



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5139

by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-1200
220 ILCS 5/21-401
220 ILCS 5/21-1601

Amends the Public Utilities Act. Extends the repeal date of the Cable and Video Competition Law of 2007 from December 31, 2020 to December 31, 2025. Extends the expiration date of Illinois Commerce Commission authorizations to provide cable and video services from December 31, 2023 to December 31, 2028. Extends the repeal date of the Universal Telephone Service Protection Law of 1985 from December 31, 2020 to December 31, 2025. Effective immediately.

LRB101 15182 SPS 64338 b

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing
5 Section 13-1200 as follows:

6 (220 ILCS 5/13-1200)

7 (Section scheduled to be repealed on December 31, 2020)

8 Sec. 13-1200. Repealer. This Article is repealed December
9 31, 2025 ~~2020~~.

10 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

11 Section 10. The Public Utilities Act is amended by changing
12 Sections 21-401 and 21-1601 as follows:

13 (220 ILCS 5/21-401)

14 (Section scheduled to be repealed on December 31, 2020)

15 Sec. 21-401. Applications.

16 (a) (1) A person or entity seeking to provide cable service
17 or video service pursuant to this Article shall not use the
18 public rights-of-way for the installation or construction of
19 facilities for the provision of cable service or video service
20 or offer cable service or video service until it has obtained a
21 State-issued authorization to offer or provide cable or video

1 service under this Section, except as provided for in item (2)
2 of this subsection (a). All cable or video providers offering
3 or providing service in this State shall have authorization
4 pursuant to either (i) the Cable and Video Competition Law of
5 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
6 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
7 5-1095 of the Counties Code (55 ILCS 5/5-1095).

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

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

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

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

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

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

25 (5) The location and telephone number of the
26 applicant's principal place of business within this State

1 and the names of the applicant's principal executive
2 officers who are responsible for communications concerning
3 the application and the services to be offered pursuant to
4 the application, the applicant's legal name, and any name
5 or names under which the applicant does or will provide
6 cable services or video services in this State.

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

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

21 (8) For any entity that received State-issued
22 authorization prior to this amendatory Act of the 98th
23 General Assembly as a cable operator and that intends to
24 proceed as a cable operator under this Article, the entity
25 shall file a written affidavit with the Commission and
26 shall serve a copy of the affidavit with any local units of

1 government affected by the authorization within 30 days
2 after the effective date of this amendatory Act of the 98th
3 General Assembly stating that the holder will be providing
4 cable service under the State-issued authorization.

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

17 The application shall include the applicant's general
18 standards related to customer service required by Section
19 22-501 of this Act, which shall include, but not be limited to,
20 installation, disconnection, service and repair obligations;
21 appointment hours; employee ID requirements; customer service
22 telephone numbers and hours; procedures for billing, charges,
23 deposits, refunds, and credits; procedures for termination of
24 service; notice of deletion of programming service and changes
25 related to transmission of programming or changes or increases
26 in rates; use and availability of parental control or lock-out

1 devices; complaint procedures and procedures for bill dispute
2 resolution and a description of the rights and remedies
3 available to consumers if the holder does not materially meet
4 their customer service standards; and special services for
5 customers with visual, hearing, or mobility disabilities.

6 (c)(1) The applicant may designate information that it
7 submits in its application or subsequent reports as
8 confidential or proprietary, provided that the applicant
9 states the reasons the confidential designation is necessary.
10 The Commission shall provide adequate protection for such
11 information pursuant to Section 4-404 of this Act. If the
12 Commission, a local unit of government, or any other party
13 seeks public disclosure of information designated as
14 confidential, the Commission shall consider the confidential
15 designation in a proceeding under the Illinois Administrative
16 Procedure Act, and the burden of proof to demonstrate that the
17 designated information is confidential shall be upon the
18 applicant. Designated information shall remain confidential
19 pending the Commission's determination of whether the
20 information is entitled to confidential treatment. Information
21 designated as confidential shall be provided to local units of
22 government for purposes of assessing compliance with this
23 Article as permitted under a Protective Order issued by the
24 Commission pursuant to the Commission's rules and to the
25 Attorney General pursuant to Section 6.5 of the Attorney
26 General Act (15 ILCS 205/6.5). Information designated as

1 confidential under this Section or determined to be
2 confidential upon Commission review shall only be disclosed
3 pursuant to a valid and enforceable subpoena or court order or
4 as required by the Freedom of Information Act. Nothing herein
5 shall delay the application approval timeframes set forth in
6 this Article.

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

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

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

1 application and affidavit shall be considered complete and the
2 service authorization issued upon the expiration of the 30th
3 day.

4 (e) Any authorization issued by the Commission will expire
5 on December 31, 2028 ~~2023~~ and shall contain or include all of
6 the following:

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

17 (2) A grant of authority to use, occupy, and construct
18 facilities in the public rights-of-way for the delivery of
19 cable service or video service in the service area
20 footprint, subject to the laws, ordinances, rules, or
21 regulations of this State and local units of governments.

22 (3) A statement that the grant of authority is subject
23 to lawful operation of the cable service or video service
24 by the applicant, its affiliated entities, or its
25 successors-in-interest.

26 (e-5) The Commission shall notify a local unit of

1 government within 3 business days of the grant of any
2 authorization within a service area footprint if that
3 authorization includes any part of the local unit of
4 government's jurisdictional boundaries and state whether the
5 holder will be providing video service or cable service under
6 the authorization.

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

1 successor-in-interest, or the insolvency of the potential
2 successor-in-interest. If a transfer is made when there are
3 violations of this Article or of any federal, State, or local
4 law, ordinance, rule, or regulation, the successor-in-interest
5 shall be subject to 3 times the penalties provided for in this
6 Article.

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

24 (h) The Commission's authority to administer this Article
25 is limited to the powers and duties explicitly provided under
26 this Article. Its authority under this Article does not include

1 or limit the powers and duties that the Commission has under
2 the other Articles of this Act, the Illinois Administrative
3 Procedure Act, or any other law or regulation to conduct
4 proceedings, other than as provided in subsection (c), or has
5 to promulgate rules or regulations. The Commission shall not
6 have the authority to limit or expand the obligations and
7 requirements provided in this Section or to regulate or control
8 a person or entity to the extent that person or entity is
9 providing cable service or video service, except as provided in
10 this Article.

11 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

12 (220 ILCS 5/21-1601)

13 (Section scheduled to be repealed on December 31, 2020)

14 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
15 this Article are repealed December 31, 2025 ~~2020~~.

16 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

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