



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3689

Introduced 2/17/2023, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-506.2  
305 ILCS 23/5  
305 ILCS 23/10  
305 ILCS 23/15  
305 ILCS 23/20

Amends the Illinois Broadband Adoption Fund Act. Changes the definition of "provider" to include a provider of communication services. Provides that each telecommunications carrier, wireless carrier, cable and video service provider, and Interconnected VoIP service provider shall notify its customers that if the customer wishes to participate in the funding of the Illinois Broadband Adoption Fund, the customer may do so by electing to contribute on a monthly basis a fixed amount that will be included in the customer's monthly bill. Provides that the fixed amount choices shall include, but not be limited to, \$1, \$2, or \$5 per month. Provides that if the customer has elected electronic billing, the customer shall also be notified monthly of the opportunity to contribute to the fund. Provides that the customer may cease contributing at any time upon providing notice to the carrier. Provides that the notice shall state that any contribution made will not reduce the customer's bill for communications or broadband services. Provides that the customer's failure to remit the amount of increased payment will reduce the contribution accordingly. Provides that every telecommunications carrier, wireless carrier, cable and video provider, and Interconnected VoIP service provider shall remit the amounts contributed in accordance with the terms established by the fund. Makes other changes to this Act and the Public Utilities Act. Effective immediately.

LRB103 28148 AMQ 54527 b

1 AN ACT concerning public utilities.

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 13-506.2 as follows:

6 (220 ILCS 5/13-506.2)

7 (Section scheduled to be repealed on December 31, 2026)

8 Sec. 13-506.2. Market regulation for competitive retail  
9 services.

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

11 (1) "Electing Provider" means a telecommunications  
12 carrier that is subject to either rate regulation pursuant  
13 to Section 13-504 or Section 13-505 or alternative  
14 regulation pursuant to Section 13-506.1 and that elects to  
15 have the rates, terms, and conditions of its competitive  
16 retail telecommunications services solely determined and  
17 regulated pursuant to the terms of this Article.

18 (2) "Basic local exchange service" means either a  
19 stand-alone residence network access line and per-call  
20 usage or, for any geographic area in which such  
21 stand-alone service is not offered, a stand-alone flat  
22 rate residence network access line for which local calls  
23 are not charged for frequency or duration. Extended Area

1 Service shall be included in basic local exchange service.

2 (3) "Existing customer" means a residential customer  
3 who was subscribing to one of the optional packages  
4 described in subsection (d) of this Section as of the  
5 effective date of this amendatory Act of the 99th General  
6 Assembly. A customer who was subscribing to one of the  
7 optional packages on that date but stops subscribing  
8 thereafter shall not be considered an "existing customer"  
9 as of the date the customer stopped subscribing to the  
10 optional package, unless the stoppage is temporary and  
11 caused by the customer changing service address locations,  
12 or unless the customer resumes subscribing and is eligible  
13 to receive discounts on monthly telephone service under  
14 the federal Lifeline program, 47 C.F.R. Part 54, Subpart  
15 E.

16 (4) "New customer" means a residential customer who  
17 was not 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 and who is eligible to receive discounts on  
21 monthly telephone service under the federal Lifeline  
22 program, 47 C.F.R. Part 54, Subpart E.

23 (b) Election for market regulation. Notwithstanding any  
24 other provision of this Act, an Electing Provider may elect to  
25 have the rates, terms, and conditions of its competitive  
26 retail telecommunications services solely determined and

1 regulated pursuant to the terms of this Section by filing  
2 written notice of its election for market regulation with the  
3 Commission. The notice of election shall designate the  
4 geographic area of the Electing Provider's service territory  
5 where the market regulation shall apply, either on a  
6 state-wide basis or in one or more specified Market Service  
7 Areas ("MSA") or Exchange areas. An Electing Provider shall  
8 not make an election for market regulation under this Section  
9 unless it commits in its written notice of election for market  
10 regulation to fulfill the conditions and requirements in this  
11 Section in each geographic area in which market regulation is  
12 elected. Immediately upon filing the notice of election for  
13 market regulation, the Electing Provider shall be subject to  
14 the jurisdiction of the Commission to the extent expressly  
15 provided in this Section.

16 (c) Competitive classification. Market regulation shall be  
17 available for competitive retail telecommunications services  
18 as provided in this subsection.

19 (1) For geographic areas in which telecommunications  
20 services provided by the Electing Provider were classified  
21 as competitive either through legislative action or a  
22 tariff filing pursuant to Section 13-502 prior to January  
23 1, 2010, and that are included in the Electing Provider's  
24 notice of election pursuant to subsection (b) of this  
25 Section, such services, and all recurring and nonrecurring  
26 charges associated with, related to or used in connection

1 with such services, shall be classified as competitive  
2 without further Commission review. For services classified  
3 as competitive pursuant to this subsection, the  
4 requirements or conditions in any order or decision  
5 rendered by the Commission pursuant to Section 13-502  
6 prior to the effective date of this amendatory Act of the  
7 96th General Assembly, except for the commitments made by  
8 the Electing Provider in such order or decision concerning  
9 the optional packages required in subsection (d) of this  
10 Section and basic local exchange service as defined in  
11 this Section, shall no longer be in effect and no  
12 Commission investigation, review, or proceeding under  
13 Section 13-502 shall be continued, conducted, or  
14 maintained with respect to such services, charges,  
15 requirements, or conditions. If an Electing Provider has  
16 ceased providing optional packages to customers pursuant  
17 to subdivision (d)(8) of this Section, the commitments  
18 made by the Electing Provider in such order or decision  
19 concerning the optional packages under subsection (d) of  
20 this Section shall no longer be in effect and no  
21 Commission investigation, review, or proceeding under  
22 Section 13-502 shall be continued, conducted, or  
23 maintained with respect to such packages.

24 (2) For those geographic areas in which residential  
25 local exchange telecommunications services have not been  
26 classified as competitive as of the effective date of this

1           amendatory Act of the 96th General Assembly, all  
2           telecommunications services provided to residential and  
3           business end users by an Electing Provider in the  
4           geographic area that is included in its notice of election  
5           pursuant to subsection (b) shall be classified as  
6           competitive for purposes of this Article without further  
7           Commission review.

8           (3) If an Electing Provider was previously subject to  
9           alternative regulation pursuant to Section 13-506.1 of  
10          this Article, the alternative regulation plan shall  
11          terminate in whole for all services subject to that plan  
12          and be of no force or effect, without further Commission  
13          review or action, when the Electing Provider's residential  
14          local exchange telecommunications service in each MSA in  
15          its telecommunications service area in the State has been  
16          classified as competitive pursuant to either subdivision  
17          (c) (1) or (c) (2) of this Section.

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

24          (5) Where a service, or its functional equivalent, or  
25          a substitute service offered by a carrier that is not an  
26          Electing Provider or the incumbent local exchange carrier

1 for that area is also being offered by an Electing  
2 Provider for some identifiable class or group of customers  
3 in an exchange, group of exchanges, or some other clearly  
4 defined geographical area, the service offered by a  
5 carrier that is not an Electing Provider or the incumbent  
6 local exchange carrier for that area shall be classified  
7 as competitive without further Commission review.

8 (6) Notwithstanding any other provision of this Act,  
9 retail telecommunications services classified as  
10 competitive pursuant to Section 13-502 or subdivision  
11 (c)(5) of this Section shall have their rates, terms, and  
12 conditions solely determined and regulated pursuant to the  
13 terms of this Section in the same manner and to the same  
14 extent as the competitive retail telecommunications  
15 services of an Electing Provider, except that subsections  
16 (d), (g), and (j) of this Section shall not apply to a  
17 carrier that is not an Electing Provider or to the  
18 competitive telecommunications services of a carrier that  
19 is not an Electing Provider. The access services of a  
20 carrier that is not an Electing Provider shall remain  
21 subject to Section 13-900.2. The requirements in  
22 subdivision (e)(3) of this Section shall not apply to  
23 retail telecommunications services classified as  
24 competitive pursuant to Section 13-502 or subdivision  
25 (c)(5) of this Section, except that, upon request from the  
26 Commission, the telecommunications carrier providing

1 competitive retail telecommunications services shall  
2 provide a report showing the number of credits and  
3 exemptions for the requested time period.

4 (d) Each Electing Provider under this Section shall offer  
5 consumer ~~Consumer~~ choice safe harbor options.

6 (1) An Electing Provider under this Section ~~Subject to~~  
7 ~~subdivision (d) (8) of this Section, an Electing Provider~~  
8 in each of the MSA or Exchange areas ~~classified as~~  
9 ~~competitive pursuant to subdivision (c) (1) or (c) (2) of~~  
10 ~~this Section~~ shall offer to all residential customers who  
11 choose to subscribe the following optional packages of  
12 services priced at the same rate levels in effect on  
13 January 1, 2010:

14 (A) A basic package, which shall consist of a  
15 stand-alone residential network access line and 30  
16 local calls. If the Electing Provider offers a  
17 stand-alone residential access line and local usage on  
18 a per call basis, the price for the basic package shall  
19 be the Electing Provider's applicable price in effect  
20 on January 1, 2010 for the sum of a residential access  
21 line and 30 local calls, additional calls over 30  
22 calls shall be provided at the current per call rate.  
23 However, this basic package is not required if  
24 stand-alone residential network access lines or  
25 per-call local usage are not offered by the Electing  
26 Provider in the geographic area on January 1, 2010 or



1 if the Electing Provider has not increased its  
2 stand-alone network access line and local usage rates,  
3 including Extended Area Service rates, since January  
4 1, 2010.

5 (B) An extra package, which shall consist of  
6 residential basic local exchange network access line  
7 and unlimited local calls. The price for the extra  
8 package shall be the Electing Provider's applicable  
9 price in effect on January 1, 2010 for a residential  
10 access line with unlimited local calls.

11 (C) A plus package, which shall consist of  
12 residential basic local exchange network access line,  
13 unlimited local calls, and the customer's choice of 2  
14 vertical services offered by the Electing Provider.  
15 The term "vertical services" as used in this  
16 subsection, includes, but is not limited to, call  
17 waiting, call forwarding, 3-way calling, caller ID,  
18 call tracing, automatic callback, repeat dialing, and  
19 voicemail. The price for the plus package shall be the  
20 Electing Provider's applicable price in effect on  
21 January 1, 2010 for the sum of a residential access  
22 line with unlimited local calls and 2 times the  
23 average price for the vertical features included in  
24 the package.

25 (2) (Blank). ~~Subject to subdivision (d)(8) of this~~  
26 ~~Section, for those geographic areas in which local~~

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

23 (3) (Blank). ~~To the extent that the requirements in~~  
24 ~~Section 13-518 applied to a telecommunications carrier~~  
25 ~~prior to the effective date of this Section and that~~  
26 ~~telecommunications carrier becomes an Electing Provider in~~

1 ~~accordance with the provisions of this Section, the~~  
2 ~~requirements in Section 13-518 shall cease to apply to~~  
3 ~~that Electing Provider in those geographic areas included~~  
4 ~~in the Electing Provider's notice of election pursuant to~~  
5 ~~subsection (b) of this Section.~~

6 (4) ~~Each~~ Subject ~~to subdivision (d)(8) of this~~  
7 ~~Section,~~ an Electing Provider shall make the optional  
8 packages required by this subsection and stand-alone  
9 residential network access lines and local usage, where  
10 offered, readily available to the public by providing  
11 information, in a clear manner, to residential customers.  
12 Information shall be made available on a website, and an  
13 Electing Provider shall provide notification to its  
14 customers every month ~~6 months~~, provided that notification  
15 may consist of a bill page message that provides an  
16 objective description of the safe harbor options that  
17 includes a telephone number and website address where the  
18 customer may obtain additional information about the  
19 packages from the Electing Provider. The optional packages  
20 shall be offered on a monthly basis with no term of service  
21 requirement. An Electing Provider shall allow online  
22 electronic ordering of the optional packages and  
23 stand-alone residential network access lines and local  
24 usage, where offered, on its website in a manner similar  
25 to the online electronic ordering of its other residential  
26 services.

1           (5) Subject to subdivision (d)(8) of this Section, an  
2     Electing Provider shall comply with the Commission's  
3     existing rules, regulations, and notices in Title 83, Part  
4     735 of the Illinois Administrative Code when offering or  
5     providing the optional packages required by this  
6     subsection (d) and stand-alone residential network access  
7     lines.

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

23           (7) The Commission shall have the power, after notice  
24    and hearing as provided in this Article, upon complaint or  
25    upon its own motion, to take corrective action if the  
26    requirements of this Section are not complied with by an

1 Electing Provider.

2 (8) On and after the effective date of this amendatory  
3 Act of the 99th General Assembly, an Electing Provider  
4 shall continue to offer and provide the optional packages  
5 described in this subsection (d) to existing customers and  
6 new customers. On and after July 1, 2017, an Electing  
7 Provider may immediately stop offering the optional  
8 packages described in this subsection (d) and, upon  
9 providing two notices to affected customers and to the  
10 Commission, may stop providing the optional packages  
11 described in this subsection (d) to all customers who  
12 subscribe to one of the optional packages. The first  
13 notice shall be provided at least 90 days before the date  
14 upon which the Electing Provider intends to stop providing  
15 the optional packages, and the second notice must be  
16 provided at least 30 days before that date. The first  
17 notice shall not be provided prior to July 1, 2017. Each  
18 notice must identify the date on which the Electing  
19 Provider intends to stop providing the optional packages,  
20 at least one alternative service available to the  
21 customer, and a telephone number by which the customer may  
22 contact a service representative of the Electing Provider.  
23 After July 1, 2017 with respect to new customers, and upon  
24 the expiration of the second notice period with respect to  
25 customers who were subscribing to one of the optional  
26 packages, subdivisions (d)(1), (d)(2), (d)(4), (d)(5),

1 (d) (6), and (d) (7) of this Section shall not apply to the  
2 Electing Provider. Notwithstanding any other provision of  
3 this Article, an Electing Provider that has ceased  
4 providing the optional packages under this subdivision  
5 (d) (8) is not subject to Section 13-301(1) (c) of this Act.  
6 Notwithstanding any other provision of this Act, and  
7 subject to subdivision (d) (7) of this Section, the  
8 Commission's authority over the discontinuance of the  
9 optional packages described in this subsection (d) by an  
10 Electing Provider shall be governed solely by this  
11 subsection (d) (8).

12 (e) Service quality and customer credits for basic local  
13 exchange service.

14 (1) An Electing Provider shall meet the following  
15 service quality standards in providing basic local  
16 exchange service, which for purposes of this subsection  
17 (e), includes both basic local exchange service and any  
18 consumer choice safe harbor options that may be required  
19 by subsection (d) of this Section.

20 (A) Install basic local exchange service within 5  
21 business days after receipt of an order from the  
22 customer unless the customer requests an installation  
23 date that is beyond 5 business days after placing the  
24 order for basic service and to inform the customer of  
25 the Electing Provider's duty to install service within  
26 this timeframe. If installation of service is

1 requested on or by a date more than 5 business days in  
2 the future, the Electing Provider shall install  
3 service by the date requested.

4 (B) Restore basic local exchange service for the  
5 customer within 30 hours after receiving notice that  
6 the customer is out of service.

7 (C) Keep all repair and installation appointments  
8 for basic local exchange service if a customer  
9 premises visit requires a customer to be present. The  
10 appointment window shall be either a specific time or,  
11 at a maximum, a 4-hour time block during evening,  
12 weekend, and normal business hours.

13 (D) Inform a customer when a repair or  
14 installation appointment requires the customer to be  
15 present.

16 (2) Customers shall be credited by the Electing  
17 Provider for violations of basic local exchange service  
18 quality standards described in subdivision (e)(1) of this  
19 Section. The credits shall be applied automatically on the  
20 statement issued to the customer for the next monthly  
21 billing cycle following the violation or following the  
22 discovery of the violation. The next monthly billing cycle  
23 following the violation or the discovery of the violation  
24 means the billing cycle immediately following the billing  
25 cycle in process at the time of the violation or discovery  
26 of the violation, provided the total time between the

1 violation or discovery of the violation and the issuance  
2 of the credit shall not exceed 60 calendar days. The  
3 Electing Provider is responsible for providing the credits  
4 and the customer is under no obligation to request such  
5 credits. The following credits shall apply:

6 (A) If an Electing Provider fails to repair an  
7 out-of-service condition for basic local exchange  
8 service within 30 hours, the Electing Provider shall  
9 provide a credit to the customer. If the service  
10 disruption is for more than 30 hours, but not more than  
11 48 hours, the credit must be equal to a pro-rata  
12 portion of the monthly recurring charges for all basic  
13 local exchange services disrupted. If the service  
14 disruption is for more than 48 hours, but not more than  
15 72 hours, the credit must be equal to at least 33% of  
16 one month's recurring charges for all local services  
17 disrupted. If the service disruption is for more than  
18 72 hours, but not more than 96 hours, the credit must  
19 be equal to at least 67% of one month's recurring  
20 charges for all basic local exchange services  
21 disrupted. If the service disruption is for more than  
22 96 hours, but not more than 120 hours, the credit must  
23 be equal to one month's recurring charges for all  
24 basic local exchange services disrupted. For each day  
25 or portion thereof that the service disruption  
26 continues beyond the initial 120-hour period, the



1 Electing Provider shall also provide an additional  
2 credit of \$20 per calendar day.

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

1 exchange service is installed.

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

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

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

16 (ii) occurs as a result of a malfunction of  
17 customer-owned telephone equipment or inside  
18 wiring;

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

22 (iv) is extended by the Electing Provider's  
23 inability to gain access to the customer's  
24 premises due to the customer missing an  
25 appointment, provided that the violation is not  
26 further extended by the Electing Provider;

1 (v) occurs as a result of a customer request  
2 to change the scheduled appointment, provided that  
3 the violation is not further extended by the  
4 Electing Provider;

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

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

17 (3) Each Electing Provider shall provide to the  
18 Commission on a quarterly basis and in a form suitable for  
19 posting on the Commission's website in conformance with  
20 the rules adopted by the Commission and in effect on April  
21 1, 2010, a public report that includes the following data  
22 for basic local exchange service quality of service:

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

26 (i) the total dollar amount of any customer

1 credits paid;

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

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

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

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

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

12 (vii) the number of exemptions claimed for  
13 each of the categories identified in subdivision  
14 (e) (2) (D).

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

18 (i) the total dollar amount of any customer  
19 credits paid;

20 (ii) the number of installations after 5  
21 business days;

22 (iii) the number of installations after 10  
23 business days;

24 (iv) the number of installations after 11  
25 business days; and

26 (v) the number of exemptions claimed for each

1 of the categories identified in subdivision  
2 (e) (2) (D).

3 (C) With regard to credits due in accordance with  
4 subdivision (e) (2) (C) as a result of missed  
5 appointments:

6 (i) the total dollar amount of any customer  
7 credits paid;

8 (ii) the number of any customers receiving  
9 credits; and

10 (iii) the number of exemptions claimed for  
11 each of the categories identified in subdivision  
12 (e) (2) (D).

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

22 (4) It is the intent of the General Assembly that the  
23 service quality rules and customer credits in this  
24 subsection (e) of this Section and other enforcement  
25 mechanisms, including fines and penalties authorized by  
26 Section 13-305, shall apply on a nondiscriminatory basis

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

1 not exceed an amount equal to the maximum amount of a civil  
2 penalty that may be imposed under Section 13-305.

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

14 (f) Commission jurisdiction over competitive retail  
15 telecommunications services. Except as otherwise expressly  
16 stated in this Section, the Commission shall thereafter have  
17 no jurisdiction or authority over any aspect of competitive  
18 retail telecommunications service of an Electing Provider in  
19 those geographic areas included in the Electing Provider's  
20 notice of election pursuant to subsection (b) of this Section  
21 or of a retail telecommunications service classified as  
22 competitive pursuant to Section 13-502 or subdivision (c)(5)  
23 of this Section, heretofore subject to the jurisdiction of the  
24 Commission, including but not limited to, any requirements of  
25 this Article related to the terms, conditions, rates, quality  
26 of service, availability, classification or any other aspect

1 of any competitive retail telecommunications services. No  
2 telecommunications carrier shall commit any unfair or  
3 deceptive act or practice in connection with any aspect of the  
4 offering or provision of any competitive retail  
5 telecommunications service. Nothing in this Article shall  
6 limit or affect any provisions in the Consumer Fraud and  
7 Deceptive Business Practices Act with respect to any unfair or  
8 deceptive act or practice by a telecommunications carrier.

9 (g) Commission authority over access services upon  
10 election for market regulation.

11 (1) As part of its Notice of Election for Market  
12 Regulation, the Electing Provider shall reduce its  
13 intrastate switched access rates to rates no higher than  
14 its interstate switched access rates in 4 installments.  
15 The first reduction must be made 30 days after submission  
16 of its complete application for Notice of Election for  
17 Market Regulation, and the Electing Provider must reduce  
18 its intrastate switched access rates by an amount equal to  
19 33% of the difference between its current intrastate  
20 switched access rates and its current interstate switched  
21 access rates. The second reduction must be made no later  
22 than one year after the first reduction, and the Electing  
23 Provider must reduce its then current intrastate switched  
24 access rates by an amount equal to 41% of the difference  
25 between its then current intrastate switched access rates  
26 and its then current interstate switched access rates. The



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

19 (2) Nothing in paragraph (1) of this subsection (g)  
20 prohibits an Electing Provider from electing to offer  
21 intrastate switched access service at rates lower than its  
22 interstate switched access rates.

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

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

6           (h) Safety of service equipment and facilities.

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

15          (2) The Commission is authorized to conduct an  
16          investigation of any Electing Provider or part thereof.  
17          The investigation may examine the reasonableness,  
18          prudence, or efficiency of any aspect of the Electing  
19          Provider's operations or functions that may affect the  
20          adequacy, safety, efficiency, or reliability of  
21          telecommunications service. The Commission may conduct or  
22          order an investigation only when it has reasonable grounds  
23          to believe that the investigation is necessary to assure  
24          that the Electing Provider is providing adequate,  
25          efficient, reliable, and safe service. The Commission  
26          shall, before initiating any such investigation, issue an

1 order describing the grounds for the investigation and the  
2 appropriate scope and nature of the investigation, which  
3 shall be reasonably related to the grounds relied upon by  
4 the Commission in its order.

5 (i) (Blank).

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

25 (k) Notwithstanding other provisions of this Section, the  
26 Commission retains its existing authority to enforce the

1 provisions, conditions, and requirements of the following  
2 Sections of this Article: 13-101, 13-103, 13-201, 13-301,  
3 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,  
4 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,  
5 13-404.2, 13-405, 13-406, 13-501, 13-501.5, 13-503, 13-505,  
6 13-509, 13-510, 13-512, 13-513, 13-514, 13-515, 13-516,  
7 13-519, 13-702, 13-703, 13-704, 13-705, 13-706, 13-707,  
8 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900, 13-900.1,  
9 13-900.2, 13-901, 13-902, and 13-903, which are fully and  
10 equally applicable to Electing Providers and to  
11 telecommunications carriers providing retail  
12 telecommunications service classified as competitive pursuant  
13 to Section 13-502 or subdivision (c)(5) of this Section  
14 subject to the provisions of this Section. On the effective  
15 date of this amendatory Act of the 98th General Assembly, the  
16 following Sections of this Article shall cease to apply to  
17 Electing Providers and to telecommunications carriers  
18 providing retail telecommunications service classified as  
19 competitive pursuant to Section 13-502 or subdivision (c)(5)  
20 of this Section: 13-302, 13-405.1, 13-502, 13-502.5, 13-504,  
21 13-505.2, 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1,  
22 13-507, 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601,  
23 13-701, and 13-712.

24 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17;  
25 100-840, eff. 8-13-18.)

1 Section 10. The Illinois Broadband Adoption Fund Act is  
2 amended by changing Sections 5, 10, 15, and 20 as follows:

3 (305 ILCS 23/5)

4 Sec. 5. Definitions. As used in this Act:

5 "Broadband Internet" means lines or wireless channels that  
6 terminate at an end-user location and enable the end-user to  
7 receive a minimum service level of at least 25 megabits per  
8 second download speed and 3 megabits per second upload speed.

9 "Covered agencies" means those social service agencies  
10 receiving State or federal funds to assist persons eligible  
11 under the Illinois Broadband Adoption Program.

12 "Department" means the Department of Human Services.

13 "Fund" refers to the Illinois Broadband Adoption Fund.

14 "Provider" means a provider of communications services or  
15 broadband Internet in this State.

16 (Source: P.A. 102-648, eff. 8-27-21.)

17 (305 ILCS 23/10)

18 Sec. 10. Illinois Broadband Adoption Program. The Illinois  
19 Broadband Adoption Program is established for the purpose of  
20 expanding availability of broadband Internet connectivity  
21 throughout the State by:

22 (1) providing financial assistance to State residents  
23 to whom broadband Internet service is available, but who  
24 may require assistance to adopt or maintain service due to

1 economic hardship;

2 (2) promoting the adoption of home broadband Internet  
3 service by State residents, such as through the provision  
4 of devices used to connect to the Internet; and

5 (3) supporting digital skills training for State  
6 residents.

7 (Source: P.A. 102-648, eff. 8-27-21.)

8 (305 ILCS 23/15)

9 Sec. 15. Illinois Broadband Adoption Fund.

10 (a) The Illinois Broadband Adoption Fund is established as  
11 a special fund within the State treasury for the purpose of  
12 providing financial assistance under this Act. The Department  
13 shall administer the fund.

14 (b) The fund consists of:

15 (1) money received through the federal American Rescue  
16 Plan and other vehicles designed to address and relieve  
17 economic hardship for State households;

18 (2) money appropriated by the General Assembly;

19 (3) money transferred to the fund under the Treasurer  
20 as Custodian of Funds Act; and

21 (4) donations, gifts, and money received from any  
22 other source, including transfers from other funds or  
23 accounts.

24 (c) The Treasurer shall invest the money in the fund not  
25 currently needed to meet the obligations of the fund in the

1 same manner as other public funds may be invested.

2 (d) Each telecommunications carrier, wireless carrier,  
3 cable and video service provider, and Interconnected VoIP  
4 service provider shall notify its customers that if the  
5 customer wishes to participate in the funding of the Illinois  
6 Broadband Adoption Fund, the customer may do so by electing to  
7 contribute on a monthly basis a fixed amount that will be  
8 included in the customer's monthly bill. The fixed amount  
9 choices shall include, but not be limited to, \$1, \$2, or \$5 per  
10 month. If the customer has elected electronic billing, the  
11 customer shall also be notified monthly of the opportunity to  
12 contribute to the fund. The customer may cease contributing at  
13 any time upon providing notice to the carrier. The notice  
14 shall state that any contribution made will not reduce the  
15 customer's bill for communications or broadband services. The  
16 customer's failure to remit the amount of increased payment  
17 will reduce the contribution accordingly. Every  
18 telecommunications carrier, wireless carrier, cable and video  
19 provider, and Interconnected VoIP service provider shall remit  
20 the amounts contributed in accordance with the terms  
21 established by the fund.

22 (Source: P.A. 102-648, eff. 8-27-21.)

23 (305 ILCS 23/20)

24 Sec. 20. Application for financial assistance.

25 (a) The Department may determine qualifications for

1 broadband Internet provider participation or participation by  
2 another entity and enter into an agreement with each provider  
3 or other entity under which the provider agrees to accept  
4 vouchers distributed by the Department under this Act as a  
5 form of payment for the provider's broadband Internet service  
6 or for devices used in connection to the Internet, including,  
7 but not limited to, computers, modems, and routers.

8 (b) In coordination with the covered agencies, the  
9 Department shall send information regarding the availability  
10 of financial assistance under this Act to each eligible family  
11 or person receiving the public assistance in Section (d). The  
12 information must include:

13 (1) the name and contact information of each provider  
14 who has entered into an agreement with the Department as  
15 described in subsection (a) whose broadband Internet  
16 service is available in their area; and

17 (2) instructions for applying to the Department for  
18 financial assistance under this Section.

19 (c) An individual who receives information under  
20 subsection (b) may apply for financial assistance under this  
21 Section in the manner specified by the Department. Upon  
22 receipt of an application, the Department shall determine:

23 (1) the applicant's eligibility for financial  
24 assistance;

25 (2) the amount of financial assistance for which the  
26 applicant is eligible; and



1           (3) whether the applicant is eligible for a single  
2           payment or a recurring payment of financial assistance,  
3           based on the Department's assessment of the applicant's  
4           need.

5           (d) An applicant for financial assistance under this Act  
6           is automatically eligible for financial assistance under this  
7           Act if:

8           (1) the applicant is receiving, or the applicant's  
9           household includes, an individual who is receiving  
10          benefits under:

11           (A) the Temporary Assistance for Needy Families  
12           (TANF) program;

13           (B) the federal Supplemental Nutrition Assistance  
14           Program (SNAP); or

15           (C) the Medicaid program; or

16           (2) the applicant's household includes a child who is  
17           eligible for free or reduced-price lunch.

18           (e) If the Department determines under subsection (c) that  
19           an individual is eligible for financial assistance, or that  
20           the individual is eligible for financial assistance under  
21           subsection (d), the Department may provide financial  
22           assistance to the individual or to the broadband Internet  
23           provider or other entity designated by the individual in the  
24           form of one or more vouchers, each in an amount of up to \$50,  
25           that can be used by the individual to pay one or more of the  
26           following expenses:

1 (1) fees charged by a broadband Internet provider for  
2 installation, activation, equipment purchase, Wi-Fi  
3 extenders, or other one-time expenses of providing  
4 broadband Internet service to the individual;

5 (2) monthly subscription fees charged by a broadband  
6 Internet provider for the provision of broadband Internet  
7 service to the individual household, including modem,  
8 router, or other service or equipment charges; and

9 (3) overdue amounts owed to provider, including  
10 administrative fees and penalties.

11 A voucher or similar designation of eligibility may be  
12 provided by the Department in printed or electronic form.

13 (f) A provider that receives a voucher under this Section  
14 from an individual household who subscribes to the provider's  
15 broadband Internet service shall deduct the amount of the  
16 voucher from the amount owed by the subscriber for the  
17 provider's provision of broadband Internet service to the  
18 individual household on a monthly basis.

19 (g) If the fund does not receive an ongoing appropriation  
20 from the General Assembly, the Department shall provide a  
21 90-day notice to participating households and broadband  
22 Internet providers that financial support will be  
23 discontinued.

24 (Source: P.A. 102-648, eff. 8-27-21.)

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