13-504 or Section 13-505 or alternative
7 regulation pursuant to Section 13-506.1 and that elects to
8 have the rates, terms, and conditions of its competitive
9 retail telecommunications services solely determined and
10 regulated pursuant to the terms of this Article.

11 (2) "Basic local exchange service" means either a
12 stand-alone residence network access line and per-call
13 usage or, for any geographic area in which such stand-alone
14 service is not offered, a stand-alone flat rate residence
15 network access line for which local calls are not charged
16 for frequency or duration. Extended Area Service shall be
17 included in basic local exchange service.

18 (3) "Existing customer" means a residential customer
19 who was subscribing to one of the optional packages
20 described in subsection (d) of this Section as of the
21 effective date of this amendatory Act of the 99th General
22 Assembly. A customer who was subscribing to one of the
23 optional packages on that date but stops subscribing
24 thereafter shall not be considered an "existing customer"
25 as of the date the customer stopped subscribing to the
26 optional package, unless the stoppage is temporary and

1 caused by the customer changing service address locations,
2 or unless the customer resumes subscribing and is eligible
3 to receive discounts on monthly telephone service under the
4 federal Lifeline program, 47 C.F.R. Part 54, Subpart E.

5 (4) "New customer" means a residential customer who was
6 not subscribing to one of the optional packages described
7 in subsection (d) of this Section as of the effective date
8 of this amendatory Act of the 99th General Assembly and who
9 is eligible to receive discounts on monthly telephone
10 service under the federal Lifeline program, 47 C.F.R. Part
11 54, Subpart E.

12 (b) Election for market regulation. Notwithstanding any
13 other provision of this Act, an Electing Provider may elect to
14 have the rates, terms, and conditions of its competitive retail
15 telecommunications services solely determined and regulated
16 pursuant to the terms of this Section by filing written notice
17 of its election for market regulation with the Commission. The
18 notice of election shall designate the geographic area of the
19 Electing Provider's service territory where the market
20 regulation shall apply, either on a state-wide basis or in one
21 or more specified Market Service Areas ("MSA") or Exchange
22 areas. An Electing Provider shall not make an election for
23 market regulation under this Section unless it commits in its
24 written notice of election for market regulation to fulfill the
25 conditions and requirements in this Section in each geographic
26 area in which market regulation is elected. Immediately upon

1 filing the notice of election for market regulation, the
2 Electing Provider shall be subject to the jurisdiction of the
3 Commission to the extent expressly provided in this Section.

4 (c) Competitive classification. Market regulation shall be
5 available for competitive retail telecommunications services
6 as provided in this subsection.

7 (1) For geographic areas in which telecommunications
8 services provided by the Electing Provider were classified
9 as competitive either through legislative action or a
10 tariff filing pursuant to Section 13-502 prior to January
11 1, 2010, and that are included in the Electing Provider's
12 notice of election pursuant to subsection (b) of this
13 Section, such services, and all recurring and nonrecurring
14 charges associated with, related to or used in connection
15 with such services, shall be classified as competitive
16 without further Commission review. For services classified
17 as competitive pursuant to this subsection, the
18 requirements or conditions in any order or decision
19 rendered by the Commission pursuant to Section 13-502 prior
20 to the effective date of this amendatory Act of the 96th
21 General Assembly, except for the commitments made by the
22 Electing Provider in such order or decision concerning the
23 optional packages required in subsection (d) of this
24 Section and basic local exchange service as defined in this
25 Section, shall no longer be in effect and no Commission
26 investigation, review, or proceeding under Section 13-502

1 shall be continued, conducted, or maintained with respect
2 to such services, charges, requirements, or conditions. If
3 an Electing Provider has ceased providing optional
4 packages to customers pursuant to subdivision (d)(8) of
5 this Section, the commitments made by the Electing Provider
6 in such order or decision concerning the optional packages
7 under subsection (d) of this Section shall no longer be in
8 effect and no Commission investigation, review, or
9 proceeding under Section 13-502 shall be continued,
10 conducted, or maintained with respect to such packages.

11 (2) For those geographic areas in which residential
12 local exchange telecommunications services have not been
13 classified as competitive as of the effective date of this
14 amendatory Act of the 96th General Assembly, all
15 telecommunications services provided to residential and
16 business end users by an Electing Provider in the
17 geographic area that is included in its notice of election
18 pursuant to subsection (b) shall be classified as
19 competitive for purposes of this Article without further
20 Commission review.

21 (3) If an Electing Provider was previously subject to
22 alternative regulation pursuant to Section 13-506.1 of
23 this Article, the alternative regulation plan shall
24 terminate in whole for all services subject to that plan
25 and be of no force or effect, without further Commission
26 review or action, when the Electing Provider's residential

1 local exchange telecommunications service in each MSA in
2 its telecommunications service area in the State has been
3 classified as competitive pursuant to either subdivision
4 (c) (1) or (c) (2) of this Section.

5 (4) The service packages described in Section 13-518
6 shall be classified as competitive for purposes of this
7 Section if offered by an Electing Provider in a geographic
8 area in which local exchange telecommunications service
9 has been classified as competitive pursuant to either
10 subdivision (c) (1) or (c) (2) of this Section.

11 (5) Where a service, or its functional equivalent, or a
12 substitute service offered by a carrier that is not an
13 Electing Provider or the incumbent local exchange carrier
14 for that area is also being offered by an Electing Provider
15 for some identifiable class or group of customers in an
16 exchange, group of exchanges, or some other clearly defined
17 geographical area, the service offered by a carrier that is
18 not an Electing Provider or the incumbent local exchange
19 carrier for that area shall be classified as competitive
20 without further Commission review.

21 (6) Notwithstanding any other provision of this Act,
22 retail telecommunications services classified as
23 competitive pursuant to Section 13-502 or subdivision
24 (c) (5) of this Section shall have their rates, terms, and
25 conditions solely determined and regulated pursuant to the
26 terms of this Section in the same manner and to the same

1 extent as the competitive retail telecommunications
2 services of an Electing Provider, except that subsections
3 (d), (g), and (j) of this Section shall not apply to a
4 carrier that is not an Electing Provider or to the
5 competitive telecommunications services of a carrier that
6 is not an Electing Provider. The access services of a
7 carrier that is not an Electing Provider shall remain
8 subject to Section 13-900.2. The requirements in
9 subdivision (e)(3) of this Section shall not apply to
10 retail telecommunications services classified as
11 competitive pursuant to Section 13-502 or subdivision
12 (c)(5) of this Section, except that, upon request from the
13 Commission, the telecommunications carrier providing
14 competitive retail telecommunications services shall
15 provide a report showing the number of credits and
16 exemptions for the requested time period.

17 (d) Consumer choice safe harbor options.

18 (1) Subject to subdivision (d)(8) of this Section, an
19 Electing Provider in each of the MSA or Exchange areas
20 classified as competitive pursuant to subdivision (c)(1)
21 or (c)(2) of this Section shall offer to all residential
22 customers who choose to subscribe the following optional
23 packages of services priced at the same rate levels in
24 effect on January 1, 2010:

25 (A) A basic package, which shall consist of a
26 stand-alone residential network access line and 30

1 local calls. If the Electing Provider offers a
2 stand-alone residential access line and local usage on
3 a per call basis, the price for the basic package shall
4 be the Electing Provider's applicable price in effect
5 on January 1, 2010 for the sum of a residential access
6 line and 30 local calls, additional calls over 30 calls
7 shall be provided at the current per call rate.
8 However, this basic package is not required if
9 stand-alone residential network access lines or
10 per-call local usage are not offered by the Electing
11 Provider in the geographic area on January 1, 2010 or
12 if the Electing Provider has not increased its
13 stand-alone network access line and local usage rates,
14 including Extended Area Service rates, since January
15 1, 2010.

16 (B) An extra package, which shall consist of
17 residential basic local exchange network access line
18 and unlimited local calls. The price for the extra
19 package shall be the Electing Provider's applicable
20 price in effect on January 1, 2010 for a residential
21 access line with unlimited local calls.

22 (C) A plus package, which shall consist of
23 residential basic local exchange network access line,
24 unlimited local calls, and the customer's choice of 2
25 vertical services offered by the Electing Provider.
26 The term "vertical services" as used in this

1 subsection, includes, but is not limited to, call
2 waiting, call forwarding, 3-way calling, caller ID,
3 call tracing, automatic callback, repeat dialing, and
4 voicemail. The price for the plus package shall be the
5 Electing Provider's applicable price in effect on
6 January 1, 2010 for the sum of a residential access
7 line with unlimited local calls and 2 times the average
8 price for the vertical features included in the
9 package.

10 (2) Subject to subdivision (d) (8) of this Section, for
11 those geographic areas in which local exchange
12 telecommunications services were classified as competitive
13 on the effective date of this amendatory Act of the 96th
14 General Assembly, an Electing Provider in each such MSA or
15 Exchange area shall be subject to the same terms and
16 conditions as provided in commitments made by the Electing
17 Provider in connection with such previous competitive
18 classifications, which shall apply with equal force under
19 this Section, except as follows: (i) the limits on price
20 increases on the optional packages required by this Section
21 shall be extended consistent with subsection (d) (1) of this
22 Section and (ii) the price for the extra package required
23 by subsection (d) (1) (B) shall be reduced by one dollar from
24 the price in effect on January 1, 2010. In addition, if an
25 Electing Provider obtains a competitive classification
26 pursuant to subsection (c) (1) and (c) (2), the price for the

1 optional packages shall be determined in such area in
2 compliance with subsection (d) (1), except the price for the
3 plus package required by subsection (d) (1) (C) shall be the
4 lower of the price for such area or the price of the plus
5 package in effect on January 1, 2010 for areas classified
6 as competitive pursuant to subsection (c) (1).

7 (3) To the extent that the requirements in Section
8 13-518 applied to a telecommunications carrier prior to the
9 effective date of this Section and that telecommunications
10 carrier becomes an Electing Provider in accordance with the
11 provisions of this Section, the requirements in Section
12 13-518 shall cease to apply to that Electing Provider in
13 those geographic areas included in the Electing Provider's
14 notice of election pursuant to subsection (b) of this
15 Section.

16 (4) Subject to subdivision (d) (8) of this Section, an
17 Electing Provider shall make the optional packages
18 required by this subsection and stand-alone residential
19 network access lines and local usage, where offered,
20 readily available to the public by providing information,
21 in a clear manner, to residential customers. Information
22 shall be made available on a website, and an Electing
23 Provider shall provide notification to its customers every
24 6 months, provided that notification may consist of a bill
25 page message that provides an objective description of the
26 safe harbor options that includes a telephone number and

1 website address where the customer may obtain additional
2 information about the packages from the Electing Provider.
3 The optional packages shall be offered on a monthly basis
4 with no term of service requirement. An Electing Provider
5 shall allow online electronic ordering of the optional
6 packages and stand-alone residential network access lines
7 and local usage, where offered, on its website in a manner
8 similar to the online electronic ordering of its other
9 residential services.

10 (5) Subject to subdivision (d)(8) of this Section, an
11 Electing Provider shall comply with the Commission's
12 existing rules, regulations, and notices in Title 83, Part
13 735 of the Illinois Administrative Code when offering or
14 providing the optional packages required by this
15 subsection (d) and stand-alone residential network access
16 lines.

17 (6) Subject to subdivision (d)(8) of this Section, an
18 Electing Provider shall provide to the Commission
19 semi-annual subscribership reports as of June 30 and
20 December 31 that contain the number of its customers
21 subscribing to each of the consumer choice safe harbor
22 packages required by subsection (d)(1) of this Section and
23 the number of its customers subscribing to retail
24 residential basic local exchange service as defined in
25 subsection (a)(2) of this Section. The first semi-annual
26 reports shall be made on April 1, 2011 for December 31,

1 2010, and on September 1, 2011 for June 30, 2011, and
2 semi-annually on April 1 and September 1 thereafter. Such
3 subscribership information shall be accorded confidential
4 and proprietary treatment upon request by the Electing
5 Provider.

6 (7) The Commission shall have the power, after notice
7 and hearing as provided in this Article, upon complaint or
8 upon its own motion, to take corrective action if the
9 requirements of this Section are not complied with by an
10 Electing Provider.

11 (8) On and after the effective date of this amendatory
12 Act of the 99th General Assembly, an Electing Provider
13 shall continue to offer and provide the optional packages
14 described in this subsection (d) to existing customers and
15 new customers. On and after December 31, 2020 ~~July 1, 2017~~,
16 an Electing Provider may immediately stop offering the
17 optional packages described in this subsection (d) and,
18 upon providing two notices to affected customers and to the
19 Commission, may stop providing the optional packages
20 described in this subsection (d) to all customers who
21 subscribe to one of the optional packages. The first notice
22 shall be provided at least 90 days before the date upon
23 which the Electing Provider intends to stop providing the
24 optional packages, and the second notice must be provided
25 at least 30 days before that date. The first notice shall
26 not be provided prior to December 31, 2020 ~~July 1, 2017~~.

1 Each notice must identify the date on which the Electing
2 Provider intends to stop providing the optional packages,
3 at least one alternative service available to the customer,
4 and a telephone number by which the customer may contact a
5 service representative of the Electing Provider. After
6 December 31, 2020 ~~July 1, 2017~~ with respect to new
7 customers, and upon the expiration of the second notice
8 period with respect to customers who were subscribing to
9 one of the optional packages, subdivisions (d) (1), (d) (2),
10 (d) (4), (d) (5), (d) (6), and (d) (7) of this Section shall
11 not apply to the Electing Provider. Notwithstanding any
12 other provision of this Article, an Electing Provider that
13 has ceased providing the optional packages under this
14 subdivision (d) (8) is not subject to Section 13-301(1)(c)
15 of this Act. Notwithstanding any other provision of this
16 Act, and subject to subdivision (d) (7) of this Section, the
17 Commission's authority over the discontinuance of the
18 optional packages described in this subsection (d) by an
19 Electing Provider shall be governed solely by this
20 subsection (d) (8).

21 (e) Service quality and customer credits for basic local
22 exchange service.

23 (1) An Electing Provider shall meet the following
24 service quality standards in providing basic local
25 exchange service, which for purposes of this subsection
26 (e), includes both basic local exchange service and any

1 consumer choice safe harbor options that may be required by
2 subsection (d) of this Section.

3 (A) Install basic local exchange service within 5
4 business days after receipt of an order from the
5 customer unless the customer requests an installation
6 date that is beyond 5 business days after placing the
7 order for basic service and to inform the customer of
8 the Electing Provider's duty to install service within
9 this timeframe. If installation of service is
10 requested on or by a date more than 5 business days in
11 the future, the Electing Provider shall install
12 service by the date requested.

13 (B) Restore basic local exchange service for the
14 customer within 30 hours after receiving notice that
15 the customer is out of service.

16 (C) Keep all repair and installation appointments
17 for basic local exchange service if a customer premises
18 visit requires a customer to be present. The
19 appointment window shall be either a specific time or,
20 at a maximum, a 4-hour time block during evening,
21 weekend, and normal business hours.

22 (D) Inform a customer when a repair or installation
23 appointment requires the customer to be present.

24 (2) Customers shall be credited by the Electing
25 Provider for violations of basic local exchange service
26 quality standards described in subdivision (e)(1) of this

1 Section. The credits shall be applied automatically on the
2 statement issued to the customer for the next monthly
3 billing cycle following the violation or following the
4 discovery of the violation. The next monthly billing cycle
5 following the violation or the discovery of the violation
6 means the billing cycle immediately following the billing
7 cycle in process at the time of the violation or discovery
8 of the violation, provided the total time between the
9 violation or discovery of the violation and the issuance of
10 the credit shall not exceed 60 calendar days. The Electing
11 Provider is responsible for providing the credits and the
12 customer is under no obligation to request such credits.
13 The following credits shall apply:

14 (A) If an Electing Provider fails to repair an
15 out-of-service condition for basic local exchange
16 service within 30 hours, the Electing Provider shall
17 provide a credit to the customer. If the service
18 disruption is for more than 30 hours, but not more than
19 48 hours, the credit must be equal to a pro-rata
20 portion of the monthly recurring charges for all basic
21 local exchange services disrupted. If the service
22 disruption is for more than 48 hours, but not more than
23 72 hours, the credit must be equal to at least 33% of
24 one month's recurring charges for all local services
25 disrupted. If the service disruption is for more than
26 72 hours, but not more than 96 hours, the credit must

1 be equal to at least 67% of one month's recurring
2 charges for all basic local exchange services
3 disrupted. If the service disruption is for more than
4 96 hours, but not more than 120 hours, the credit must
5 be equal to one month's recurring charges for all basic
6 local exchange services disrupted. For each day or
7 portion thereof that the service disruption continues
8 beyond the initial 120-hour period, the Electing
9 Provider shall also provide an additional credit of \$20
10 per calendar day.

11 (B) If an Electing Provider fails to install basic
12 local exchange service as required under subdivision
13 (e) (1) of this Section, the Electing Provider shall
14 waive 50% of any installation charges, or in the
15 absence of an installation charge or where
16 installation is pursuant to the Link Up program, the
17 Electing Provider shall provide a credit of \$25. If an
18 Electing Provider fails to install service within 10
19 business days after the service application is placed,
20 or fails to install service within 5 business days
21 after the customer's requested installation date, if
22 the requested date was more than 5 business days after
23 the date of the order, the Electing Provider shall
24 waive 100% of the installation charge, or in the
25 absence of an installation charge or where
26 installation is provided pursuant to the Link Up

1 program, the Electing Provider shall provide a credit
2 of \$50. For each day that the failure to install
3 service continues beyond the initial 10 business days,
4 or beyond 5 business days after the customer's
5 requested installation date, if the requested date was
6 more than 5 business days after the date of the order,
7 the Electing Provider shall also provide an additional
8 credit of \$20 per calendar day until the basic local
9 exchange service is installed.

10 (C) If an Electing Provider fails to keep a
11 scheduled repair or installation appointment when a
12 customer premises visit requires a customer to be
13 present as required under subdivision (e)(1) of this
14 Section, the Electing Provider shall credit the
15 customer \$25 per missed appointment. A credit required
16 by this subdivision does not apply when the Electing
17 Provider provides the customer notice of its inability
18 to keep the appointment no later than 8:00 pm of the
19 day prior to the scheduled date of the appointment.

20 (D) Credits required by this subsection do not
21 apply if the violation of a service quality standard:

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

24 (ii) occurs as a result of a malfunction of
25 customer-owned telephone equipment or inside
26 wiring;

1 (iii) occurs as a result of, or is extended by,
2 an emergency situation as defined in 83 Ill. Adm.
3 Code 732.10;

4 (iv) is extended by the Electing Provider's
5 inability to gain access to the customer's
6 premises due to the customer missing an
7 appointment, provided that the violation is not
8 further extended by the Electing Provider;

9 (v) occurs as a result of a customer request to
10 change the scheduled appointment, provided that
11 the violation is not further extended by the
12 Electing Provider;

13 (vi) occurs as a result of an Electing
14 Provider's right to refuse service to a customer as
15 provided in Commission rules; or

16 (vii) occurs as a result of a lack of
17 facilities where a customer requests service at a
18 geographically remote location, where a customer
19 requests service in a geographic area where the
20 Electing Provider is not currently offering
21 service, or where there are insufficient
22 facilities to meet the customer's request for
23 service, subject to an Electing Provider's
24 obligation for reasonable facilities planning.

25 (3) Each Electing Provider shall provide to the
26 Commission on a quarterly basis and in a form suitable for

1 posting on the Commission's website in conformance with the
2 rules adopted by the Commission and in effect on April 1,
3 2010, a public report that includes the following data for
4 basic local exchange service quality of service:

5 (A) With regard to credits due in accordance with
6 subdivision (e) (2) (A) as a result of out-of-service
7 conditions lasting more than 30 hours:

8 (i) the total dollar amount of any customer
9 credits paid;

10 (ii) the number of credits issued for repairs
11 between 30 and 48 hours;

12 (iii) the number of credits issued for repairs
13 between 49 and 72 hours;

14 (iv) the number of credits issued for repairs
15 between 73 and 96 hours;

16 (v) the number of credits used for repairs
17 between 97 and 120 hours;

18 (vi) the number of credits issued for repairs
19 greater than 120 hours; and

20 (vii) the number of exemptions claimed for
21 each of the categories identified in subdivision
22 (e) (2) (D).

23 (B) With regard to credits due in accordance with
24 subdivision (e) (2) (B) as a result of failure to install
25 basic local exchange service:

26 (i) the total dollar amount of any customer

1 credits paid;

2 (ii) the number of installations after 5
3 business days;

4 (iii) the number of installations after 10
5 business days;

6 (iv) the number of installations after 11
7 business days; and

8 (v) the number of exemptions claimed for each
9 of the categories identified in subdivision
10 (e) (2) (D).

11 (C) With regard to credits due in accordance with
12 subdivision (e) (2) (C) as a result of missed
13 appointments:

14 (i) the total dollar amount of any customer
15 credits paid;

16 (ii) the number of any customers receiving
17 credits; and

18 (iii) the number of exemptions claimed for
19 each of the categories identified in subdivision
20 (e) (2) (D).

21 (D) The Electing Provider's annual report required
22 by this subsection shall also include, for
23 informational reporting, the performance data
24 described in subdivisions (e) (2) (A), (e) (2) (B), and
25 (e) (2) (C), and trouble reports per 100 access lines
26 calculated using the Commission's existing applicable

1 rules and regulations for such measures, including the
2 requirements for service standards established in this
3 Section.

4 (4) It is the intent of the General Assembly that the
5 service quality rules and customer credits in this
6 subsection (e) of this Section and other enforcement
7 mechanisms, including fines and penalties authorized by
8 Section 13-305, shall apply on a nondiscriminatory basis to
9 all Electing Providers. Accordingly, notwithstanding any
10 provision of any service quality rules promulgated by the
11 Commission, any alternative regulation plan adopted by the
12 Commission, or any other order of the Commission, any
13 Electing Provider that is subject to any other order of the
14 Commission and that violates or fails to comply with the
15 service quality standards promulgated pursuant to this
16 subsection (e) or any other order of the Commission shall
17 not be subject to any fines, penalties, customer credits,
18 or enforcement mechanisms other than such fines or
19 penalties or customer credits as may be imposed by the
20 Commission in accordance with the provisions of this
21 subsection (e) and Section 13-305, which are to be
22 generally applicable to all Electing Providers. The amount
23 of any fines or penalties imposed by the Commission for
24 failure to comply with the requirements of this subsection
25 (e) shall be an appropriate amount, taking into account, at
26 a minimum, the Electing Provider's gross annual intrastate

1 revenue; the frequency, duration, and recurrence of the
2 violation; and the relative harm caused to the affected
3 customers or other users of the network. In imposing fines
4 and penalties, the Commission shall take into account
5 compensation or credits paid by the Electing Provider to
6 its customers pursuant to this subsection (e) in
7 compensation for any violation found pursuant to this
8 subsection (e), and in any event the fine or penalty shall
9 not exceed an amount equal to the maximum amount of a civil
10 penalty that may be imposed under Section 13-305.

11 (5) An Electing Provider in each of the MSA or Exchange
12 areas classified as competitive pursuant to subsection (c)
13 of this Section shall fulfill the requirements in
14 subdivision (e)(3) of this Section for 3 years after its
15 notice of election becomes effective. After such 3 years,
16 the requirements in subdivision (e)(3) of this Section
17 shall not apply to such Electing Provider, except that,
18 upon request from the Commission, the Electing Provider
19 shall provide a report showing the number of credits and
20 exemptions for the requested time period.

21 (f) Commission jurisdiction over competitive retail
22 telecommunications services. Except as otherwise expressly
23 stated in this Section, the Commission shall thereafter have no
24 jurisdiction or authority over any aspect of competitive retail
25 telecommunications service of an Electing Provider in those
26 geographic areas included in the Electing Provider's notice of

1 election pursuant to subsection (b) of this Section or of a
2 retail telecommunications service classified as competitive
3 pursuant to Section 13-502 or subdivision (c)(5) of this
4 Section, heretofore subject to the jurisdiction of the
5 Commission, including but not limited to, any requirements of
6 this Article related to the terms, conditions, rates, quality
7 of service, availability, classification or any other aspect of
8 any competitive retail telecommunications services. No
9 telecommunications carrier shall commit any unfair or
10 deceptive act or practice in connection with any aspect of the
11 offering or provision of any competitive retail
12 telecommunications service. Nothing in this Article shall
13 limit or affect any provisions in the Consumer Fraud and
14 Deceptive Business Practices Act with respect to any unfair or
15 deceptive act or practice by a telecommunications carrier.

16 (g) Commission authority over access services upon
17 election for market regulation.

18 (1) As part of its Notice of Election for Market
19 Regulation, the Electing Provider shall reduce its
20 intrastate switched access rates to rates no higher than
21 its interstate switched access rates in 4 installments. The
22 first reduction must be made 30 days after submission of
23 its complete application for Notice of Election for Market
24 Regulation, and the Electing Provider must reduce its
25 intrastate switched access rates by an amount equal to 33%
26 of the difference between its current intrastate switched

1 access rates and its current interstate switched access
2 rates. The second reduction must be made no later than one
3 year after the first reduction, and the Electing Provider
4 must reduce its then current intrastate switched access
5 rates by an amount equal to 41% of the difference between
6 its then current intrastate switched access rates and its
7 then current interstate switched access rates. The third
8 reduction must be made no later than one year after the
9 second reduction, and the Electing Provider must reduce its
10 then current intrastate switched access rates by an amount
11 equal to 50% of the difference between its then current
12 intrastate switched access rate and its then current
13 interstate switched access rates. The fourth reduction
14 must be made on or before June 30, 2013, and the Electing
15 Provider must reduce its intrastate switched access rate to
16 mirror its then current interstate switched access rates
17 and rate structure. Following the fourth reduction, each
18 Electing Provider must continue to set its intrastate
19 switched access rates to mirror its interstate switched
20 access rates and rate structure. For purposes of this
21 subsection, the rate for intrastate switched access
22 service means the composite, per-minute rate for that
23 service, including all applicable fixed and
24 traffic-sensitive charges, including, but not limited to,
25 carrier common line charges.

26 (2) Nothing in paragraph (1) of this subsection (g)

1 prohibits an Electing Provider from electing to offer
2 intrastate switched access service at rates lower than its
3 interstate switched access rates.

4 (3) The Commission shall have no authority to order an
5 Electing Provider to set its rates for intrastate switched
6 access at a level lower than its interstate switched access
7 rates.

8 (4) The Commission's authority under this subsection
9 (g) shall only apply to Electing Providers under Market
10 Regulation. The Commission's authority over switched
11 access services for all other carriers is retained under
12 Section 13-900.2 of this Act.

13 (h) Safety of service equipment and facilities.

14 (1) An Electing Provider shall furnish, provide, and
15 maintain such service instrumentalities, equipment, and
16 facilities as shall promote the safety, health, comfort,
17 and convenience of its patrons, employees, and public and
18 as shall be in all respects adequate, reliable, and
19 efficient without discrimination or delay. Every Electing
20 Provider shall provide service and facilities that are in
21 all respects environmentally safe.

22 (2) The Commission is authorized to conduct an
23 investigation of any Electing Provider or part thereof. The
24 investigation may examine the reasonableness, prudence, or
25 efficiency of any aspect of the Electing Provider's
26 operations or functions that may affect the adequacy,

1 safety, efficiency, or reliability of telecommunications
2 service. The Commission may conduct or order an
3 investigation only when it has reasonable grounds to
4 believe that the investigation is necessary to assure that
5 the Electing Provider is providing adequate, efficient,
6 reliable, and safe service. The Commission shall, before
7 initiating any such investigation, issue an order
8 describing the grounds for the investigation and the
9 appropriate scope and nature of the investigation, which
10 shall be reasonably related to the grounds relied upon by
11 the Commission in its order.

12 (i) (Blank).

13 (j) Application of Article VII. The provisions of Sections
14 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are
15 applicable to an Electing Provider offering or providing retail
16 telecommunications service, and the Commission's regulation
17 thereof, except that (1) the approval of contracts and
18 arrangements with affiliated interests required by paragraph
19 (3) of Section 7-101 shall not apply to such telecommunications
20 carriers provided that, except as provided in item (2), those
21 contracts and arrangements shall be filed with the Commission;
22 (2) affiliated interest contracts or arrangements entered into
23 by such telecommunications carriers where the increased
24 obligation thereunder does not exceed the lesser of \$5,000,000
25 or 5% of such carrier's prior annual revenue from
26 noncompetitive services are not required to be filed with the

1 Commission; and (3) any consent and approval of the Commission
2 required by Section 7-102 is not required for the sale, lease,
3 assignment, or transfer by any Electing Provider of any
4 property that is not necessary or useful in the performance of
5 its duties to the public.

6 (k) Notwithstanding other provisions of this Section, the
7 Commission retains its existing authority to enforce the
8 provisions, conditions, and requirements of the following
9 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
10 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
11 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
12 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,
13 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,
14 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,
15 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,
16 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully
17 and equally applicable to Electing Providers and to
18 telecommunications carriers providing retail
19 telecommunications service classified as competitive pursuant
20 to Section 13-502 or subdivision (c) (5) of this Section subject
21 to the provisions of this Section. On the effective date of
22 this amendatory Act of the 98th General Assembly, the following
23 Sections of this Article shall cease to apply to Electing
24 Providers and to telecommunications carriers providing retail
25 telecommunications service classified as competitive pursuant
26 to Section 13-502 or subdivision (c) (5) of this Section:

1 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,
2 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,
3 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,
4 and 13-712.

5 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

6 (220 ILCS 5/13-1200)

7 (Section scheduled to be repealed on July 1, 2017)

8 Sec. 13-1200. Repealer. This Article is repealed December
9 31, 2020 ~~July 1, 2017~~.

10 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

11 (220 ILCS 5/21-401)

12 (Section scheduled to be repealed on July 1, 2017)

13 Sec. 21-401. Applications.

14 (a) (1) A person or entity seeking to provide cable service
15 or video service pursuant to this Article shall not use the
16 public rights-of-way for the installation or construction of
17 facilities for the provision of cable service or video service
18 or offer cable service or video service until it has obtained a
19 State-issued authorization to offer or provide cable or video
20 service under this Section, except as provided for in item (2)
21 of this subsection (a). All cable or video providers offering
22 or providing service in this State shall have authorization
23 pursuant to either (i) the Cable and Video Competition Law of
24 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the

1 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
2 5-1095 of the Counties Code (55 ILCS 5/5-1095).

3 (2) Nothing in this Section shall prohibit a local unit of
4 government from granting a permit to a person or entity for the
5 use of the public rights-of-way to install or construct
6 facilities to provide cable service or video service, at its
7 sole discretion. No unit of local government shall be liable
8 for denial or delay of a permit prior to the issuance of a
9 State-issued authorization.

10 (b) The application to the Commission for State-issued
11 authorization shall contain a completed affidavit submitted by
12 the applicant and signed by an officer or general partner of
13 the applicant affirming all of the following:

14 (1) That the applicant has filed or will timely file
15 with the Federal Communications Commission all forms
16 required by that agency in advance of offering cable
17 service or video service in this State.

18 (2) That the applicant agrees to comply with all
19 applicable federal and State statutes and regulations.

20 (3) That the applicant agrees to comply with all
21 applicable local unit of government regulations.

22 (4) An exact description of the cable service or video
23 service area where the cable service or video service will
24 be offered during the term of the State-issued
25 authorization. The service area shall be identified in
26 terms of either (i) exchanges, as that term is defined in

1 Section 13-206 of this Act; (ii) a collection of United
2 States Census Bureau Block numbers (13 digit); (iii) if the
3 area is smaller than the areas identified in either (i) or
4 (ii), by geographic information system digital boundaries
5 meeting or exceeding national map accuracy standards; or
6 (iv) local unit of government. The description shall
7 include the number of low-income households within the
8 service area or footprint. If an applicant is an incumbent
9 cable operator, the incumbent cable operator and any
10 successor-in-interest shall be obligated to provide access
11 to cable services or video services within any local units
12 of government at the same levels required by the local
13 franchising authorities for the local unit of government on
14 June 30, 2007 (the effective date of Public Act 95-9), and
15 its application shall provide a description of an area no
16 smaller than the service areas contained in its franchise
17 or franchises within the jurisdiction of the local unit of
18 government in which it seeks to offer cable or video
19 service.

20 (5) The location and telephone number of the
21 applicant's principal place of business within this State
22 and the names of the applicant's principal executive
23 officers who are responsible for communications concerning
24 the application and the services to be offered pursuant to
25 the application, the applicant's legal name, and any name
26 or names under which the applicant does or will provide

1 cable services or video services in this State.

2 (6) A certification that the applicant has
3 concurrently delivered a copy of the application to all
4 local units of government that include all or any part of
5 the service area identified in item (4) of this subsection
6 (b) within such local unit of government's jurisdictional
7 boundaries.

8 (7) The expected date that cable service or video
9 service will be initially offered in the area identified in
10 item (4) of this subsection (b). In the event that a holder
11 does not offer cable services or video services within 3
12 months after the expected date, it shall amend its
13 application and update the expected date service will be
14 offered and explain the delay in offering cable services or
15 video services.

16 (8) For any entity that received State-issued
17 authorization prior to this amendatory Act of the 98th
18 General Assembly as a cable operator and that intends to
19 proceed as a cable operator under this Article, the entity
20 shall file a written affidavit with the Commission and
21 shall serve a copy of the affidavit with any local units of
22 government affected by the authorization within 30 days
23 after the effective date of this amendatory Act of the 98th
24 General Assembly stating that the holder will be providing
25 cable service under the State-issued authorization.

26 The application shall include adequate assurance that the

1 applicant possesses the financial, managerial, legal, and
2 technical qualifications necessary to construct and operate
3 the proposed system, to promptly repair any damage to the
4 public right-of-way caused by the applicant, and to pay the
5 cost of removal of its facilities. To accomplish these
6 requirements, the applicant may, at the time the applicant
7 seeks to use the public rights-of-way in that jurisdiction, be
8 required by the State of Illinois or later be required by the
9 local unit of government, or both, to post a bond, produce a
10 certificate of insurance, or otherwise demonstrate its
11 financial responsibility.

12 The application shall include the applicant's general
13 standards related to customer service required by Section
14 22-501 of this Act, which shall include, but not be limited to,
15 installation, disconnection, service and repair obligations;
16 appointment hours; employee ID requirements; customer service
17 telephone numbers and hours; procedures for billing, charges,
18 deposits, refunds, and credits; procedures for termination of
19 service; notice of deletion of programming service and changes
20 related to transmission of programming or changes or increases
21 in rates; use and availability of parental control or lock-out
22 devices; complaint procedures and procedures for bill dispute
23 resolution and a description of the rights and remedies
24 available to consumers if the holder does not materially meet
25 their customer service standards; and special services for
26 customers with visual, hearing, or mobility disabilities.

1 (c)(1) The applicant may designate information that it
2 submits in its application or subsequent reports as
3 confidential or proprietary, provided that the applicant
4 states the reasons the confidential designation is necessary.
5 The Commission shall provide adequate protection for such
6 information pursuant to Section 4-404 of this Act. If the
7 Commission, a local unit of government, or any other party
8 seeks public disclosure of information designated as
9 confidential, the Commission shall consider the confidential
10 designation in a proceeding under the Illinois Administrative
11 Procedure Act, and the burden of proof to demonstrate that the
12 designated information is confidential shall be upon the
13 applicant. Designated information shall remain confidential
14 pending the Commission's determination of whether the
15 information is entitled to confidential treatment. Information
16 designated as confidential shall be provided to local units of
17 government for purposes of assessing compliance with this
18 Article as permitted under a Protective Order issued by the
19 Commission pursuant to the Commission's rules and to the
20 Attorney General pursuant to Section 6.5 of the Attorney
21 General Act (15 ILCS 205/6.5). Information designated as
22 confidential under this Section or determined to be
23 confidential upon Commission review shall only be disclosed
24 pursuant to a valid and enforceable subpoena or court order or
25 as required by the Freedom of Information Act. Nothing herein
26 shall delay the application approval timeframes set forth in

1 this Article.

2 (2) Information regarding the location of video services
3 that have been or are being offered to the public and aggregate
4 information included in the reports required by this Article
5 shall not be designated or treated as confidential.

6 (d)(1) The Commission shall post all applications it
7 receives under this Article on its web site within 5 business
8 days.

9 (2) The Commission shall notify an applicant for a cable
10 service or video service authorization whether the applicant's
11 application and affidavit are complete on or before the 15th
12 business day after the applicant submits the application. If
13 the application and affidavit are not complete, the Commission
14 shall state in its notice all of the reasons the application or
15 affidavit are incomplete, and the applicant shall resubmit a
16 complete application. The Commission shall have 30 days after
17 submission by the applicant of a complete application and
18 affidavit to issue the service authorization. If the Commission
19 does not notify the applicant regarding the completeness of the
20 application and affidavit or issue the service authorization
21 within the time periods required under this subsection, the
22 application and affidavit shall be considered complete and the
23 service authorization issued upon the expiration of the 30th
24 day.

25 (e) Any authorization issued by the Commission will expire
26 on December 31, 2023 ~~2020~~ and shall contain or include all of

1 the following:

2 (1) A grant of authority, including an authorization
3 issued prior to this amendatory Act of the 98th General
4 Assembly, to provide cable service or video service in the
5 service area footprint as requested in the application,
6 subject to the provisions of this Article in existence on
7 the date the grant of authority was issued, and any
8 modifications to this Article enacted at any time prior to
9 the date in Section 21-1601 of this Act, and to the laws of
10 the State and the ordinances, rules, and regulations of the
11 local units of government.

12 (2) A grant of authority to use, occupy, and construct
13 facilities in the public rights-of-way for the delivery of
14 cable service or video service in the service area
15 footprint, subject to the laws, ordinances, rules, or
16 regulations of this State and local units of governments.

17 (3) A statement that the grant of authority is subject
18 to lawful operation of the cable service or video service
19 by the applicant, its affiliated entities, or its
20 successors-in-interest.

21 (e-5) The Commission shall notify a local unit of
22 government within 3 business days of the grant of any
23 authorization within a service area footprint if that
24 authorization includes any part of the local unit of
25 government's jurisdictional boundaries and state whether the
26 holder will be providing video service or cable service under

1 the authorization.

2 (f) The authorization issued pursuant to this Section by
3 the Commission may be transferred to any successor-in-interest
4 to the applicant to which it is initially granted without
5 further Commission action if the successor-in-interest (i)
6 submits an application and the information required by
7 subsection (b) of this Section for the successor-in-interest
8 and (ii) is not in violation of this Article or of any federal,
9 State, or local law, ordinance, rule, or regulation. A
10 successor-in-interest shall file its application and notice of
11 transfer with the Commission and the relevant local units of
12 government no less than 15 business days prior to the
13 completion of the transfer. The Commission is not required or
14 authorized to act upon the notice of transfer; however, the
15 transfer is not effective until the Commission approves the
16 successor-in-interest's application. A local unit of
17 government or the Attorney General may seek to bar a transfer
18 of ownership by filing suit in a court of competent
19 jurisdiction predicated on the existence of a material and
20 continuing breach of this Article by the holder, a pattern of
21 noncompliance with customer service standards by the potential
22 successor-in-interest, or the insolvency of the potential
23 successor-in-interest. If a transfer is made when there are
24 violations of this Article or of any federal, State, or local
25 law, ordinance, rule, or regulation, the successor-in-interest
26 shall be subject to 3 times the penalties provided for in this

1 Article.

2 (g) The authorization issued pursuant to this Section by
3 the Commission may be terminated, or its cable service or video
4 service area footprint may be modified, by the cable service
5 provider or video service provider by submitting notice to the
6 Commission and to the relevant local unit of government
7 containing a description of the change on the same terms as the
8 initial description pursuant to item (4) of subsection (b) of
9 this Section. The Commission is not required or authorized to
10 act upon that notice. It shall be a violation of this Article
11 for a holder to discriminate against potential residential
12 subscribers because of the race or income of the residents in
13 the local area in which the group resides by terminating or
14 modifying its cable service or video service area footprint. It
15 shall be a violation of this Article for a holder to terminate
16 or modify its cable service or video service area footprint if
17 it leaves an area with no cable service or video service from
18 any provider.

19 (h) The Commission's authority to administer this Article
20 is limited to the powers and duties explicitly provided under
21 this Article. Its authority under this Article does not include
22 or limit the powers and duties that the Commission has under
23 the other Articles of this Act, the Illinois Administrative
24 Procedure Act, or any other law or regulation to conduct
25 proceedings, other than as provided in subsection (c), or has
26 to promulgate rules or regulations. The Commission shall not

1 have the authority to limit or expand the obligations and
2 requirements provided in this Section or to regulate or control
3 a person or entity to the extent that person or entity is
4 providing cable service or video service, except as provided in
5 this Article.

6 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14; 99-6,
7 eff. 6-29-15.)

8 (220 ILCS 5/21-1601)

9 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
10 this Article are repealed December 31, 2020 ~~July 1, 2017~~.

11 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

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