



Rep. Brandon W. Phelps

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1 AMENDMENT TO SENATE BILL 1839

2 AMENDMENT NO. _____. Amend Senate Bill 1839, AS AMENDED,
3 by 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 amended
15 by changing Sections 2, 8, 10, 10.3, 12, 14, 15.2a, 15.3,
16 15.3a, 15.4, 15.4a, 15.4b, 15.6a, 19, 20, 30, 35, 40, 55, and
17 99 and by adding Section 17.5 as follows:

18 (50 ILCS 750/2) (from Ch. 134, par. 32)

19 (Section scheduled to be repealed on July 1, 2017)

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

22 "9-1-1 network" means the network used for the delivery of
23 9-1-1 calls and messages over dedicated and redundant
24 facilities to a primary or back up 9-1-1 PSAP that meets P.01

1 grade of service standards for basic 9-1-1 and enhanced 9-1-1
2 services or meets national I3 industry call delivery standards
3 for Next Generation 9-1-1 services.

4 "9-1-1 system" means the geographic area that has been
5 granted an order of authority by the Commission or the
6 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
7 emergency telephone number.

8 "9-1-1 Authority" includes an Emergency Telephone System
9 Board, Joint Emergency Telephone System Board, and a qualified
10 governmental entity. "9-1-1 Authority" includes the Department
11 of State Police only to the extent it provides 9-1-1 services
12 under this Act.

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

14 "Advanced service" means any telecommunications service
15 with or without dynamic bandwidth allocation, including, but
16 not limited to, ISDN Primary Rate Interface (PRI), that,
17 through the use of a DS-1, T-1, or other similar un-channelized
18 or multi-channel transmission facility, is capable of
19 transporting either the subscriber's inter-premises voice
20 telecommunications services to the public switched network or
21 the subscriber's 9-1-1 calls to the public agency.

22 "ALI" or "automatic location identification" means, in an
23 E9-1-1 system, the automatic display at the public safety
24 answering point of the caller's telephone number, the address
25 or location of the telephone, and supplementary emergency
26 services information.

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

4 "Automatic alarm" and "automatic alerting device" mean any
5 device that will access the 9-1-1 system for emergency services
6 upon activation.

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

12 "Board" means an Emergency Telephone System Board or a
13 Joint Emergency Telephone System Board created pursuant to
14 Section 15.4.

15 "Carrier" includes a telecommunications carrier and a
16 wireless carrier.

17 "Commission" means the Illinois Commerce Commission.

18 "Computer aided dispatch" or "CAD" means a computer-based
19 system that aids PSAP telecommunicators by automating selected
20 dispatching and record keeping activities ~~database maintained~~
21 ~~by the public safety agency or public safety answering point~~
22 ~~used in conjunction with 9-1-1 caller data.~~

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

1 "Department" means the Department of State Police.

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

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

9 "Enhanced 9-1-1" or "E9-1-1" means a ~~an emergency~~ telephone
10 system that includes ~~dedicated~~ network ~~switching~~, ~~database and~~
11 PSAP premise elements capable of providing automatic location
12 identification data, selective routing, ~~database, ALI, ANI,~~
13 selective transfer, fixed transfer, and a call back number,
14 including any enhanced 9-1-1 service so designated by the
15 Federal Communications Commission in its report and order in WC
16 Dockets Nos. 04-36 and 05-196, or any successor proceeding.

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

20 "Hearing-impaired individual" means a person with a
21 permanent hearing loss who can regularly and routinely
22 communicate by telephone only through the aid of devices which
23 can send and receive written messages over the telephone
24 network.

25 "Hosted supplemental 9-1-1 service" means a database
26 service that:

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

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

5 (3) collects a variety of formatted data relevant to
6 9-1-1 and first responder needs, which may include, but is
7 not limited to, photographs of the telephone subscribers,
8 physical descriptions, medical information, household
9 data, and emergency contacts;

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

13 (5) automatically displays data provided by telephone
14 subscribers to 9-1-1 call takers for all types of
15 telephones when a call is placed to 9-1-1 from a registered
16 and confirmed phone number;

17 (6) supports the delivery of telephone subscriber
18 information through a secure internet connection to all
19 emergency telephone system boards;

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

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

26 "Interconnected voice over Internet protocol provider" or

1 "Interconnected VoIP provider" has the meaning given to that
2 term under Section 13-235 of the Public Utilities Act.

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

7 "Local public agency" means any unit of local government or
8 special purpose district located in whole or in part within
9 this State that provides or has authority to provide
10 firefighting, police, ambulance, medical, or other emergency
11 services.

12 "Mechanical dialer" means any device that either manually
13 or remotely triggers a dialing device to access the 9-1-1
14 system.

15 "Master Street Address Guide" or "MSAG" is a database of
16 street names and house ranges within their associated
17 communities defining emergency service zones (ESZs) and their
18 associated emergency service numbers (ESNs) to enable proper
19 routing of 9-1-1 calls ~~means the computerized geographical~~
20 ~~database that consists of all street and address data within a~~
21 ~~9-1-1 system.~~

22 "Mobile telephone number" or "MTN" means the telephone
23 number assigned to a wireless telephone at the time of initial
24 activation.

25 "Network connections" means the number of voice grade
26 communications channels directly between a subscriber and a

1 telecommunications carrier's public switched network, without
2 the intervention of any other telecommunications carrier's
3 switched network, which would be required to carry the
4 subscriber's inter-premises traffic and which connection
5 either (1) is capable of providing access through the public
6 switched network to a 9-1-1 Emergency Telephone System, if one
7 exists, or (2) if no system exists at the time a surcharge is
8 imposed under Section 15.3, that would be capable of providing
9 access through the public switched network to the local 9-1-1
10 Emergency Telephone System if one existed. Where multiple voice
11 grade communications channels are connected to a
12 telecommunications carrier's public switched network through a
13 private branch exchange (PBX) service, there shall be
14 determined to be one network connection for each trunk line
15 capable of transporting either the subscriber's inter-premises
16 traffic to the public switched network or the subscriber's
17 9-1-1 calls to the public agency. Where multiple voice grade
18 communications channels are connected to a telecommunications
19 carrier's public switched network through centrex type
20 service, the number of network connections shall be equal to
21 the number of PBX trunk equivalents for the subscriber's
22 service or other multiple voice grade communication channels
23 facility, as determined by reference to any generally
24 applicable exchange access service tariff filed by the
25 subscriber's telecommunications carrier with the Commission.

26 "Network costs" means those recurring costs that directly

1 relate to the operation of the 9-1-1 network as determined by
2 the Statewide 9-1-1 Administrator with the advice of the
3 Statewide 9-1-1 Advisory Board, which may include ~~including,~~
4 but need not be limited to, some or all of the following: costs
5 for interoffice trunks, selective routing charges, transfer
6 lines and toll charges for 9-1-1 services, Automatic Location
7 Information (ALI) database charges, ~~call box trunk circuit~~
8 ~~(including central office only and not including extensions to~~
9 ~~fire stations),~~ independent local exchange carrier charges and
10 non-system provider charges, carrier charges for third party
11 database for on-site customer premises equipment, back-up PSAP
12 trunks for non-system providers, periodic database updates as
13 provided by carrier (also known as "ALI data dump"), regional
14 ALI storage charges, circuits for call delivery (fiber or
15 circuit connection), NG9-1-1 costs, and all associated fees,
16 taxes, and surcharges on each invoice. "Network costs" shall
17 not include radio circuits or toll charges that are other than
18 for 9-1-1 services.

19 "Next generation 9-1-1" or "NG9-1-1" means an Internet
20 Protocol-based (IP-based) system comprised of managed ESInets,
21 functional elements and applications, and databases that
22 replicate traditional E9-1-1 features and functions and
23 provide additional capabilities. "NG9-1-1" systems are
24 designed to provide access to emergency services from all
25 connected communications sources, and provide multimedia data
26 capabilities for PSAPs and other emergency services

1 organizations.

2 "NG9-1-1 costs" means those recurring costs that directly
3 relate to the Next Generation 9-1-1 service as determined by
4 the Statewide 9-1-1 Advisory Board, including, but not limited
5 to, costs for Emergency System Routing Proxy (ESRP), Emergency
6 Call Routing Function/Location Validation Function (ECRF/LVF),
7 Spatial Information Function (SIF), the Border Control
8 Function (BCF), and the Emergency Services Internet Protocol
9 networks (ESInets), legacy network gateways, and all
10 associated fees, taxes, and surcharges on each invoice.

11 "Private branch exchange" or "PBX" means a private
12 telephone system and associated equipment located on the user's
13 property that provides communications between internal
14 stations and external networks.

15 ~~"Private business switch service" means a~~
16 ~~telecommunications service including centrex type service and~~
17 ~~PBX service, even though key telephone systems or equivalent~~
18 ~~telephone systems registered with the Federal Communications~~
19 ~~Commission under 47 C.F.R. Part 68 are directly connected to~~
20 ~~centrex type and PBX systems providing 9-1-1 services equipped~~
21 ~~for switched local network connections or 9-1-1 system access~~
22 ~~to business end users through a private telephone switch.~~

23 "Private business switch service" means network and
24 premises based systems including a VoIP, Centrex type service,
25 or PBX service, even though ~~does not include~~ key telephone
26 systems or equivalent telephone systems registered with the

1 Federal Communications Commission under 47 C.F.R. Part 68 are
2 directly connected to Centrex ~~when not used in conjunction with~~
3 ~~centrex~~ type and PBX systems. "Private business switch service"
4 does not include key telephone systems or equivalent telephone
5 systems registered with the Federal Communications Commission
6 under 47 C.F.R. Part 68 when not used in conjunction with a
7 VoIP, Centrex type, or PBX systems. "Private business switch
8 service" typically includes, but is not limited to, private
9 businesses, corporations, and industries where the
10 telecommunications service is primarily for conducting
11 business.

12 "Private residential switch service" means network and
13 premise based systems ~~a telecommunications service~~ including a
14 VoIP, Centrex ~~centrex~~ type service, or ~~and~~ PBX service or, ~~even~~
15 ~~though~~ key telephone systems or equivalent telephone systems
16 registered with the Federal Communications Commission under 47
17 C.F.R. Part 68 that are directly connected to a VoIP, Centrex
18 ~~centrex~~ type service, or ~~and~~ PBX systems ~~providing 9-1-1~~
19 ~~services~~ equipped for switched local network connections or
20 9-1-1 system access to residential end users through a private
21 telephone switch. "Private residential switch service" does
22 not include key telephone systems or equivalent telephone
23 systems registered with the Federal Communications Commission
24 under 47 C.F.R. Part 68 when not used in conjunction with a
25 VoIP, Centrex ~~centrex~~ type, or ~~and~~ PBX systems. "Private
26 residential switch service" typically includes, but is not

1 limited to, apartment complexes, condominiums, and campus or
2 university environments where shared tenant service is
3 provided and where the usage of the telecommunications service
4 is primarily residential.

5 "Public agency" means the State, and any unit of local
6 government or special purpose district located in whole or in
7 part within this State, that provides or has authority to
8 provide firefighting, police, ambulance, medical, or other
9 emergency services.

10 "Public safety agency" means a functional division of a
11 public agency that provides firefighting, police, medical, or
12 other emergency services to respond to and manage emergency
13 incidents. For the purpose of providing wireless service to
14 users of 9-1-1 emergency services, as expressly provided for in
15 this Act, the Department of State Police may be considered a
16 public safety agency.

17 "Public safety answering point" or "PSAP" is a set of
18 call-takers authorized by a governing body and operating under
19 common management that receive 9-1-1 calls and asynchronous
20 event notifications for a defined geographic area and processes
21 those calls and events according to a specified operational
22 policy ~~means the initial answering location of an emergency~~
23 ~~call.~~

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

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

5 "Regular service" means any telecommunications service,
6 other than advanced service, 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.

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

14 "Remit period" means the billing period, one month in
15 duration, for which a wireless carrier remits a surcharge and
16 provides subscriber information by zip code to the Department,
17 in accordance with Section 20 of this Act.

18 "Secondary Answering Point" or "SAP" means a location,
19 other than a PSAP, that is able to receive the voice, data, and
20 call back number of E9-1-1 or NG9-1-1 emergency calls
21 transferred from a PSAP and completes the call taking process
22 by dispatching police, medical, fire, or other emergency
23 responders.

24 "Statewide wireless emergency 9-1-1 system" means all
25 areas of the State where an emergency telephone system board
26 or, in the absence of an emergency telephone system board, a

1 qualified governmental entity, has not declared its intention
2 for one or more of its public safety answering points to serve
3 as a primary wireless 9-1-1 public safety answering point for
4 its jurisdiction. The operator of the statewide wireless
5 emergency 9-1-1 system shall be the Department of State Police.

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

11 "System provider" means the contracted entity providing
12 9-1-1 network and database services.

13 "Telecommunications carrier" means those entities included
14 within the definition specified in Section 13-202 of the Public
15 Utilities Act, and includes those carriers acting as resellers
16 of telecommunications services. "Telecommunications carrier"
17 includes telephone systems operating as mutual concerns.
18 "Telecommunications carrier" does not include a wireless
19 carrier.

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

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

26 "Transmitting messages" shall have the meaning given to

1 that term under Section 8-11-2 of the Illinois Municipal Code.

2 "Trunk line" means a transmission path, or group of
3 transmission paths, connecting a subscriber's PBX to a
4 telecommunications carrier's public switched network. In the
5 case of regular service, each voice grade communications
6 channel or equivalent amount of bandwidth capable of
7 transporting 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 a trunk line, even if it is bundled with other
11 channels or additional bandwidth. In the case of advanced
12 service, each DS-1, T-1, or other ~~similar~~ un-channelized or
13 multi-channel transmission facility that is capable of
14 transporting either the subscriber's inter-premises voice
15 telecommunications services to the public switched network or
16 the subscriber's 9-1-1 calls to the public agency shall be
17 considered a single trunk line, even if it contains multiple
18 voice grade communications channels or otherwise supports 2 or
19 more voice grade calls at a time; provided, however, that each
20 additional increment of up to 24 voice grade channels ~~1.544~~
21 ~~Mbps~~ of transmission capacity that is capable of transporting
22 either the subscriber's inter-premises voice
23 telecommunications services to the public switched network or
24 the subscriber's 9-1-1 calls to the public agency shall be
25 considered an additional trunk line.

26 "Unmanned backup PSAP" means a public safety answering

1 point that serves as an alternate to the PSAP at an alternate
2 location and is typically unmanned but can be activated if the
3 primary PSAP is disabled.

4 "Virtual answering point" or "VAP" means a temporary or
5 nonpermanent location that is capable of receiving an emergency
6 call, contains a fully functional worksite that is not bound to
7 a specific location, but rather is portable and scalable,
8 connecting emergency call takers or dispatchers to the work
9 process, and is capable of completing the call dispatching
10 process.

11 "Voice-impaired individual" means a person with a
12 permanent speech disability which precludes oral
13 communication, who can regularly and routinely communicate by
14 telephone only through the aid of devices which can send and
15 receive written messages over the telephone network.

16 "Wireless carrier" means a provider of two-way cellular,
17 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
18 Mobile Radio Service (CMRS), Wireless Communications Service
19 (WCS), or other Commercial Mobile Radio Service (CMRS), as
20 defined by the Federal Communications Commission, offering
21 radio communications that may provide fixed, mobile, radio
22 location, or satellite communication services to individuals
23 or businesses within its assigned spectrum block and
24 geographical area or that offers real-time, two-way voice
25 service that is interconnected with the public switched
26 network, including a reseller of such service.

1 "Wireless enhanced 9-1-1" means the ability to relay the
2 telephone number of the originator of a 9-1-1 call and location
3 information from any mobile handset or text telephone device
4 accessing the wireless system to the designated wireless public
5 safety answering point as set forth in the order of the Federal
6 Communications Commission, FCC Docket No. 94-102, adopted June
7 12, 1996, with an effective date of October 1, 1996, and any
8 subsequent amendment thereto.

9 "Wireless public safety answering point" means the
10 functional division of a 9-1-1 authority accepting wireless
11 9-1-1 calls.

12 "Wireless subscriber" means an individual or entity to whom
13 a wireless service account or number has been assigned by a
14 wireless carrier, other than an account or number associated
15 with prepaid wireless telecommunication service.

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

17 (50 ILCS 750/8) (from Ch. 134, par. 38)

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

19 Sec. 8. The Administrator, with the advice and
20 recommendation of the Statewide 9-1-1 Advisory Board, shall
21 coordinate the implementation of systems established under
22 this Act. To assist with this coordination, all systems
23 authorized to operate under this Act shall register with the
24 Administrator information regarding its composition and
25 organization, including, but not limited to, identification of

1 all PSAPs, SAPs, VAPs, Back-up PSAPs, and Unmanned Back-up
2 PSAPs. The Department may adopt rules for the administration of
3 this Section.

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

5 (50 ILCS 750/10) (from Ch. 134, par. 40)

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

7 Sec. 10.

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

23 (b) The Department may adopt emergency rules necessary to
24 implement the provisions of this amendatory Act of the 99th
25 General Assembly under subsection (t) of Section 5-45 of the

1 Illinois Administrative Procedure Act.

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

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

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

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

17 (50 ILCS 750/10.3)

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

19 Sec. 10.3. Notice of address change. The Emergency
20 Telephone System Board or qualified governmental entity in any
21 county implementing a 9-1-1 system that changes any person's
22 address (when the person whose address has changed has not
23 moved to a new residence) shall notify the person (i) of the
24 person's new address and (ii) that the person should contact
25 the local election authority to determine if the person should

1 re-register to vote.

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

3 (50 ILCS 750/12) (from Ch. 134, par. 42)

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

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

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

10 (50 ILCS 750/14) (from Ch. 134, par. 44)

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

12 Sec. 14. The General Assembly declares that a major purpose
13 of ~~in enacting~~ this Act is to ensure that 9-1-1 systems have
14 redundant methods of dispatch for: (1) each public safety
15 agency within its jurisdiction, herein known as participating
16 agencies; and (2) 9-1-1 systems whose jurisdictional
17 boundaries are contiguous, herein known as adjacent 9-1-1
18 systems, when an emergency request for service is received for
19 a public safety agency that needs to be dispatched by the
20 adjacent 9-1-1 system. Another primary purpose of this Section
21 is to eliminate instances in which a public safety agency
22 ~~responding emergency service~~ refuses, once dispatched, to
23 render aid to the requester because the requester is outside of
24 the jurisdictional boundaries of the public safety agency

1 ~~emergency service~~. Therefore, in implementing a 9-1-1 system
2 ~~systems~~ under this Act, all 9-1-1 authorities ~~public agencies~~
3 ~~in a single system~~ shall enter into call handling and aid
4 outside jurisdictional boundaries agreements with each
5 participating agency and adjacent 9-1-1 system ~~a joint powers~~
6 ~~agreement or any other form of written cooperative agreement~~
7 ~~which is applicable when need arises on a day to day basis.~~
8 ~~Certified notification of the continuation of such agreements~~
9 ~~shall be made among the involved parties on an annual basis. In~~
10 ~~addition, such agreements shall be entered into between public~~
11 ~~agencies and public safety agencies which are part of different~~
12 ~~systems but whose jurisdictional boundaries are contiguous.~~
13 The agreements shall provide a primary and secondary means of
14 dispatch. It must also provide that, once an emergency unit is
15 dispatched in response to a request through the system, such
16 unit shall render its services to the requesting party without
17 regard to whether the unit is operating outside its normal
18 jurisdictional boundaries. Certified notification of the
19 continuation of call handling and aid outside jurisdictional
20 boundaries agreements shall be made among the involved parties
21 on an annual basis.

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

23 (50 ILCS 750/15.2a) (from Ch. 134, par. 45.2a)

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

25 Sec. 15.2a. The installation of or connection to a

1 telephone company's network of any automatic alarm, automatic
2 alerting device, or mechanical dialer that causes the number
3 9-1-1 to be dialed in order to directly access emergency
4 services is prohibited in a 9-1-1 system.

5 This Section does not apply to a person who connects to a
6 9-1-1 network using automatic crash notification technology
7 subject to an established protocol.

8 This Section does not apply to devices used to enable
9 access to the 9-1-1 system for cognitively-impaired or special
10 needs persons or for persons with disabilities in an emergency
11 situation reported by a caregiver after initiating a missing
12 person's report. The device must have the capability to be
13 activated and controlled remotely by trained personnel at a
14 service center to prevent falsely activated or repeated calls
15 to the 9-1-1 system in a single incident. The device must have
16 the technical capability to generate location information to
17 the 9-1-1 system. Under no circumstances shall a device be sold
18 for use in a geographical jurisdiction where the 9-1-1 system
19 has not deployed wireless phase II location technology. The
20 alerting device shall also provide for either 2-way
21 communication or send a pre-recorded message to a 9-1-1
22 provider explaining the nature of the emergency so that the
23 9-1-1 provider will be able to dispatch the appropriate
24 emergency responder.

25 Violation of this Section is a Class A misdemeanor. A
26 second or subsequent violation of this Section is a Class 4

1 felony.

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

3 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

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

5 Sec. 15.3. Local non-wireless surcharge.

6 (a) Except as provided in subsection (1) of this Section,
7 the corporate authorities of any municipality or any county
8 may, subject to the limitations of subsections (c), (d), and
9 (h), and in addition to any tax levied pursuant to the
10 Simplified Municipal Telecommunications Tax Act, impose a
11 monthly surcharge on billed subscribers of network connection
12 provided by telecommunication carriers engaged in the business
13 of transmitting messages by means of electricity originating
14 within the corporate limits of the municipality or county
15 imposing the surcharge at a rate per network connection
16 determined in accordance with subsection (c), however the
17 monthly surcharge shall not apply to a network connection
18 provided for use with pay telephone services. Provided,
19 however, that where multiple voice grade communications
20 channels are connected between the subscriber's premises and a
21 public switched network through private branch exchange (PBX)
22 or centrex type service, a municipality imposing a surcharge at
23 a rate per network connection, as determined in accordance with
24 this Act, shall impose:

25 (i) in a municipality with a population of 500,000 or

1 less or in any county, 5 such surcharges per network
2 connection, as defined under Section 2 ~~determined in~~
3 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
4 this Act, for both regular service and advanced service
5 provisioned trunk lines;

6 (ii) in a municipality with a population, prior to
7 March 1, 2010, of 500,000 or more, 5 surcharges per network
8 connection, as defined under Section 2 ~~determined in~~
9 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
10 this Act, for both regular service and advanced service
11 provisioned trunk lines;

12 (iii) in a municipality with a population, as of March
13 1, 2010, of 500,000 or more, 5 surcharges per network
14 connection, as defined under Section 2 ~~determined in~~
15 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
16 this Act, for regular service provisioned trunk lines, and
17 12 surcharges per network connection, as defined under
18 Section 2 ~~determined in accordance with subsections (a) and~~
19 ~~(d) of Section 2.12~~ of this Act, for advanced service
20 provisioned trunk lines, except where an advanced service
21 provisioned trunk line supports at least 2 but fewer than
22 23 simultaneous voice grade calls ("VGC's"), a
23 telecommunication carrier may elect to impose fewer than 12
24 surcharges per trunk line as provided in subsection (iv) of
25 this Section; or

26 (iv) for an advanced service provisioned trunk line

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

19	Facility	VGC's	911 Surcharges
20	Advanced service provisioned trunk line	18-23	12
21	Advanced service provisioned trunk line	12-17	10
22	Advanced service provisioned trunk line	2-11	8

23 Subsections (i), (ii), (iii), and (iv) are not intended to
 24 make any change in the meaning of this Section, but are

1 intended to remove possible ambiguity, thereby confirming the
2 intent of paragraph (a) as it existed prior to and following
3 the effective date of this amendatory Act of the 97th General
4 Assembly.

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

20 (b) For purposes of computing the surcharge imposed by
21 subsection (a), the network connections to which the surcharge
22 shall apply shall be those in-service network connections,
23 other than those network connections assigned to the
24 municipality or county, where the service address for each such
25 network connection or connections is located within the
26 corporate limits of the municipality or county levying the

1 surcharge. Except for mobile telecommunication services, the
 2 "service address" shall mean the location of the primary use of
 3 the network connection or connections. For mobile
 4 telecommunication services, "service address" means the
 5 customer's place of primary use as defined in the Mobile
 6 Telecommunications Sourcing Conformity Act.

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

16 -----
 17 Shall the county (or city, village
 18 or incorporated town) of impose YES
 19 a surcharge of up to ...¢ per month per
 20 network connection, which surcharge will
 21 be added to the monthly bill you receive -----
 22 for telephone or telecommunications
 23 charges, for the purpose of installing
 24 (or improving) a 9-1-1 Emergency NO
 25 Telephone System?
 26 -----

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

3 However, if a Joint Emergency Telephone System Board is to
4 be created pursuant to an intergovernmental agreement under
5 Section 15.4, the ordinance to impose the surcharge shall be
6 subject to the approval of a majority of the total number of
7 votes cast upon the public question by the electors of all of
8 the municipalities or counties, or combination thereof, that
9 are parties to the intergovernmental agreement.

10 The referendum requirement of this subsection (c) shall not
11 apply to any municipality with a population over 500,000 or to
12 any county in which a proposition as to whether a sophisticated
13 9-1-1 Emergency Telephone System should be installed in the
14 county, at a cost not to exceed a specified monthly amount per
15 network connection, has previously been approved by a majority
16 of the electors of the county voting on the proposition at an
17 election conducted before the effective date of this amendatory
18 Act of 1987.

19 (d) A county may not impose a surcharge, unless requested
20 by a municipality, in any incorporated area which has
21 previously approved a surcharge as provided in subsection (c)
22 or in any incorporated area where the corporate authorities of
23 the municipality have previously entered into a binding
24 contract or letter of intent with a telecommunications carrier
25 to provide sophisticated 9-1-1 service through municipal
26 funds.

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

5 (f) The surcharge authorized by this Section shall be
6 collected from the subscriber by the telecommunications
7 carrier providing the subscriber the network connection as a
8 separately stated item on the subscriber's bill.

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

20 (h) Except as expressly provided in subsection (a) of this
21 Section, on or after the effective date of this amendatory Act
22 of the 98th General Assembly and until December 31, 2017, ~~July~~
23 ~~1, 2017~~, a municipality with a population of 500,000 or more
24 shall not impose a monthly surcharge per network connection in
25 excess of the highest monthly surcharge imposed as of January
26 1, 2014 by any county or municipality under subsection (c) of

1 this Section. Beginning January 1, 2018 and until December 31,
2 2020, a municipality with a population over 500,000 may not
3 impose a monthly surcharge in excess of \$5.00 per network
4 connection. On or after January 1, 2021, ~~July 1, 2017,~~ a
5 municipality with a population over 500,000 may not impose a
6 monthly surcharge in excess of \$2.50 per network connection.

7 (i) Any municipality or county or joint emergency telephone
8 system board that has imposed a surcharge pursuant to this
9 Section prior to the effective date of this amendatory Act of
10 1990 shall hereafter impose the surcharge in accordance with
11 subsection (b) of this Section.

12 (j) The corporate authorities of any municipality or county
13 may issue, in accordance with Illinois law, bonds, notes or
14 other obligations secured in whole or in part by the proceeds
15 of the surcharge described in this Section. The State of
16 Illinois pledges and agrees that it will not limit or alter the
17 rights and powers vested in municipalities and counties by this
18 Section to impose the surcharge so as to impair the terms of or
19 affect the security for bonds, notes or other obligations
20 secured in whole or in part with the proceeds of the surcharge
21 described in this Section. The pledge and agreement set forth
22 in this Section survive the termination of the surcharge under
23 subsection (l) by virtue of the replacement of the surcharge
24 monies guaranteed under Section 20; the State of Illinois
25 pledges and agrees that it will not limit or alter the rights
26 vested in municipalities and counties to the surcharge

1 replacement funds guaranteed under Section 20 so as to impair
2 the terms of or affect the security for bonds, notes or other
3 obligations secured in whole or in part with the proceeds of
4 the surcharge described in this Section.

5 (k) Any surcharge collected by or imposed on a
6 telecommunications carrier pursuant to this Section shall be
7 held to be a special fund in trust for the municipality, county
8 or Joint Emergency Telephone Board imposing the surcharge.
9 Except for the 3% deduction provided in subsection (g) above,
10 the special fund shall not be subject to the claims of
11 creditors of the telecommunication carrier.

12 (l) ~~On and after the effective date of this amendatory Act~~
13 ~~of the 99th General Assembly, no county or municipality, other~~
14 ~~than a municipality with a population over 500,000, may impose~~
15 ~~a monthly surcharge under this Section in excess of the amount~~
16 ~~imposed by it on the effective date of this Act.~~ Any surcharge
17 imposed pursuant to this Section by a county or municipality,
18 other than a municipality with a population in excess of
19 500,000, shall cease to be imposed on January 1, 2016.

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

21 (50 ILCS 750/15.3a)

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

23 Sec. 15.3a. Local wireless surcharge.

24 (a) Notwithstanding any other provision of this Act, a unit
25 of local government or emergency telephone system board

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

13 (b) Until December 31, 2017, ~~July 1, 2017,~~ the corporate
14 authorities of a municipality with a population in excess of
15 500,000 on the effective date of this amendatory Act of the
16 99th General Assembly may by ordinance continue to impose and
17 collect a monthly surcharge per commercial mobile radio service
18 (CMRS) connection or in-service telephone number billed on a
19 monthly basis that does not exceed the highest monthly
20 surcharge imposed as of January 1, 2014 by any county or
21 municipality under subsection (c) of Section 15.3 of this Act.
22 Beginning January 1, 2018, and until December 31, 2020, a
23 municipality with a population in excess of 500,000 may by
24 ordinance continue to impose and collect a monthly surcharge
25 per commercial mobile radio service (CMRS) connection or
26 in-service telephone number billed on a monthly basis that does

1 not exceed \$5.00. On or after January 1, 2021, ~~July 1, 2017,~~
2 the municipality may continue imposing and collecting its
3 wireless carrier surcharge as provided in and subject to the
4 limitations of subsection (a) of this Section.

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

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

15 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

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

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

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

21 The corporate authorities shall provide for the manner of
22 appointment and the number of members of the Board, provided
23 that the board shall consist of not fewer than 5 members, one
24 of whom must be a public member who is a resident of the local
25 exchange service territory included in the 9-1-1 coverage area,

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

24 Upon the effective date of this amendatory Act of the 98th
25 General Assembly, appointed members of the Emergency Telephone
26 System Board shall serve staggered 3-year terms if: (1) the

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

13 The corporate authorities of a county or municipality may,
14 by a vote of the majority of the members elected, remove an
15 Emergency Telephone System Board member for misconduct,
16 official misconduct, or neglect of office.

17 (b) The powers and duties of the board shall be defined by
18 ordinance of the municipality or county, or by
19 intergovernmental agreement in the case of a joint board. The
20 powers and duties shall include, but need not be limited to the
21 following:

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

23 (2) Coordinating and supervising the implementation,
24 upgrading, or maintenance of the system, including the
25 establishment of equipment specifications and coding
26 systems.

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

5 (4) Authorizing all disbursements from the fund.

6 (5) Hiring any staff necessary for the implementation
7 or upgrade of the system.

8 (6) (Blank).

9 (c) All moneys received by a board pursuant to a surcharge
10 imposed under Section 15.3, or disbursed to it under Section
11 30, shall be deposited into a separate interest-bearing
12 Emergency Telephone System Fund account. The treasurer of the
13 municipality or county that has established the board or, in
14 the case of a joint board, any municipal or county treasurer
15 designated in the intergovernmental agreement, shall be
16 custodian of the fund. All interest accruing on the fund shall
17 remain in the fund. No expenditures may be made from such fund
18 except upon the direction of the board by resolution passed by
19 a majority of all members of the board.

20 (d) The board shall complete a Master Street Address Guide
21 database before implementation of the 9-1-1 system. The error
22 ratio of the database shall not at any time exceed 1% of the
23 total database.

24 (e) On and after January 1, 2016, no municipality or county
25 may create an Emergency Telephone System Board unless the board
26 is a Joint Emergency Telephone System Board. The corporate

1 authorities of any county or municipality entering into an
2 intergovernmental agreement to create or join a Joint Emergency
3 Telephone System Board shall rescind an ~~the~~ ordinance or
4 ordinances creating a single ~~the original~~ Emergency Telephone
5 System Board and shall eliminate the single Emergency Telephone
6 System Board, effective upon the creation of the Joint
7 Emergency Telephone System Board, with regulatory approval by
8 the Administrator, or joining of the Joint Emergency Telephone
9 System Board. Nothing in this Section shall be construed to
10 require the dissolution of an Emergency Telephone System Board
11 that is not succeeded by a Joint Emergency Telephone System
12 Board or is not required to consolidate under Section 15.4a of
13 this Act.

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

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

22 (50 ILCS 750/15.4a)

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

24 Sec. 15.4a. Consolidation.

25 (a) By July 1, 2017, and except as otherwise provided in

1 this Section, Emergency Telephone System Boards, Joint
2 Emergency Telephone System Boards, qualified governmental
3 entities, and PSAPs shall be consolidated as follows, subject
4 to subsections (b) and (c) of this Section:

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

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

18 (3) In any county with a population of at least 250,000
19 but less than 1,000,000 that has more than one Emergency
20 Telephone System Board, Joint Emergency Telephone System
21 Board, or qualified governmental entity, each 9-1-1
22 Authority shall reduce the number of PSAPs by at least 50%
23 or to 2 PSAPs, whichever is greater. Nothing in this
24 paragraph shall preclude consolidation of a 9-1-1
25 Authority into a Joint Emergency Telephone System Board,
26 and nothing in this paragraph shall preclude consolidation

1 resulting in one PSAP in the county.

2 (4) In any county with a population of less than
3 250,000 that has a single Emergency Telephone System Board
4 or qualified governmental entity and more than 2 PSAPs, the
5 9-1-1 Authority shall reduce the number of PSAPs by at
6 least 50% or to 2 PSAPs, whichever is greater. Nothing in
7 this paragraph shall preclude consolidation resulting in
8 one PSAP in the county.

9 (5) In any county with a population of less than
10 250,000 that has more than one Emergency Telephone System
11 Board, Joint Emergency Telephone System Board, or
12 qualified governmental entity and more than 2 PSAPs, the
13 9-1-1 Authorities shall be consolidated into a single joint
14 board, and the number of PSAPs shall be reduced by at least
15 50% or to 2 PSAPs, whichever is greater. Nothing in this
16 paragraph shall preclude consolidation resulting in one
17 PSAP in the county.

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

23 (7) The corporate authorities of each county that has
24 no 9-1-1 service as of January 1, 2016 shall provide
25 enhanced 9-1-1 wireline and wireless enhanced 9-1-1
26 service for that county by either (i) entering into an

1 intergovernmental agreement with an existing Emergency
2 Telephone System Board to create a new Joint Emergency
3 Telephone System Board, or (ii) entering into an
4 intergovernmental agreement with the corporate authorities
5 that have created an existing Joint Emergency Telephone
6 System Board.

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

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

22 (2) Within 60 calendar days of receiving a
23 consolidation plan, the Statewide 9-1-1 Advisory Board
24 shall hold at least one public hearing on the plan and
25 provide a recommendation to the Administrator. Notice of
26 the hearing shall be provided to the respective entity to

1 which the plan applies.

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

12 (4) The deadlines provided in this subsection may be
13 extended upon agreement between the Administrator and
14 entity which submitted the plan.

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

20 (d) Any decision of the Administrator under this Section
21 shall be deemed a final administrative decision and shall be
22 subject to judicial review under the Administrative Review Law.
23 (Source: P.A. 99-6, eff. 1-1-16.)

24 (50 ILCS 750/15.4b)

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

1 Sec. 15.4b. Consolidation grants.

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

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

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

18 (3) promoting cost savings from resource sharing among
19 9-1-1 systems;

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

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

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

26 (7) expanding E9-1-1 service coverage as a result of

1 9-1-1 system consolidation including to areas without
2 E9-1-1 service.

3 Priority shall be given first to counties not providing
4 9-1-1 service as of January 1, 2016, and next to other entities
5 consolidating as required under Section 15.4a of this Act.

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

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

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

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

25 (50 ILCS 750/15.6a)

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

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

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

5 (b) The Department may set non-discriminatory and uniform
6 technical and operational standards consistent with the rules
7 of the Federal Communications Commission for directing calls to
8 authorized public safety answering points. These standards
9 shall not in any way prescribe the technology or manner a
10 wireless carrier shall use to deliver wireless 9-1-1 or
11 wireless E9-1-1 calls, and these standards shall not exceed the
12 requirements set by the Federal Communications Commission;
13 however, standards for directing calls to the authorized public
14 safety answering point shall be included. The authority given
15 to the Department in this Section is limited to setting
16 standards as set forth herein and does not constitute authority
17 to regulate wireless carriers.

18 (c) For the purpose of providing wireless 9-1-1 emergency
19 services, an emergency telephone system board or, in the
20 absence of an emergency telephone system board, a qualified
21 governmental entity, may declare its intention for one or more
22 of its public safety answering points to serve as a primary
23 wireless 9-1-1 public safety answering point for its
24 jurisdiction by notifying the Administrator in writing within 6
25 months after receiving its authority to operate a 9-1-1 system
26 under this Act. In addition, 2 or more emergency telephone

1 system boards or qualified governmental entities may, by virtue
2 of an intergovernmental agreement, provide wireless 9-1-1
3 service. Until the jurisdiction comes into compliance with
4 Section 15.4a of this Act, the ~~The~~ Department of State Police
5 shall be the primary wireless 9-1-1 public safety answering
6 point for any jurisdiction that did not provide notice to the
7 Illinois Commerce Commission and the Department prior to
8 January 1, 2016.

9 (d) The Administrator, upon a request from a qualified
10 governmental entity or an emergency telephone system board and
11 with the advice and recommendation of the Statewide 9-1-1
12 Advisory Board, may grant authority to the emergency telephone
13 system board or a qualified governmental entity to provide
14 wireless 9-1-1 service in areas for which the Department has
15 accepted wireless 9-1-1 responsibility. The Administrator
16 shall maintain a current list of all 9-1-1 systems and
17 qualified governmental entities providing wireless 9-1-1
18 service under this Act.

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

20 (50 ILCS 750/17.5 new)

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

22 (a) The General Assembly finds the following:

23 (1) Some 9-1-1 systems throughout this State do not
24 have a procedure in place to manually transfer, forward, or
25 relay 9-1-1 calls originating within one 9-1-1 system's

1 jurisdiction, but which should properly be answered and
2 dispatched by another 9-1-1 system, to the appropriate
3 9-1-1 system for answering and dispatch of first
4 responders.

5 (2) On January 1, 2016, the General Assembly gave
6 oversight authority of 9-1-1 systems to the Department of
7 State Police.

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

12 (b) The Department shall prepare a directory of all
13 authorized 9-1-1 systems in the State. The directory shall
14 include an emergency 24/7 10-digit telephone number for all
15 primary public safety answering points located in each 9-1-1
16 system to which 9-1-1 calls from another jurisdiction can be
17 transferred. This directory shall be made available to each
18 9-1-1 authority for its use in establishing standard operating
19 procedures regarding calls outside its 9-1-1 jurisdiction.

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

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

25 (2) The 24/7 10-digit emergency telephone number and
26 email address for the dispatch agency to which 9-1-1 calls

1 originating in another 9-1-1 jurisdiction can be
2 transferred or by which the PSAP can be contacted via email
3 to exchange information. Each 9-1-1 system shall provide
4 the Department with any changes to the participating
5 agencies and this number and email address immediately upon
6 the change occurring. Each 9-1-1 system shall provide the
7 PSAP information, the 24/7 10-digit emergency telephone
8 number and email address to the Manager of the Department's
9 9-1-1 Program within 30 days of the effective date of this
10 amendatory Act of the 100th General Assembly.

11 (3) The standard operating procedure describing the
12 manner in which the 9-1-1 system will transfer, forward, or
13 relay 9-1-1 calls originating within its jurisdiction, but
14 which should properly be answered and dispatched by another
15 9-1-1 system, to the appropriate 9-1-1 system. Each 9-1-1
16 system shall provide the standard operating procedures to
17 the Manager of the Department's 9-1-1 Program within 180
18 days after the effective date of this amendatory Act of the
19 100th General Assembly.

20 (50 ILCS 750/19)

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

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

23 (a) Beginning July 1, 2015, there is created the Statewide
24 9-1-1 Advisory Board within the Department of State Police. The
25 Board shall consist of the following 11 voting members:

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

3 (2) The Executive Director of the Commission, or his or
4 her designee.

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

6 (A) one member representing the Illinois chapter
7 of the National Emergency Number Association, or his or
8 her designee;

9 (B) one member representing the Illinois chapter
10 of the Association of Public-Safety Communications
11 Officials, or his or her designee;

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

14 (D) one member representing a county 9-1-1 system
15 from a county with a population between 50,000 and
16 250,000;

17 (E) one member representing a county 9-1-1 system
18 from a county with a population of more than 250,000;

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

22 (G) one member representing the Illinois
23 Association of Chiefs of Police;

24 (H) one member representing the Illinois Sheriffs'
25 Association; and

26 (I) one member representing the Illinois Fire

1 Chiefs Association.

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

19 (b) The Governor shall make initial appointments to the
20 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the
21 voting members appointed by the Governor shall serve an initial
22 term of 2 years, and the remaining voting members appointed by
23 the Governor shall serve an initial term of 3 years.
24 Thereafter, each appointment by the Governor shall be for a
25 term of 3 years. Non-voting members shall serve for a term of 3
26 years. Vacancies shall be filled in the same manner as the

1 original appointment. Persons appointed to fill a vacancy shall
2 serve for the balance of the unexpired term.

3 Members of the Statewide 9-1-1 Advisory Board shall serve
4 without compensation.

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

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

11 (1) advise the Department of State Police and the
12 Statewide 9-1-1 Administrator on the oversight of 9-1-1
13 systems and the development and implementation of a uniform
14 statewide 9-1-1 system;

15 (2) make recommendations to the Governor and the
16 General Assembly regarding improvements to 9-1-1 services
17 throughout the State; and

18 (3) exercise all other powers and duties provided in
19 this Act.

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

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

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

1 (50 ILCS 750/20)

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

3 Sec. 20. Statewide surcharge.

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

9 (1) Each telecommunications carrier shall impose a
10 monthly surcharge ~~of \$0.87~~ per network connection;
11 provided, however, the monthly surcharge shall not apply to
12 a network connection provided for use with pay telephone
13 services. Where multiple voice grade communications
14 channels are connected between the subscriber's premises
15 and a public switched network through private branch
16 exchange (PBX), ~~or~~ centrex type service, or other multiple
17 voice grade communication channels facility, there shall
18 be imposed 5 such surcharges per network connection for
19 both regular service and advanced service provisioned
20 trunk lines. Until December 31, 2017, the surcharge shall be
21 \$0.87 per network connection and on and after January 1,
22 2018, the surcharge shall be \$1.50 per network connection.

23 (2) Each wireless carrier shall impose and collect a
24 monthly surcharge ~~of \$0.87~~ per CMRS connection that either
25 has a telephone number within an area code assigned to

1 Illinois by the North American Numbering Plan
2 Administrator or has a billing address in this State. Until
3 December 31, 2017, the surcharge shall be \$0.87 per
4 connection and on and after January 1, 2018, the surcharge
5 shall be \$1.50 per connection.

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

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

10 (d) The telecommunications carrier collecting the
11 surcharge may deduct and retain an amount not to exceed ~~shall~~
12 ~~also be entitled to deduct~~ 3% of the gross amount of surcharge
13 collected to reimburse the telecommunications carrier for the
14 expense of accounting and collecting the surcharge. On and
15 after July 1, 2022, the wireless carrier collecting a surcharge
16 under this Section may deduct and retain an amount not to
17 exceed ~~shall be entitled to deduct up to~~ 3% of the gross amount
18 of the surcharge collected to reimburse the wireless carrier
19 for the expense of accounting and collecting the surcharge.

20 (e) Surcharges imposed under this Section shall be
21 collected by the carriers and, shall be remitted to the
22 Department, within 30 days of collection, remitted, either by
23 check or electronic funds transfer, by the end of the next
24 calendar month after the calendar month in which it was
25 collected ~~to the Department~~ for deposit into the Statewide
26 9-1-1 Fund. Carriers are not required to remit surcharge moneys

1 that are billed to subscribers but not yet collected.

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

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

18 (1) \$25 for each month or portion of a month from the
19 time an amount becomes delinquent until the amount is paid
20 in full; or

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

24 A penalty imposed in accordance with this subsection (f)
25 for a portion of a month during which the carrier pays the
26 delinquent amount in full shall be prorated for each day of

1 that month that the delinquent amount was paid in full. Any
2 penalty imposed under this subsection (f) is in addition to the
3 amount of the delinquency and is in addition to any other
4 penalty imposed under this Section.

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

11 (1) \$25 for each month or portion of a month that the
12 report is delinquent; or

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

17 A penalty imposed in accordance with this subsection (g)
18 for a portion of a month during which the carrier provides the
19 number of subscribers by zip code as required under subsection
20 (e) of this Section shall be prorated for each day of that
21 month during which the carrier had not provided the number of
22 subscribers by zip code as required under subsection (e) of
23 this Section. Any penalty imposed under this subsection (g) is
24 in addition to any other penalty imposed under this Section.

25 (h) A penalty imposed and collected in accordance with
26 subsection (f) or (g) of this Section shall be deposited into

1 the Statewide 9-1-1 Fund for distribution according to Section
2 30 of this Act.

3 (i) The Department may enforce the collection of any
4 delinquent amount and any penalty due and unpaid under this
5 Section by legal action or in any other manner by which the
6 collection of debts due the State of Illinois may be enforced
7 under the laws of this State. The Department may excuse the
8 payment of any penalty imposed under this Section if the
9 Administrator determines that the enforcement of this penalty
10 is unjust.

11 (j) Notwithstanding any provision of law to the contrary,
12 nothing shall impair the right of wireless carriers to recover
13 compliance costs for all emergency communications services
14 that are not reimbursed out of the Wireless Carrier
15 Reimbursement Fund directly from their wireless subscribers by
16 line-item charges on the wireless subscriber's bill. Those
17 compliance costs include all costs incurred by wireless
18 carriers in complying with local, State, and federal regulatory
19 or legislative mandates that require the transmission and
20 receipt of emergency communications to and from the general
21 public, including, but not limited to, E9-1-1.

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

23 (50 ILCS 750/30)

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

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

1 (a) A special fund in the State treasury known as the
2 Wireless Service Emergency Fund shall be renamed the Statewide
3 9-1-1 Fund. Any appropriations made from the Wireless Service
4 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
5 The Fund shall consist of the following:

6 (1) 9-1-1 wireless surcharges assessed under the
7 Wireless Emergency Telephone Safety Act.

8 (2) 9-1-1 surcharges assessed under Section 20 of this
9 Act.

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

12 (4) Any appropriations, grants, or gifts made to the
13 Fund.

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

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

18 (b) Subject to appropriation and availability of funds, the
19 Department shall distribute the 9-1-1 surcharges monthly as
20 follows:

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

23 (A) \$0.013 shall be distributed monthly in equal
24 amounts to each County Emergency Telephone System
25 Board or qualified governmental entity in counties
26 with a population under 100,000 according to the most

1 recent census data which is authorized to serve as a
2 primary wireless 9-1-1 public safety answering point
3 for the county and to provide wireless 9-1-1 service as
4 prescribed by subsection (b) of Section 15.6a of this
5 Act, and which does provide such service.

6 (B) \$0.033 shall be transferred by the Comptroller
7 at the direction of the Department to the Wireless
8 Carrier Reimbursement Fund until June 30, 2017; from
9 July 1, 2017 through June 30, 2018, \$0.026 shall be
10 transferred; from July 1, 2018 through June 30, 2019,
11 \$0.020 shall be transferred; from July 1, 2019, through
12 June 30, 2020, \$0.013 shall be transferred; from July
13 1, 2020 through June 30, 2021, \$0.007 will be
14 transferred; and after June 30, 2021, no transfer shall
15 be made to the Wireless Carrier Reimbursement Fund.

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

19 (D) Beginning January 1, 2018, until June 30, 2020,
20 \$0.12, and on and after July 1, 2020, \$0.04 shall be
21 used to make monthly proportional grants to the
22 appropriate 9-1-1 Authority currently taking wireless
23 9-1-1 based upon the United States Postal Zip Code of
24 the billing addresses of subscribers wireless
25 carriers.

26 (E) Until June 30, 2020, \$0.05 shall be used by the

1 Department for grants for NG9-1-1 expenses, with
2 priority given to 9-1-1 Authorities that provide 9-1-1
3 service within the territory of a Large Electing
4 Provider as defined in Section 13-406.1 of the Public
5 Utilities Act.

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

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

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

13 (i) the 9-1-1 Authorities that imposed
14 surcharges under Section 15.3 of this Act and were
15 required to report to the Illinois Commerce
16 Commission under Section 27 of the Wireless
17 Emergency Telephone Safety Act on October 1, 2014,
18 except a 9-1-1 Authority in a municipality with a
19 population in excess of 500,000, an amount equal to
20 the average monthly wireline and VoIP surcharge
21 revenue attributable to the most recent 12-month
22 period reported to the Department under that
23 Section for the October 1, 2014 filing, subject to
24 the power of the Department to investigate the
25 amount reported and adjust the number by order
26 under Article X of the Public Utilities Act, so

1 that the monthly amount paid under this item
2 accurately reflects one-twelfth of the aggregate
3 wireline and VoIP surcharge revenue properly
4 attributable to the most recent 12-month period
5 reported to the Commission; or

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

18 (iii) counties without 9-1-1 service that had
19 a surcharge in place by December 31, 2015, an
20 amount equivalent to their population multiplied
21 by .37 multiplied by their surcharge rate as
22 established by the referendum.

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

1 (C) All expenses incurred by the Administrator and
2 the Statewide 9-1-1 Advisory Board and costs
3 associated with procurement under Section 15.6b
4 including requests for information and requests for
5 proposals.

6 (D) Funds may be held in reserve by the Statewide
7 9-1-1 Advisory Board and disbursed by the Department
8 for grants under Section 15.4b of this Act ~~Sections~~
9 ~~15.4a, 15.4b,~~ and for NG9-1-1 expenses up to \$12.5
10 million per year in State fiscal years 2016 and 2017;
11 up to \$20 ~~\$13.5~~ million in State fiscal year 2018; up
12 to \$20.9 ~~\$14.4~~ million in State fiscal year 2019; up to
13 \$15.3 million in State fiscal year 2020; up to \$16.2
14 million in State fiscal year 2021; up to \$23.1 million
15 in State fiscal year 2022; and up to \$17.0 million per
16 year for State fiscal year 2023 and each year
17 thereafter. The amount held in reserve in State fiscal
18 years 2018 and 2019 shall not be less than \$6.5
19 million. Disbursements under this subparagraph (D)
20 shall be prioritized as follows: (i) consolidation
21 grants prioritized under subsection (a) of Section
22 15.4b of this Act; (ii) NG 9-1-1 expenses; and (iii)
23 consolidation grants under Section 15.4b of this Act
24 for consolidation expenses incurred between January 1,
25 2010, and January 1, 2016.

26 (E) All remaining funds per remit month shall be

1 used to make monthly proportional grants to the
2 appropriate 9-1-1 Authority currently taking wireless
3 9-1-1 based upon the United States Postal Zip Code of
4 the billing addresses of subscribers of wireless
5 carriers.

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

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

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

22 (50 ILCS 750/35)

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

24 Sec. 35. 9-1-1 surcharge; allowable expenditures. Except
25 as otherwise provided in this Act, expenditures from surcharge

1 revenues received under this Act may be made by municipalities,
2 counties, and 9-1-1 Authorities only to pay for the costs
3 associated with the following:

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

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

7 (3) The repayment of any moneys advanced for the
8 implementation of the system.

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

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

19 (6) The initial acquisition and installation, or the
20 reimbursement of costs therefor to other governmental
21 bodies that have incurred those costs, of road or street
22 signs that are essential to the implementation of the
23 Emergency Telephone System and that are not duplicative of
24 signs that are the responsibility of the jurisdiction
25 charged with maintaining road and street signs. Funds may
26 not be used for ongoing expenses associated with road or

1 street sign maintenance and replacement.

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

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

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

17 (10) The design, implementation, operation,
18 maintenance, or upgrade of wireless 9-1-1, ~~or~~ E9-1-1, or
19 NG9-1-1 emergency services and public safety answering
20 points.

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

25 In the case of a municipality with a population over
26 500,000, moneys may also be used for any anti-terrorism or

1 emergency preparedness measures, including, but not limited
2 to, preparedness planning, providing local matching funds for
3 federal or State grants, personnel training, and specialized
4 equipment, including surveillance cameras, as needed to deal
5 with natural and terrorist-inspired emergency situations or
6 events.

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

8 (50 ILCS 750/40)

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

10 Sec. 40. Financial reports.

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

18 (b) By January 31, 2018, and every January 31 thereafter
19 ~~October 1, 2016, and every October 1 thereafter~~, each emergency
20 telephone system board, qualified governmental entity, or unit
21 of local government receiving surcharge money pursuant to
22 Section 15.3, 15.3a, or 30 shall report to the Department
23 audited financial statements showing total revenue and
24 expenditures for the period beginning with the end of the
25 period covered by the last submitted report through the end of

1 the previous calendar year ~~previous fiscal year~~ in a form and
2 manner as prescribed by the Department. Such financial
3 information shall include:

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

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

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

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

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

21 The emergency telephone system board, qualified
22 governmental entity, or unit of local government is responsible
23 for any costs associated with auditing such financial
24 statements. The Department shall post the audited financial
25 statements on the Department's website.

26 (c) Along with its audited financial statement, each

1 emergency telephone system board, qualified governmental
2 entity, or unit of local government receiving a grant under
3 Section 15.4b of this Act shall include a report of the amount
4 of grant moneys received and how the grant moneys were used. In
5 case of a conflict between this requirement and the Grant
6 Accountability and Transparency Act, or with the rules of the
7 Governor's Office of Management and Budget adopted thereunder,
8 that Act and those rules shall control.

9 (d) If an emergency telephone system board or qualified
10 governmental entity that receives funds from the Statewide
11 9-1-1 Fund fails to file the 9-1-1 system financial reports as
12 required under this Section, the Department shall suspend and
13 withhold monthly disbursements otherwise due to the emergency
14 telephone system board or qualified governmental entity under
15 Section 30 of this Act until the report is filed.

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

22 Any emergency telephone system board or qualified
23 governmental entity not in compliance with this Section shall
24 be ineligible to receive any consolidation grant or
25 infrastructure grant issued under this Act.

26 (e) The Department may adopt emergency rules necessary to

1 implement the provisions of this Section.

2 (f) Any findings or decisions of the Department under this
3 Section shall be deemed a final administrative decision and
4 shall be subject to judicial review under the Administrative
5 Review Law.

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

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

10 (50 ILCS 750/55)

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

12 Sec. 55. Public disclosure. Because of the highly
13 competitive nature of the ~~wireless~~ telephone industry, public
14 disclosure of information about surcharge moneys paid by
15 ~~wireless~~ carriers could have the effect of stifling competition
16 to the detriment of the public and the delivery of ~~wireless~~
17 9-1-1 services. Therefore, the Illinois Commerce Commission,
18 the Department of State Police, governmental agencies, and
19 individuals with access to that information shall take
20 appropriate steps to prevent public disclosure of this
21 information. Information and data supporting the amount and
22 distribution of surcharge moneys collected and remitted by an
23 individual ~~wireless~~ carrier shall be deemed exempt information
24 for purposes of the Freedom of Information Act and shall not be
25 publicly disclosed. The gross amount paid by all carriers shall

1 not be deemed exempt and may be publicly disclosed.

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

3 (50 ILCS 750/99)

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

5 Sec. 99. Repealer. This Act is repealed on December 31,
6 2020 ~~July 1, 2017~~.

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

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

10 (50 ILCS 753/15)

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

12 (a) Until September 30, 2015, there is hereby imposed on
13 consumers a prepaid wireless 9-1-1 surcharge of 1.5% per retail
14 transaction. Beginning October 1, 2015, the prepaid wireless
15 9-1-1 surcharge shall be 3% per retail transaction. The
16 surcharge authorized by this subsection (a) does not apply in a
17 home rule municipality having a population in excess of
18 500,000.

19 (a-5) On or after the effective date of this amendatory Act
20 of the 98th General Assembly and until December 31, 2020, ~~July~~
21 ~~1, 2017,~~ a home rule municipality having a population in excess
22 of 500,000 on the effective date of this amendatory Act may
23 impose a prepaid wireless 9-1-1 surcharge not to exceed 9% per

1 retail transaction sourced to that jurisdiction and collected
2 and remitted in accordance with the provisions of subsection
3 (b-5) of this Section. On or after January 1, 2021, ~~July 1,~~
4 ~~2017~~, a home rule municipality having a population in excess of
5 500,000 on the effective date of this Act may only impose a
6 prepaid wireless 9-1-1 surcharge not to exceed 7% per retail
7 transaction sourced to that jurisdiction and collected and
8 remitted in accordance with the provisions of subsection (b-5).

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

23 For purposes of this subsection (b), a retail transaction
24 occurs in this State if (i) the retail transaction is made in
25 person by a consumer at the seller's business location and the
26 business is located within the State; (ii) the seller is a

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

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

1 transactions.

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

21 (c) The prepaid wireless 9-1-1 surcharge is imposed on the
22 consumer and not on any provider. The seller shall be liable to
23 remit all prepaid wireless 9-1-1 surcharges that the seller
24 collects from consumers as provided in Section 20, including
25 all such surcharges that the seller is deemed to collect where
26 the amount of the surcharge has not been separately stated on

1 an invoice, receipt, or other similar document provided to the
2 consumer by the seller. The surcharge collected or deemed
3 collected by a seller shall constitute a debt owed by the
4 seller to this State, and any such surcharge actually collected
5 shall be held in trust for the benefit of the Department.

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

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

17 (e) (Blank).

18 (e-5) Any changes in the rate of the surcharge imposed by a
19 municipality under the authority granted in subsection (a-5) of
20 this Section shall be effective on the first day of the first
21 calendar month to occur at least 60 days after the enactment of
22 the change. The Department shall provide not less than 30 days'
23 notice of the increase or reduction in the rate of such
24 surcharge on the Department's website.

25 (f) When prepaid wireless telecommunications service is
26 sold with one or more other products or services for a single,

1 non-itemized price, then the percentage specified in
2 subsection (a) or (a-5) of this Section 15 shall be applied to
3 the entire non-itemized price unless the seller elects to apply
4 the percentage to (i) the dollar amount of the prepaid wireless
5 telecommunications service if that dollar amount is disclosed
6 to the consumer or (ii) the portion of the price that is
7 attributable to the prepaid wireless telecommunications
8 service if the retailer can identify that portion by reasonable
9 and verifiable standards from its books and records that are
10 kept in the regular course of business for other purposes,
11 including, but not limited to, books and records that are kept
12 for non-tax purposes. However, if a minimal amount of prepaid
13 wireless telecommunications service is sold with a prepaid
14 wireless device for a single, non-itemized price, then the
15 seller may elect not to apply the percentage specified in
16 subsection (a) or (a-5) of this Section 15 to such transaction.
17 For purposes of this subsection, an amount of service
18 denominated as 10 minutes or less or \$5 or less is considered
19 minimal.

20 (g) The prepaid wireless 9-1-1 surcharge imposed under
21 subsections (a) and (a-5) of this Section is not imposed on the
22 provider or the consumer for wireless Lifeline service where
23 the consumer does not pay the provider for the service. Where
24 the consumer purchases from the provider optional minutes,
25 texts, or other services in addition to the federally funded
26 Lifeline benefit, a consumer must pay the prepaid wireless

1 9-1-1 surcharge, and it must be collected by the seller
2 according to subsection (b-5).

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

4 Section 25. The Public Utilities Act is amended by changing
5 Sections 13-102, 13-103, 13-230, 13-301.1, 13-406, 13-506.2,
6 13-703, 13-1200, 21-401, and 21-1601 and by adding Section
7 13-406.1 as follows:

8 (220 ILCS 5/13-102) (from Ch. 111 2/3, par. 13-102)

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

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

12 (a) universally available and widely affordable
13 telecommunications services are essential to the health,
14 welfare and prosperity of all Illinois citizens;

15 (b) federal regulatory and judicial rulings in the 1980s
16 caused a restructuring of the telecommunications industry and
17 opened some aspects of the industry to competitive entry,
18 thereby necessitating revision of State telecommunications
19 regulatory policies and practices;

20 (c) revisions in telecommunications regulatory policies
21 and practices in Illinois beginning in the mid-1980s brought
22 the benefits of competition to consumers in many
23 telecommunications markets, but not in local exchange
24 telecommunications service markets;

1 (d) the federal Telecommunications Act of 1996 established
2 the goal of opening all telecommunications service markets to
3 competition and accords to the states the responsibility to
4 establish and enforce policies necessary to attain that goal;

5 (e) it is in the immediate interest of the People of the
6 State of Illinois for the State to exercise its rights within
7 the new framework of federal telecommunications policy to
8 ensure that the economic benefits of competition in all
9 telecommunications service markets are realized as effectively
10 as possible;

11 (f) the competitive offering of all telecommunications
12 services will increase innovation and efficiency in the
13 provision of telecommunications services and may lead to
14 reduced prices for consumers, increased investment in
15 communications infrastructure, the creation of new jobs, and
16 the attraction of new businesses to Illinois; ~~and~~

17 (g) protection of the public interest requires changes in
18 the regulation of telecommunications carriers and services to
19 ensure, to the maximum feasible extent, the reasonable and
20 timely development of effective competition in all
21 telecommunications service markets; ~~and~~

22 (h) Illinois residents rely on today's modern wired and
23 wireless Internet Protocol (IP) networks and services to
24 improve their lives by connecting them to school and college
25 degrees, work and job opportunities, family and friends,
26 information, and entertainment, as well as emergency

1 responders and public safety officials; Illinois businesses
2 rely on these modern IP networks and services to compete in a
3 global marketplace by expanding their customer base, managing
4 inventory and operations more efficiently, and offering
5 customers specialized and personalized products and services;
6 without question, Illinois residents and our State's economy
7 rely profoundly on the modern wired and wireless IP networks
8 and services in our State;

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

16 (j) this rapid transition to IP-based communications has
17 dramatically transformed the way people communicate and has
18 provided significant benefits to consumers in the form of
19 innovative functionalities resulting from the seamless
20 convergence of voice, video, and text, benefits realized by the
21 General Assembly when it chose to transition its own
22 telecommunications system to an all IP communications network
23 in 2016;

24 (k) the benefits of the transition to IP-based networks and
25 services were also recognized by the General Assembly in 2015
26 through the enactment of legislation requiring that every 9-1-1

1 emergency system in Illinois provide Next Generation 9-1-1
2 service by July 1, 2020, and requiring that the Next Generation
3 9-1-1 network must be an IP-based platform; and

4 (1) completing the transition to all IP-based networks and
5 technologies is in the public interest because it will promote
6 continued innovation, consumer benefits, increased
7 efficiencies, and increased investment in IP-based networks
8 and services.

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

10 (220 ILCS 5/13-103) (from Ch. 111 2/3, par. 13-103)

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

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

15 (a) telecommunications services should be available to all
16 Illinois citizens at just, reasonable, and affordable rates and
17 that such services should be provided as widely and
18 economically as possible in sufficient variety, quality,
19 quantity and reliability to satisfy the public interest;

20 (b) consistent with the protection of consumers of
21 telecommunications services and the furtherance of other
22 public interest goals, competition in all telecommunications
23 service markets should be pursued as a substitute for
24 regulation in determining the variety, quality and price of
25 telecommunications services and that the economic burdens of

1 regulation should be reduced to the extent possible consistent
2 with the furtherance of market competition and protection of
3 the public interest;

4 (c) all necessary and appropriate modifications to State
5 regulation of telecommunications carriers and services should
6 be implemented without unnecessary disruption to the
7 telecommunications infrastructure system or to consumers of
8 telecommunications services and that it is necessary and
9 appropriate to establish rules to encourage and ensure orderly
10 transitions in the development of markets for all
11 telecommunications services;

12 (d) the consumers of telecommunications services and
13 facilities provided by persons or companies subject to
14 regulation pursuant to this Act and Article should be required
15 to pay only reasonable and non-discriminatory rates or charges
16 and that in no case should rates or charges for non-competitive
17 telecommunications services include any portion of the cost of
18 providing competitive telecommunications services, as defined
19 in Section 13-209, or the cost of any nonregulated activities;

20 (e) the regulatory policies and procedures provided in this
21 Article are established in recognition of the changing nature
22 of the telecommunications industry and therefore should be
23 subject to systematic legislative review to ensure that the
24 public benefits intended to result from such policies and
25 procedures are fully realized; ~~and~~

26 (f) development of and prudent investment in advanced

1 telecommunications services and networks that foster economic
2 development of the State should be encouraged through the
3 implementation and enforcement of policies that promote
4 effective and sustained competition in all telecommunications
5 service markets; ~~and-~~

6 (g) completion of the transition to modern IP-based
7 networks should be encouraged through relief from the outdated
8 regulations that require continued investment in legacy
9 circuit switched networks from which Illinois consumers have
10 largely transitioned, while at the same time ensuring that
11 consumers have access to available alternative services that
12 provide quality voice service and access to emergency
13 communications.

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

15 (220 ILCS 5/13-230)

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

17 Sec. 13-230. Prepaid calling service. "Prepaid calling
18 service" means telecommunications service that must be paid for
19 in advance by an end user, enables the end user to originate
20 calls using an access number or authorization code, whether
21 manually or electronically dialed, and is sold in predetermined
22 units or dollars of which the number declines with use in a
23 known amount. A prepaid calling service call is a call made by
24 an end user using prepaid calling service. "Prepaid calling
25 service" does not include a wireless telecommunications

1 service that allows a caller to dial 9-1-1 to access the 9-1-1
2 system, which service must be paid for in advance, and is sold
3 in predetermined units or dollars and the amount declines with
4 use in a known amount ~~prepaid wireless telecommunications~~
5 ~~service as defined in Section 10 of the Wireless Emergency~~
6 ~~Telephone Safety Act.~~

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

8 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

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

10 Sec. 13-301.1. Universal Telephone Service Assistance
11 Program.

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

23 (b) The Commission shall adopt rules providing for enhanced
24 enrollment for eligible consumers to receive lifeline service.
25 Enhanced enrollment may include, but is not limited to, joint

1 marketing, joint application, or joint processing with the
2 Low-Income Home Energy Assistance Program, the Medicaid
3 Program, and the Food Stamp Program. The Department of Human
4 Services, the Department of Healthcare and Family Services, and
5 the Department of Commerce and Economic Opportunity, upon
6 request of the Commission, shall assist in the adoption and
7 implementation of those rules. The Commission and the
8 Department of Human Services, the Department of Healthcare and
9 Family Services, and the Department of Commerce and Economic
10 Opportunity may enter into memoranda of understanding
11 establishing the respective duties of the Commission and the
12 Departments in relation to enhanced enrollment.

13 (c) In this Section:⁷

14 "Lifeline "~~lifeline~~ service" means a retail local
15 service offering described by 47 CFR ~~C.F.R. Section~~
16 54.401(a), as amended.

17 (d) The Commission shall require by rule or regulation that
18 each telecommunications carrier providing local exchange
19 telecommunications services notify its customers that if the
20 customer wishes to participate in the funding of the Universal
21 Telephone Service Assistance Program he may do so by electing
22 to contribute, on a monthly basis, a fixed amount that will be
23 included in the customer's monthly bill. The customer may cease
24 contributing at any time upon providing notice to the
25 telecommunications carrier providing local exchange
26 telecommunications services. The notice shall state that any

1 contribution made will not reduce the customer's bill for
2 telecommunications services. Failure to remit the amount of
3 increased payment will reduce the contribution accordingly.
4 The Commission shall specify the monthly fixed amount or
5 amounts that customers wishing to contribute to the funding of
6 the Universal Telephone Service Assistance Program may choose
7 from in making their contributions. Every telecommunications
8 carrier providing local exchange telecommunications services
9 shall remit the amounts contributed in accordance with the
10 terms of the Universal Telephone Service Assistance Program.

11 (e) Amounts collected and remitted under subsection (d)
12 may, to the extent the Commission deems advisable, be used for
13 funding a program to be administered by the entity designated
14 by the Commission as administrator of the Universal Telephone
15 Service Assistance Program for educating and assisting
16 low-income residential customers with a transition to Internet
17 protocol-based networks and services. This program may
18 include, but need not be limited to, measures designed to
19 notify and educate residential customers regarding the
20 availability of alternative voice services with access to
21 9-1-1, access to and use of broadband Internet access service,
22 and pricing options.

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

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

2 Sec. 13-406. Abandonment of service. No telecommunications
3 carrier offering or providing noncompetitive
4 telecommunications service pursuant to a valid Certificate of
5 Service Authority or certificate of public convenience and
6 necessity shall discontinue or abandon such service once
7 initiated until and unless it shall demonstrate, and the
8 Commission finds, after notice and hearing, that such
9 discontinuance or abandonment will not deprive customers of any
10 necessary or essential telecommunications service or access
11 thereto and is not otherwise contrary to the public interest.
12 No telecommunications carrier offering or providing
13 competitive telecommunications service shall completely
14 discontinue or abandon such service to an identifiable class or
15 group of customers once initiated except upon 60 days notice to
16 the Commission and affected customers. The Commission may, upon
17 its own motion or upon complaint, investigate the proposed
18 discontinuance or abandonment of a competitive
19 telecommunications service and may, after notice and hearing,
20 prohibit such proposed discontinuance or abandonment if the
21 Commission finds that it would be contrary to the public
22 interest. If the Commission does not provide notice of a
23 hearing within 60 calendar days after the notification or holds
24 a hearing and fails to find that the proposed discontinuation
25 or abandonment would be contrary to the public interest, the
26 provider may discontinue or abandon such service after

1 providing at least 30 days notice to affected customers. This
2 Section does not apply to a Large Electing Provider proceeding
3 under Section 13-406.1.

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

5 (220 ILCS 5/13-406.1 new)

6 Sec. 13-406.1. Large Electing Provider transition to
7 IP-based networks and service.

8 (a) As used in this Section:

9 "Alternative voice service" means service that includes
10 all of the applicable functionalities for voice telephony
11 services described in 47 CFR 54.101(a).

12 "Existing customer" means a residential customer of the
13 Large Electing Provider who is subscribing to a
14 telecommunications service on the date the Large Electing
15 Provider sends its notice under paragraph (1) of subsection (c)
16 of this Section of its intent to cease offering and providing
17 service. For purposes of this Section, a residential customer
18 of the Large Electing Provider whose service has been
19 temporarily suspended, but not finally terminated as of the
20 date that the Large Electing Provider sends that notice, shall
21 be deemed to be an "existing customer".

22 "Large Electing Provider" means an Electing Provider, as
23 defined in Section 13-506.2 of this Act, that (i) reported in
24 its annual competition report for the year 2016 filed with the
25 Commission under Section 13-407 of this Act and 83 Ill. Adm.

1 Code 793 that it provided at least 700,000 access lines to end
2 users; and (ii) is affiliated with a provider of commercial
3 mobile radio service, as defined in 47 CFR 20.3, as of January
4 1, 2017.

5 "New customer" means a residential customer who is not
6 subscribing to a telecommunications service provided by the
7 Large Electing Provider on the date the Large Electing Provider
8 sends its notice under paragraph (1) of subsection (c) of this
9 Section of its intent to cease offering and providing that
10 service.

11 "Provider" includes every corporation, company,
12 association, firm, partnership, and individual and their
13 lessees, trustees, or receivers appointed by a court that sell
14 or offer to sell an alternative voice service.

15 "Reliable access to 9-1-1" means access to 9-1-1 that
16 complies with the applicable rules, regulations, and
17 guidelines established by the Federal Communications
18 Commission and the applicable provisions of the Emergency
19 Telephone System Act and implementing rules.

20 "Willing provider" means a provider that voluntarily
21 participates in the request for service process.

22 (b) Beginning June 30, 2017, a Large Electing Provider may,
23 to the extent permitted by and consistent with federal law,
24 including, as applicable, approval by the Federal
25 Communications Commission of the discontinuance of the
26 interstate-access component of a telecommunications service,

1 cease to offer and provide a telecommunications service to an
2 identifiable class or group of customers, other than voice
3 telecommunications service to residential customers or a
4 telecommunications service to a class of customers under
5 subsection (b-5) of this Section, upon 60 days notice to the
6 Commission and affected customers.

7 (b-5) Notwithstanding any provision to the contrary in this
8 Section 13-406.1, beginning December 31, 2021, a Large Electing
9 Provider may, to the extent permitted by and consistent with
10 federal law, including, if applicable, approval by the Federal
11 Communications Commission of the discontinuance of the
12 interstate-access component of a telecommunication service,
13 cease to offer and provide a telecommunications service to one
14 or more of the following classes or groups of customers upon 60
15 days notice to the Commission and affected customers: (1)
16 electric utilities, as defined in Section 16-102 of this Act;
17 (2) public utilities, as defined in Section 3-105 of this Act,
18 that offers natural gas or water services; (3) electric, gas,
19 and water utilities that are excluded from the definition of
20 public utility under paragraph (1) of subsection (b) of Section
21 3-105 of this Act; (4) water companies as described in
22 paragraph (2) of subsection (b) of Section 3-105 of this Act;
23 (5) natural gas cooperatives as described in paragraph (4) of
24 subsection (b) of Section 3-105 of this Act; (6) electric
25 cooperatives as defined in Section 3-119 of this Act; (7)
26 entities engaged in the commercial generation of electric power

1 and energy; (8) the functional divisions of public agencies, as
2 defined in Section 2 of the Emergency Telephone System Act,
3 that provide police or firefighting services; and (9) 9-1-1
4 Authorities, as defined in Section 2 of the Emergency Telephone
5 System Act; provided that the date shall be extended to
6 December 21, 2022, for (i) an electric utility, as defined in
7 Section 16-102 of this Act, that serves more than 3 million
8 customers in the State; and (ii) an entity engaged in the
9 commercial generation of electric power and energy that
10 operates one or more nuclear power plants in the State.

11 (c) Beginning June 30, 2017, a Large Electing Provider may,
12 to the extent permitted by and consistent with federal law,
13 cease to offer and provide voice telecommunications service to
14 an identifiable class or group of residential customers, which,
15 for the purposes of this subsection (c), shall be referred to
16 as "requested service", subject to compliance with the
17 following requirements:

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

22 (A) file a notice of the proposed cessation of the
23 requested service with the Commission; and

24 (B) provide notice of the proposed cessation of the
25 requested service to each of the Large Electing
26 Provider's existing customers within the affected

1 geographic area by first-class mail separate from
2 customer bills. If the customer has elected to receive
3 electronic billing, the notice shall be sent
4 electronically and by first-class mail separate from
5 customer bills. The notice provided under this
6 subparagraph (B) shall describe the requested service,
7 identify the earliest date on which the Large Electing
8 Provider intends to cease offering or providing the
9 telecommunications service, provide a telephone number
10 by which the existing customer may contact a service
11 representative of the Large Electing Provider, and
12 provide a telephone number by which the existing
13 customer may contact the Commission's Consumer
14 Services Division. The notice shall also include the
15 following statement:

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

1 the date of the notice to the following address:
2 Chief Clerk of the Illinois Commerce Commission
3 527 East Capitol Avenue
4 Springfield, Illinois 62706

5 You must include in your request a reference to
6 the notice you received from [Large Electing
7 Provider's name] and the date of notice.".

8 Thirty days following the date of notice, the Large
9 Electing Provider shall provide each customer to which
10 the notice was sent a follow-up notice containing the
11 same information and reminding customers of the
12 deadline for requesting the Commission to investigate
13 alternative voice service with access to 9-1-1.

14 (2) After June 30, 2017, and only in a geographic area
15 for which a Large Electing Provider has provided notice of
16 proposed cessation of the requested service to existing
17 customers under paragraph (1) of this subsection (c), an
18 existing customer of that provider may, within 60 days
19 after issuance of such notice, request the Commission to
20 investigate the availability of alternative voice service
21 including reliable access to 9-1-1 to that customer. For
22 the purposes of this paragraph (2), existing customers who
23 make such a request are referred to as "requesting existing
24 customers". The Large Electing Provider may cease to offer
25 or provide the requested service to existing customers who
26 do not make a request for investigation beginning 30 days

1 after issuance of the notice required by paragraph (5) of
2 this subsection (c).

3 (A) In response to all requests and investigations
4 under this paragraph (2), the Commission shall conduct
5 a single investigation to be commenced 75 days after
6 the receipt of notice under paragraph (1) of this
7 subsection (c), and completed within 135 days after
8 commencement. The Commission shall, within 135 days
9 after commencement of the investigation, make one of
10 the findings described in subdivisions (i) and (ii) of
11 this subparagraph (A) for each requesting existing
12 customer.

13 (i) If, as a result of the investigation, the
14 Commission finds that service from at least one
15 provider offering alternative voice service
16 including reliable access to 9-1-1 through any
17 technology or medium is available to one or more
18 requesting existing customers, the Commission
19 shall declare by order that, with respect to each
20 requesting existing customer for which such a
21 finding is made, the Large Electing Provider may
22 cease to offer or provide the requested service
23 beginning 30 days after the issuance of the notice
24 required by paragraph (5) of this subsection (c).

25 (ii) If, as a result of the investigation, the
26 Commission finds that service from at least one

1 provider offering alternative voice service,
2 including reliable access to 9-1-1, through any
3 technology or medium is not available to one or
4 more requesting existing customers, the Commission
5 shall declare by order that an emergency exists
6 with respect to each requesting existing customer
7 for which such a finding is made.

8 (B) If the Commission declares an emergency under
9 subdivision (ii) of subparagraph (A) of this paragraph
10 (2) with respect to one or more requesting existing
11 customers, the Commission shall conduct a request for
12 service process to identify a willing provider of
13 alternative voice service including reliable access to
14 9-1-1. A provider shall not be required to participate
15 in the request for service process. The willing
16 provider may utilize any form of technology that is
17 capable of providing alternative voice service
18 including reliable access to 9-1-1, including, without
19 limitation, Voice over Internet Protocol services and
20 wireless services. The Commission shall, within 45
21 days after the issuance of an order finding that an
22 emergency exists, make one of the determinations
23 described in subdivisions (i) and (ii) of this
24 subparagraph (B) for each requesting existing customer
25 for which an emergency has been declared.

26 (i) If the Commission determines that another

1 provider is willing and capable of providing
2 alternative voice service including reliable
3 access to 9-1-1 to one or more requesting existing
4 customers for which an emergency has been
5 declared, the Commission shall declare by order
6 that, with respect to each requesting existing
7 customer for which such a determination is made,
8 the Large Electing Provider may cease to offer or
9 provide the requested service beginning 30 days
10 after the issuance of the notice required by
11 paragraph (5) of this Section.

12 (ii) If the Commission determines that for one
13 or more of the requesting existing customers for
14 which an emergency has been declared there is no
15 other provider willing and capable of providing
16 alternative voice service including reliable
17 access to 9-1-1, the Commission shall issue an
18 order requiring the Large Electing Provider to
19 provide alternative voice service including
20 reliable access to 9-1-1 to each requesting
21 existing customer utilizing any form of technology
22 capable of providing alternative voice service
23 including reliable access to 9-1-1, including,
24 without limitation, continuation of the requested
25 service, Voice over Internet Protocol services,
26 and wireless services, until another willing

1 provider is available. A Large Electing Provider
2 may fulfill the requirement through an affiliate
3 or another provider. The Large Electing Provider
4 may request that such an order be rescinded upon a
5 showing that an alternative voice service
6 including reliable access to 9-1-1 has become
7 available to the requesting existing customer from
8 another provider.

9 (3) If the Commission receives no requests for
10 investigation from any existing customer under paragraph
11 (2) of this subsection (c) within 60 days after issuance of
12 the notice under paragraph (1) of this subsection (c), the
13 Commission shall provide written notice to the Large
14 Electing Provider of that fact no later than 75 days after
15 receipt of notice under paragraph (1) of this subsection
16 (c). Notwithstanding any provision of this subsection (c)
17 to the contrary, if no existing customer requests an
18 investigation under paragraph (2) of this subsection (c),
19 the Large Electing Provider may immediately provide the
20 notice to the Federal Communications Commission as
21 described in paragraph (4) of this subsection (c).

22 (4) At the same time that it provides notice to the
23 Federal Communications Commission of its intent to
24 discontinue the interstate-access component of the
25 requested service, the Large Electing Provider shall:

26 (A) file a notice of proposal to cease to offer and

1 provide the requested service with the Commission; and
2 (B) provide a notice of proposal to cease to offer
3 and provide the requested service to existing
4 customers and new customers receiving the service at
5 the time of the notice within each affected geographic
6 area, with the notice made by first-class mail or
7 within customer bills delivered by mail or equivalent
8 means of notice, including electronic means if the
9 customer has elected to receive electronic billing.
10 The notice provided under this subparagraph (B) shall
11 include a brief description of the requested service,
12 the date on which the Large Electing Provider intends
13 to cease offering or providing the telecommunications
14 service, and a statement as required by 47 CFR 63.71
15 that describes the process by which the customer may
16 submit comments to the Federal Communications
17 Commission.

18 (5) Upon approval by the Federal Communications
19 Commission of its request to discontinue the
20 interstate-access component of the requested service and
21 subject to the requirements of any order issued by the
22 Commission under subdivision (ii) of subparagraph (B) of
23 paragraph (2) of this subsection (c), the Large Electing
24 Provider may immediately cease to offer the requested
25 service to all customers not receiving the service on the
26 date of the Federal Communications Commission's approval

1 and may cease to offer and provide the requested service to
2 all customers receiving the service at the time of the
3 Federal Communications Commission's approval upon 30 days
4 notice to the Commission and affected customers. Notice to
5 affected customers under this paragraph (5) shall be
6 provided by first-class mail separate from customer bills.
7 The notice provided under this paragraph (5) shall describe
8 the requested service, identify the date on which the Large
9 Electing Provider intends to cease offering or providing
10 the telecommunications service, and provide a telephone
11 number by which the existing customer may contact a service
12 representative of the Large Electing Provider.

13 (6) The notices provided for in paragraph (1) of this
14 subsection (c) are not required as a prerequisite for the
15 Large Electing Provider to cease to offer or provide a
16 telecommunications service in a geographic area where
17 there are no residential customers taking service from the
18 Large Electing Provider on the date that the Large Electing
19 Provider files notice to the Federal Communications
20 Commission of its intent to discontinue the
21 interstate-access component of the requested service in
22 that geographic area.

23 (7) For a period of 45 days following the date of a
24 notice issued under paragraph (5) of this Section, an
25 existing customer (i) who is located in the affected
26 geographic area subject to that notice; (ii) who was

1 receiving the requested service as of the date of the
2 Federal Communications Commission's approval of the Large
3 Electing Provider's request to discontinue the
4 interstate-access component of the requested service;
5 (iii) who did not make a timely request for investigation
6 under paragraph (2) of this subsection (c); and (iv) whose
7 service will be or has been discontinued under paragraph
8 (5), may request assistance from the Large Electing
9 Provider in identifying providers of alternative voice
10 service including reliable access to 9-1-1. Within 15 days
11 of the request, the Large Electing Provider shall provide
12 the customer with a list of alternative voice service
13 providers.

14 (8) Notwithstanding any other provision of this Act,
15 except as expressly authorized by this subsection (c), the
16 Commission may not, upon its own motion or upon complaint,
17 investigate, suspend, disapprove, condition, or otherwise
18 regulate the cessation of a telecommunications service to
19 an identifiable class or group of customers once initiated
20 by a Large Electing Provider under subsection (b) or (b-5)
21 of this Section or this subsection (c).

22 (220 ILCS 5/13-506.2)

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

24 Sec. 13-506.2. Market regulation for competitive retail
25 services.

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

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

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

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

1 to receive discounts on monthly telephone service under the
2 federal Lifeline program, 47 C.F.R. Part 54, Subpart E.

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

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

1 Commission to the extent expressly provided in this Section.

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

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

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

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

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

1 classified as competitive pursuant to either subdivision
2 (c) (1) or (c) (2) of this Section.

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

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

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

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

15 (d) Consumer choice safe harbor options.

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

23 (A) A basic package, which shall consist of a
24 stand-alone residential network access line and 30
25 local calls. If the Electing Provider offers a
26 stand-alone residential access line and local usage on

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

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

20 (C) A plus package, which shall consist of
21 residential basic local exchange network access line,
22 unlimited local calls, and the customer's choice of 2
23 vertical services offered by the Electing Provider.
24 The term "vertical services" as used in this
25 subsection, includes, but is not limited to, call
26 waiting, call forwarding, 3-way calling, caller ID,

1 call tracing, automatic callback, repeat dialing, and
2 voicemail. The price for the plus package shall be the
3 Electing Provider's applicable price in effect on
4 January 1, 2010 for the sum of a residential access
5 line with unlimited local calls and 2 times the average
6 price for the vertical features included in the
7 package.

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

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

5 (3) To the extent that the requirements in Section
6 13-518 applied to a telecommunications carrier prior to the
7 effective date of this Section and that telecommunications
8 carrier becomes an Electing Provider in accordance with the
9 provisions of this Section, the requirements in Section
10 13-518 shall cease to apply to that Electing Provider in
11 those geographic areas included in the Electing Provider's
12 notice of election pursuant to subsection (b) of this
13 Section.

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

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

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

15 (6) Subject to subdivision (d)(8) of this Section, an
16 Electing Provider shall provide to the Commission
17 semi-annual subscribership reports as of June 30 and
18 December 31 that contain the number of its customers
19 subscribing to each of the consumer choice safe harbor
20 packages required by subsection (d)(1) of this Section and
21 the number of its customers subscribing to retail
22 residential basic local exchange service as defined in
23 subsection (a)(2) of this Section. The first semi-annual
24 reports shall be made on April 1, 2011 for December 31,
25 2010, and on September 1, 2011 for June 30, 2011, and
26 semi-annually on April 1 and September 1 thereafter. Such

1 subscribership information shall be accorded confidential
2 and proprietary treatment upon request by the Electing
3 Provider.

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

9 (8) On and after the effective date of this amendatory
10 Act of the 99th General Assembly, an Electing Provider
11 shall continue to offer and provide the optional packages
12 described in this subsection (d) to existing customers and
13 new customers. On and after January 1, 2021, ~~July 1, 2017~~,
14 an Electing Provider may immediately stop offering the
15 optional packages described in this subsection (d) and,
16 upon providing two notices to affected customers and to the
17 Commission, may stop providing the optional packages
18 described in this subsection (d) to all customers who
19 subscribe to one of the optional packages. The first notice
20 shall be provided at least 90 days before the date upon
21 which the Electing Provider intends to stop providing the
22 optional packages, and the second notice must be provided
23 at least 30 days before that date. The first notice shall
24 not be provided prior to January 1, 2021 ~~July 1, 2017~~. Each
25 notice must identify the date on which the Electing
26 Provider intends to stop providing the optional packages,

1 at least one alternative service available to the customer,
2 and a telephone number by which the customer may contact a
3 service representative of the Electing Provider. After
4 January 1, 2021, ~~July 1, 2017~~ with respect to new
5 customers, and upon the expiration of the second notice
6 period with respect to customers who were subscribing to
7 one of the optional packages, subdivisions (d) (1), (d) (2),
8 (d) (4), (d) (5), (d) (6), and (d) (7) of this Section shall
9 not apply to the Electing Provider. Notwithstanding any
10 other provision of this Article, an Electing Provider that
11 has ceased providing the optional packages under this
12 subdivision (d) (8) is not subject to Section 13-301(1) (c)
13 of this Act. Notwithstanding any other provision of this
14 Act, and subject to subdivision (d) (7) of this Section, the
15 Commission's authority over the discontinuance of the
16 optional packages described in this subsection (d) by an
17 Electing Provider shall be governed solely by this
18 subsection (d) (8).

19 (e) Service quality and customer credits for basic local
20 exchange service.

21 (1) An Electing Provider shall meet the following
22 service quality standards in providing basic local
23 exchange service, which for purposes of this subsection
24 (e), includes both basic local exchange service and any
25 consumer choice safe harbor options that may be required by
26 subsection (d) of this Section.

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

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

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

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

22 (2) Customers shall be credited by the Electing
23 Provider for violations of basic local exchange service
24 quality standards described in subdivision (e)(1) of this
25 Section. The credits shall be applied automatically on the
26 statement issued to the customer for the next monthly

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

12 (A) If an Electing Provider fails to repair an
13 out-of-service condition for basic local exchange
14 service within 30 hours, the Electing Provider shall
15 provide a credit to the customer. If the service
16 disruption is for more than 30 hours, but not more than
17 48 hours, the credit must be equal to a pro-rata
18 portion of the monthly recurring charges for all basic
19 local exchange services disrupted. If the service
20 disruption is for more than 48 hours, but not more than
21 72 hours, the credit must be equal to at least 33% of
22 one month's recurring charges for all local services
23 disrupted. If the service disruption is for more than
24 72 hours, but not more than 96 hours, the credit must
25 be equal to at least 67% of one month's recurring
26 charges for all basic local exchange services

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

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

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

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

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

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

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

25 (iii) occurs as a result of, or is extended by,
26 an emergency situation as defined in 83 Ill. Adm.

1 Code 732.10;

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

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

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

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

23 (3) Each Electing Provider shall provide to the
24 Commission on a quarterly basis and in a form suitable for
25 posting on the Commission's website in conformance with the
26 rules adopted by the Commission and in effect on April 1,

1 business days;

2 (iii) the number of installations after 10
3 business days;

4 (iv) the number of installations after 11
5 business days; and

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

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

12 (i) the total dollar amount of any customer
13 credits paid;

14 (ii) the number of any customers receiving
15 credits; and

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

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

1 Section.

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

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

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

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

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

14 (g) Commission authority over access services upon
15 election for market regulation.

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

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

24 (2) Nothing in paragraph (1) of this subsection (g)
25 prohibits an Electing Provider from electing to offer
26 intrastate switched access service at rates lower than its

1 interstate switched access rates.

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

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

11 (h) Safety of service equipment and facilities.

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

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

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

10 (i) (Blank).

11 (j) Application of Article VII. The provisions of Sections
12 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are
13 applicable to an Electing Provider offering or providing retail
14 telecommunications service, and the Commission's regulation
15 thereof, except that (1) the approval of contracts and
16 arrangements with affiliated interests required by paragraph
17 (3) of Section 7-101 shall not apply to such telecommunications
18 carriers provided that, except as provided in item (2), those
19 contracts and arrangements shall be filed with the Commission;
20 (2) affiliated interest contracts or arrangements entered into
21 by such telecommunications carriers where the increased
22 obligation thereunder does not exceed the lesser of \$5,000,000
23 or 5% of such carrier's prior annual revenue from
24 noncompetitive services are not required to be filed with the
25 Commission; and (3) any consent and approval of the Commission
26 required by Section 7-102 is not required for the sale, lease,

1 assignment, or transfer by any Electing Provider of any
2 property that is not necessary or useful in the performance of
3 its duties to the public.

4 (k) Notwithstanding other provisions of this Section, the
5 Commission retains its existing authority to enforce the
6 provisions, conditions, and requirements of the following
7 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
8 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
9 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
10 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,
11 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,
12 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,
13 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,
14 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully
15 and equally applicable to Electing Providers and to
16 telecommunications carriers providing retail
17 telecommunications service classified as competitive pursuant
18 to Section 13-502 or subdivision (c) (5) of this Section subject
19 to the provisions of this Section. On the effective date of
20 this amendatory Act of the 98th General Assembly, the following
21 Sections of this Article shall cease to apply to Electing
22 Providers and to telecommunications carriers providing retail
23 telecommunications service classified as competitive pursuant
24 to Section 13-502 or subdivision (c) (5) of this Section:
25 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,
26 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,

1 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,
2 and 13-712.

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

4 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

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

6 Sec. 13-703. (a) The Commission shall design and implement
7 a program whereby each telecommunications carrier providing
8 local exchange service shall provide a telecommunications
9 device capable of servicing the needs of those persons with a
10 hearing or speech disability together with a single party line,
11 at no charge additional to the basic exchange rate, to any
12 subscriber who is certified as having a hearing or speech
13 disability by a hearing care professional, as defined in the
14 Hearing Instrument Consumer Protection Act, a speech-language
15 pathologist, or a qualified State agency and to any subscriber
16 which is an organization serving the needs of those persons
17 with a hearing or speech disability as determined and specified
18 by the Commission pursuant to subsection (d).

19 (b) The Commission shall design and implement a program,
20 whereby each telecommunications carrier providing local
21 exchange service shall provide a telecommunications relay
22 system, using third party intervention to connect those persons
23 having a hearing or speech disability with persons of normal
24 hearing by way of intercommunications devices and the telephone
25 system, making available reasonable access to all phases of

1 public telephone service to persons who have a hearing or
2 speech disability. In order to design a telecommunications
3 relay system which will meet the requirements of those persons
4 with a hearing or speech disability available at a reasonable
5 cost, the Commission shall initiate an investigation and
6 conduct public hearings to determine the most cost-effective
7 method of providing telecommunications relay service to those
8 persons who have a hearing or speech disability when using
9 telecommunications devices and therein solicit the advice,
10 counsel, and physical assistance of Statewide nonprofit
11 consumer organizations that serve persons with hearing or
12 speech disabilities in such hearings and during the development
13 and implementation of the system. The Commission shall phase in
14 this program, on a geographical basis, as soon as is
15 practicable, but no later than June 30, 1990.

16 (c) The Commission shall establish a competitively neutral
17 rate recovery mechanism that establishes charges in an amount
18 to be determined by the Commission for each line of a
19 subscriber to allow telecommunications carriers providing
20 local exchange service to recover costs as they are incurred
21 under this Section. Beginning no later than April 1, 2016, and
22 on a yearly basis thereafter, the Commission shall initiate a
23 proceeding to establish the competitively neutral amount to be
24 charged or assessed to subscribers of telecommunications
25 carriers and wireless carriers, Interconnected VoIP service
26 providers, and consumers of prepaid wireless

1 telecommunications service in a manner consistent with this
2 subsection (c) and subsection (f) of this Section. The
3 Commission shall issue its order establishing the
4 competitively neutral amount to be charged or assessed to
5 subscribers of telecommunications carriers and wireless
6 carriers, Interconnected VoIP service providers, and
7 purchasers of prepaid wireless telecommunications service on
8 or prior to June 1 of each year, and such amount shall take
9 effect June 1 of each year.

10 Telecommunications carriers, wireless carriers,
11 Interconnected VoIP service providers, and sellers of prepaid
12 wireless telecommunications service shall have 60 days from the
13 date the Commission files its order to implement the new rate
14 established by the order.

15 (d) The Commission shall determine and specify those
16 organizations serving the needs of those persons having a
17 hearing or speech disability that shall receive a
18 telecommunications device and in which offices the equipment
19 shall be installed in the case of an organization having more
20 than one office. For the purposes of this Section,
21 "organizations serving the needs of those persons with hearing
22 or speech disabilities" means centers for independent living as
23 described in Section 12a of the Rehabilitation of Persons with
24 Disabilities Act and not-for-profit organizations whose
25 primary purpose is serving the needs of those persons with
26 hearing or speech disabilities. The Commission shall direct the

1 telecommunications carriers subject to its jurisdiction and
2 this Section to comply with its determinations and
3 specifications in this regard.

4 (e) As used in this Section:

5 "Prepaid wireless telecommunications service" has the
6 meaning given to that term under Section 10 of the Prepaid
7 Wireless 9-1-1 Surcharge Act.

8 "Retail transaction" has the meaning given to that term
9 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

10 "Seller" has the meaning given to that term under Section
11 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

12 "Telecommunications carrier providing local exchange
13 service" includes, without otherwise limiting the meaning of
14 the term, telecommunications carriers which are purely mutual
15 concerns, having no rates or charges for services, but paying
16 the operating expenses by assessment upon the members of such a
17 company and no other person.

18 "Wireless carrier" has the meaning given to that term under
19 Section 2 10 of the ~~Wireless~~ Emergency Telephone System Safety
20 Act.

21 (f) Interconnected VoIP service providers, sellers of
22 prepaid wireless telecommunications service, and wireless
23 carriers in Illinois shall collect and remit assessments
24 determined in accordance with this Section in a competitively
25 neutral manner in the same manner as a telecommunications
26 carrier providing local exchange service. However, the

1 assessment imposed on consumers of prepaid wireless
2 telecommunications service shall be collected by the seller
3 from the consumer and imposed per retail transaction as a
4 percentage of that retail transaction on all retail
5 transactions occurring in this State. The assessment on
6 subscribers of wireless carriers and consumers of prepaid
7 wireless telecommunications service shall not be imposed or
8 collected prior to June 1, 2016.

9 Sellers of prepaid wireless telecommunications service
10 shall remit the assessments to the Department of Revenue on the
11 same form and in the same manner which they remit the fee
12 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
13 the purposes of display on the consumers' receipts, the rates
14 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
15 Act and the assessment under this Section may be combined. In
16 administration and enforcement of this Section, the provisions
17 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
18 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
19 Section 15 and subsections (c) and (e) of Section 20 of the
20 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015
21 (the effective date of Public Act 99-6), the seller shall be
22 permitted to deduct and retain 3% of the assessments that are
23 collected by the seller from consumers and that are remitted
24 and timely filed with the Department) that are not inconsistent
25 with this Section, shall apply, as far as practicable, to the
26 subject matter of this Section to the same extent as if those

1 provisions were included in this Section. The Department shall
2 deposit all assessments and penalties collected under this
3 Section into the Illinois Telecommunications Access
4 Corporation Fund, a special fund created in the State treasury.
5 On or before the 25th day of each calendar month, the
6 Department shall prepare and certify to the Comptroller the
7 amount available to the Commission for distribution out of the
8 Illinois Telecommunications Access Corporation Fund. The
9 amount certified shall be the amount (not including credit
10 memoranda) collected during the second preceding calendar
11 month by the Department, plus an amount the Department
12 determines is necessary to offset any amounts which were
13 erroneously paid to a different taxing body or fund. The amount
14 paid to the Illinois Telecommunications Access Corporation
15 Fund shall not include any amount equal to the amount of
16 refunds made during the second preceding calendar month by the
17 Department to retailers under this Section or any amount that
18 the Department determines is necessary to offset any amounts
19 which were payable to a different taxing body or fund but were
20 erroneously paid to the Illinois Telecommunications Access
21 Corporation Fund. The Commission shall distribute all the funds
22 to the Illinois Telecommunications Access Corporation and the
23 funds may only be used in accordance with the provisions of
24 this Section. The Department shall deduct 2% of all amounts
25 deposited in the Illinois Telecommunications Access
26 Corporation Fund during every year of remitted assessments. Of

1 the 2% deducted by the Department, one-half shall be
2 transferred into the Tax Compliance and Administration Fund to
3 reimburse the Department for its direct costs of administering
4 the collection and remittance of the assessment. The remaining
5 one-half shall be transferred into the Public Utility Fund to
6 reimburse the Commission for its costs of distributing to the
7 Illinois Telecommunications Access Corporation the amount
8 certified by the Department for distribution. The amount to be
9 charged or assessed under subsections (c) and (f) is not
10 imposed on a provider or the consumer for wireless Lifeline
11 service where the consumer does not pay the provider for the
12 service. Where the consumer purchases from the provider
13 optional minutes, texts, or other services in addition to the
14 federally funded Lifeline benefit, a consumer must pay the
15 charge or assessment, and it must be collected by the seller
16 according to this subsection (f).

17 Interconnected VoIP services shall not be considered an
18 intrastate telecommunications service for the purposes of this
19 Section in a manner inconsistent with federal law or Federal
20 Communications Commission regulation.

21 (g) The provisions of this Section are severable under
22 Section 1.31 of the Statute on Statutes.

23 (h) The Commission may adopt rules necessary to implement
24 this Section.

25 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; 99-642,
26 eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff. 1-27-17;

1 revised 2-15-17.)

2 (220 ILCS 5/13-1200)

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

4 Sec. 13-1200. Repealer. This Article is repealed December
5 31, 2023 ~~July 1, 2017~~.

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

7 (220 ILCS 5/21-401)

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

9 Sec. 21-401. Applications.

10 (a) (1) A person or entity seeking to provide cable service
11 or video service pursuant to this Article shall not use the
12 public rights-of-way for the installation or construction of
13 facilities for the provision of cable service or video service
14 or offer cable service or video service until it has obtained a
15 State-issued authorization to offer or provide cable or video
16 service under this Section, except as provided for in item (2)
17 of this subsection (a). All cable or video providers offering
18 or providing service in this State shall have authorization
19 pursuant to either (i) the Cable and Video Competition Law of
20 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
21 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
22 5-1095 of the Counties Code (55 ILCS 5/5-1095).

23 (2) Nothing in this Section shall prohibit a local unit of
24 government from granting a permit to a person or entity for the

1 use of the public rights-of-way to install or construct
2 facilities to provide cable service or video service, at its
3 sole discretion. No unit of local government shall be liable
4 for denial or delay of a permit prior to the issuance of a
5 State-issued authorization.

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

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

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

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

18 (4) An exact description of the cable service or video
19 service area where the cable service or video service will
20 be offered during the term of the State-issued
21 authorization. The service area shall be identified in
22 terms of either (i) exchanges, as that term is defined in
23 Section 13-206 of this Act; (ii) a collection of United
24 States Census Bureau Block numbers (13 digit); (iii) if the
25 area is smaller than the areas identified in either (i) or
26 (ii), by geographic information system digital boundaries

1 meeting or exceeding national map accuracy standards; or
2 (iv) local unit of government. The description shall
3 include the number of low-income households within the
4 service area or footprint. If an applicant is an incumbent
5 cable operator, the incumbent cable operator and any
6 successor-in-interest shall be obligated to provide access
7 to cable services or video services within any local units
8 of government at the same levels required by the local
9 franchising authorities for the local unit of government on
10 June 30, 2007 (the effective date of Public Act 95-9), and
11 its application shall provide a description of an area no
12 smaller than the service areas contained in its franchise
13 or franchises within the jurisdiction of the local unit of
14 government in which it seeks to offer cable or video
15 service.

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

24 (6) A certification that the applicant has
25 concurrently delivered a copy of the application to all
26 local units of government that include all or any part of

1 the service area identified in item (4) of this subsection
2 (b) within such local unit of government's jurisdictional
3 boundaries.

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

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

22 The application shall include adequate assurance that the
23 applicant possesses the financial, managerial, legal, and
24 technical qualifications necessary to construct and operate
25 the proposed system, to promptly repair any damage to the
26 public right-of-way caused by the applicant, and to pay the

1 cost of removal of its facilities. To accomplish these
2 requirements, the applicant may, at the time the applicant
3 seeks to use the public rights-of-way in that jurisdiction, be
4 required by the State of Illinois or later be required by the
5 local unit of government, or both, to post a bond, produce a
6 certificate of insurance, or otherwise demonstrate its
7 financial responsibility.

8 The application shall include the applicant's general
9 standards related to customer service required by Section
10 22-501 of this Act, which shall include, but not be limited to,
11 installation, disconnection, service and repair obligations;
12 appointment hours; employee ID requirements; customer service
13 telephone numbers and hours; procedures for billing, charges,
14 deposits, refunds, and credits; procedures for termination of
15 service; notice of deletion of programming service and changes
16 related to transmission of programming or changes or increases
17 in rates; use and availability of parental control or lock-out
18 devices; complaint procedures and procedures for bill dispute
19 resolution and a description of the rights and remedies
20 available to consumers if the holder does not materially meet
21 their customer service standards; and special services for
22 customers with visual, hearing, or mobility disabilities.

23 (c)(1) The applicant may designate information that it
24 submits in its application or subsequent reports as
25 confidential or proprietary, provided that the applicant
26 states the reasons the confidential designation is necessary.

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

24 (2) Information regarding the location of video services
25 that have been or are being offered to the public and aggregate
26 information included in the reports required by this Article

1 shall not be designated or treated as confidential.

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

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

21 (e) Any authorization issued by the Commission ~~will expire~~
22 ~~on December 31, 2020 and~~ shall contain or include all of the
23 following:

24 (1) A grant of authority, including an authorization
25 issued prior to this amendatory Act of the 98th General
26 Assembly, to provide cable service or video service in the

1 service area footprint as requested in the application,
2 subject to the provisions of this Article in existence on
3 the date the grant of authority was issued, and any
4 modifications to this Article enacted at any time prior to
5 the date in Section 21-1601 of this Act, and to the laws of
6 the State and the ordinances, rules, and regulations of the
7 local units of government.

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

13 (3) A statement that the grant of authority is subject
14 to lawful operation of the cable service or video service
15 by the applicant, its affiliated entities, or its
16 successors-in-interest.

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

24 (f) The authorization issued pursuant to this Section by
25 the Commission may be transferred to any successor-in-interest
26 to the applicant to which it is initially granted without

1 further Commission action if the successor-in-interest (i)
2 submits an application and the information required by
3 subsection (b) of this Section for the successor-in-interest
4 and (ii) is not in violation of this Article or of any federal,
5 State, or local law, ordinance, rule, or regulation. A
6 successor-in-interest shall file its application and notice of
7 transfer with the Commission and the relevant local units of
8 government no less than 15 business days prior to the
9 completion of the transfer. The Commission is not required or
10 authorized to act upon the notice of transfer; however, the
11 transfer is not effective until the Commission approves the
12 successor-in-interest's application. A local unit of
13 government or the Attorney General may seek to bar a transfer
14 of ownership by filing suit in a court of competent
15 jurisdiction predicated on the existence of a material and
16 continuing breach of this Article by the holder, a pattern of
17 noncompliance with customer service standards by the potential
18 successor-in-interest, or the insolvency of the potential
19 successor-in-interest. If a transfer is made when there are
20 violations of this Article or of any federal, State, or local
21 law, ordinance, rule, or regulation, the successor-in-interest
22 shall be subject to 3 times the penalties provided for in this
23 Article.

24 (g) The authorization issued pursuant to this Section by
25 the Commission may be terminated, or its cable service or video
26 service area footprint may be modified, by the cable service

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

15 (h) The Commission's authority to administer this Article
16 is limited to the powers and duties explicitly provided under
17 this Article. Its authority under this Article does not include
18 or limit the powers and duties that the Commission has under
19 the other Articles of this Act, the Illinois Administrative
20 Procedure Act, or any other law or regulation to conduct
21 proceedings, other than as provided in subsection (c), or has
22 to promulgate rules or regulations. The Commission shall not
23 have the authority to limit or expand the obligations and
24 requirements provided in this Section or to regulate or control
25 a person or entity to the extent that person or entity is
26 providing cable service or video service, except as provided in

1 this Article.

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

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, 2021 ~~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."