



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5214

Introduced 2/9/2024, by Rep. Lilian Jiménez

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-301.1 rep.
220 ILCS 5/13-506.2
305 ILCS 23/5
305 ILCS 23/10
305 ILCS 23/15
305 ILCS 23/20

Amends the Public Utilities Act. Repeals provisions requiring the Illinois Commerce Commission to establish a Universal Telephone Service Assistance Program for low-income residential customers and to adopt rules providing for enhanced enrollment for eligible consumers to receive lifeline service. Repeals a provision requiring an Electing Provider, located in the same geographic area in which local exchange telecommunications services were classified as competitive, to be subject to the same terms and conditions as provided in commitments made by the Electing Provider in connection with the previous competitive classifications. Repeals provisions requiring an Electing Provider to continue to offer and provide the optional packages under the Act to existing customers and new customers through July 1, 2017. Amends the Broadband Adoption Fund Act. Provides that "broadband internet" means a minimum service level of at least 25 megabits per second download speed. Provides that "provider" means a provider of communication services or broadband Internet in the State. Provides for the provision of devices used to connect to the Internet. Provides that providers shall notify 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. Sets forth related requirements. Describes a customer's right to cease contributing to the Fund at any time. Effective immediately.

LRB103 37479 CES 67602 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 (220 ILCS 5/13-301.1 rep.)

5 Section 5. The Public Utilities Act is amended by
6 repealing Section 13-301.1.

7 Section 10. The Public Utilities Act is amended by
8 changing Section 13-506.2 as follows:

9 (220 ILCS 5/13-506.2)

10 (Section scheduled to be repealed on December 31, 2026)

11 Sec. 13-506.2. Market regulation for competitive retail
12 services.

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

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

21 (2) "Basic local exchange service" means either a
22 stand-alone residence network access line and per-call

1 usage or, for any geographic area in which such
2 stand-alone service is not offered, a stand-alone flat
3 rate residence network access line for which local calls
4 are not charged for frequency or duration. Extended Area
5 Service shall be included in basic local exchange service.

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

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

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

20 (c) Competitive classification. Market regulation shall be
21 available for competitive retail telecommunications services
22 as provided in this subsection.

23 (1) For geographic areas in which telecommunications
24 services provided by the Electing Provider were classified
25 as competitive either through legislative action or a
26 tariff filing pursuant to Section 13-502 prior to January

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

1 maintained with respect to such packages.

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

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

22 (4) The service packages described in Section 13-518
23 shall be classified as competitive for purposes of this
24 Section if offered by an Electing Provider in a geographic
25 area in which local exchange telecommunications service
26 has been classified as competitive pursuant to either

1 subdivision (c) (1) or (c) (2) of this Section.

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

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

1 retail telecommunications services classified as
2 competitive pursuant to Section 13-502 or subdivision
3 (c) (5) of this Section, except that, upon request from the
4 Commission, the telecommunications carrier providing
5 competitive retail telecommunications services shall
6 provide a report showing the number of credits and
7 exemptions for the requested time period.

8 (d) Each Electing Provider shall offer consumer ~~Consumer~~
9 choice safe harbor options.

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

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

1 stand-alone residential network access lines or
2 per-call local usage are not offered by the Electing
3 Provider in the geographic area on January 1, 2010 or
4 if the Electing Provider has not increased its
5 stand-alone network access line and local usage rates,
6 including Extended Area Service rates, since January
7 1, 2010.

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

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

1 the package.

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

26 (3) (Blank). ~~To the extent that the requirements in~~

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

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

1 usage, where offered, on its website in a manner similar
2 to the online electronic ordering of its other residential
3 services.

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

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

26 (7) The Commission shall have the power, after notice

1 and hearing as provided in this Article, upon complaint or
2 upon its own motion, to take corrective action if the
3 requirements of this Section are not complied with by an
4 Electing Provider.

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

~~the expiration of the second notice period with respect to customers who were subscribing to one of the optional packages, subdivisions (d)(1), (d)(2), (d)(4), (d)(5), (d)(6), and (d)(7) of this Section shall not apply to the Electing Provider. Notwithstanding any other provision of this Article, an Electing Provider that has ceased providing the optional packages under this subdivision (d)(8) is not subject to Section 13-301(1)(c) of this Act. Notwithstanding any other provision of this Act, and subject to subdivision (d)(7) of this Section, the Commission's authority over the discontinuance of the optional packages described in this subsection (d) by an Electing Provider shall be governed solely by this subsection (d)(8).~~

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

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

(A) Install basic local exchange service within 5 business days after receipt of an order from the customer unless the customer requests an installation date that is beyond 5 business days after placing the

1 order for basic service and to inform the customer of
2 the Electing Provider's duty to install service within
3 this timeframe. If installation of service is
4 requested on or by a date more than 5 business days in
5 the future, the Electing Provider shall install
6 service by the date requested.

7 (B) Restore basic local exchange service for the
8 customer within 30 hours after receiving notice that
9 the customer is out of service.

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

16 (D) Inform a customer when a repair or
17 installation appointment requires the customer to be
18 present.

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

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

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

1 basic local exchange services disrupted. For each day
2 or portion thereof that the service disruption
3 continues beyond the initial 120-hour period, the
4 Electing Provider shall also provide an additional
5 credit of \$20 per calendar day.

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

1 more than 5 business days after the date of the order,
2 the Electing Provider shall also provide an additional
3 credit of \$20 per calendar day until the basic local
4 exchange service is installed.

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

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

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

19 (ii) occurs as a result of a malfunction of
20 customer-owned telephone equipment or inside
21 wiring;

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

25 (iv) is extended by the Electing Provider's
26 inability to gain access to the customer's

1 premises due to the customer missing an
2 appointment, provided that the violation is not
3 further extended by the Electing Provider;

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

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

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

20 (3) Each Electing Provider shall provide to the
21 Commission on a quarterly basis and in a form suitable for
22 posting on the Commission's website in conformance with
23 the rules adopted by the Commission and in effect on April
24 1, 2010, a public report that includes the following data
25 for basic local exchange service quality of service:

26 (A) With regard to credits due in accordance with

1 subdivision (e) (2) (A) as a result of out-of-service
2 conditions lasting more than 30 hours:

3 (i) the total dollar amount of any customer
4 credits paid;

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

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

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

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

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

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

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

21 (i) the total dollar amount of any customer
22 credits paid;

23 (ii) the number of installations after 5
24 business days;

25 (iii) the number of installations after 10
26 business days;

1 (iv) the number of installations after 11
2 business days; and

3 (v) the number of exemptions claimed for each
4 of the categories identified in subdivision
5 (e) (2) (D).

6 (C) With regard to credits due in accordance with
7 subdivision (e) (2) (C) as a result of missed
8 appointments:

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

11 (ii) the number of any customers receiving
12 credits; and

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

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

25 (4) It is the intent of the General Assembly that the
26 service quality rules and customer credits in this

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

1 Provider to its customers pursuant to this subsection (e)
2 in compensation for any violation found pursuant to this
3 subsection (e), and in any event the fine or penalty shall
4 not exceed an amount equal to the maximum amount of a civil
5 penalty that may be imposed under Section 13-305.

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

17 (f) Commission jurisdiction over competitive retail
18 telecommunications services. Except as otherwise expressly
19 stated in this Section, the Commission shall thereafter have
20 no jurisdiction or authority over any aspect of competitive
21 retail telecommunications service of an Electing Provider in
22 those geographic areas included in the Electing Provider's
23 notice of election pursuant to subsection (b) of this Section
24 or of a retail telecommunications service classified as
25 competitive pursuant to Section 13-502 or subdivision (c)(5)
26 of this Section, heretofore subject to the jurisdiction of the

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

12 (g) Commission authority over access services upon
13 election for market regulation.

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

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

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

26 (3) The Commission shall have no authority to order an

1 Electing Provider to set its rates for intrastate switched
2 access at a level lower than its interstate switched
3 access rates.

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

9 (h) Safety of service equipment and facilities.

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

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

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

8 (i) (Blank).

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

1 performance of its duties to the public.

2 (k) Notwithstanding other provisions of this Section, the
3 Commission retains its existing authority to enforce the
4 provisions, conditions, and requirements of the following
5 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
6 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
7 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
8 13-404.2, 13-405, 13-406, 13-501, 13-501.5, 13-503, 13-505,
9 13-509, 13-510, 13-512, 13-513, 13-514, 13-515, 13-516,
10 13-519, 13-702, 13-703, 13-704, 13-705, 13-706, 13-707,
11 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900, 13-900.1,
12 13-900.2, 13-901, 13-902, and 13-903, which are fully and
13 equally applicable to Electing Providers and to
14 telecommunications carriers providing retail
15 telecommunications service classified as competitive pursuant
16 to Section 13-502 or subdivision (c)(5) of this Section
17 subject to the provisions of this Section. On the effective
18 date of this amendatory Act of the 98th General Assembly, the
19 following Sections of this Article shall cease to apply to
20 Electing Providers and to telecommunications carriers
21 providing retail telecommunications service classified as
22 competitive pursuant to Section 13-502 or subdivision (c)(5)
23 of this Section: 13-302, 13-405.1, 13-502, 13-502.5, 13-504,
24 13-505.2, 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1,
25 13-507, 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601,
26 13-701, and 13-712.

1 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17;
2 100-840, eff. 8-13-18.)

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

5 (305 ILCS 23/5)

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

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

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

14 "Department" means the Department of Human Services.

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

16 "Provider" means a provider of communication services or
17 broadband Internet in this State.

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

19 (305 ILCS 23/10)

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

1 (1) providing financial assistance to State residents
2 to whom broadband Internet service is available, but who
3 may require assistance to adopt or maintain service due to
4 economic hardship;

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

8 (3) supporting digital skills training for State
9 residents.

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

11 (305 ILCS 23/15)

12 Sec. 15. Illinois Broadband Adoption Fund.

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

17 (b) The fund consists of:

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

21 (2) money appropriated by the General Assembly;

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

24 (4) donations, gifts, and money received from any
25 other source, including transfers from other funds or

1 accounts.

2 (c) The Treasurer shall invest the money in the fund not
3 currently needed to meet the obligations of the fund in the
4 same manner as other public funds may be invested.

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

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

2 (305 ILCS 23/20)

3 Sec. 20. Application for financial assistance.

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

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

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

21 (2) instructions for applying to the Department for
22 financial assistance under this Section.

23 (c) An individual who receives information under
24 subsection (b) may apply for financial assistance under this
25 Section in the manner specified by the Department. Upon

1 receipt of an application, the Department shall determine:

2 (1) the applicant's eligibility for financial
3 assistance;

4 (2) the amount of financial assistance for which the
5 applicant is eligible; and

6 (3) whether the applicant is eligible for a single
7 payment or a recurring payment of financial assistance,
8 based on the Department's assessment of the applicant's
9 need.

10 (d) An applicant for financial assistance under this Act
11 is automatically eligible for financial assistance under this
12 Act if:

13 (1) the applicant is receiving, or the applicant's
14 household includes, an individual who is receiving
15 benefits under:

16 (A) the Temporary Assistance for Needy Families
17 (TANF) program;

18 (B) the federal Supplemental Nutrition Assistance
19 Program (SNAP); or

20 (C) the Medicaid program; or

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

23 (e) If the Department determines under subsection (c) that
24 an individual is eligible for financial assistance, or that
25 the individual is eligible for financial assistance under
26 subsection (d), the Department may provide financial

1 assistance to the individual or to the broadband Internet
2 provider or other entity designated by the individual in the
3 form of one or more vouchers, each in an amount of up to \$50,
4 that can be used by the individual to pay one or more of the
5 following expenses:

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

10 (2) monthly subscription fees charged by a broadband
11 Internet provider for the provision of broadband Internet
12 service to the individual household, including modem,
13 router, or other service or equipment charges; and

14 (3) overdue amounts owed to provider, including
15 administrative fees and penalties.

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

18 (f) A provider that receives a voucher under this Section
19 from an individual household who subscribes to the provider's
20 broadband Internet service shall deduct the amount of the
21 voucher from the amount owed by the subscriber for the
22 provider's provision of broadband Internet service to the
23 individual household on a monthly basis.

24 (g) If the fund does not receive an ongoing appropriation
25 from the General Assembly, the Department shall provide a
26 90-day notice to participating households and broadband

1 Internet providers that financial support will be
2 discontinued.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.