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09300HB0872sam001

LRB093 05682 AMC 53927 a

1 AMENDMENT TO HOUSE BILL 872

2 AMENDMENT NO. _____. Amend House Bill 872 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding
5 Section 13-410 as follows:

6 (220 ILCS 5/13-410 new)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-410. Telecommunications carrier certification
9 fees.

10 (a) On and after January 1, 2005, the Commission shall
11 assess and collect application fees in amounts set forth in
12 subsection (b) from each applicant for a certificate under
13 Sections 13-401, 13-403, 13-404, 13-404.1, and 13-405 of this
14 Act. Each applicant seeking certification by the Commission
15 shall pay the required fee with the application. The Commission
16 shall deny any application if the application does not include
17 the requisite fee or fees required under this Section.

18 (b) The application fee is \$1,000 for each of the following
19 types of certificates sought by the applicant:

20 (1) a certificate of service authority under Section
21 13-401 of this Act;

22 (2) a certificate of interexchange service authority
23 under Section 13-403 of this Act;

24 (3) a certificate for the resale of local exchange

1 telecommunications service under Section 13-404 of this
2 Act;

3 (4) a certificate for the resale of interexchange
4 telecommunications service under Section 13-404 of this
5 Act;

6 (5) a certificate of prepaid calling service provider
7 authority under Section 13-404.1 of this Act; and

8 (6) a certificate of local exchange service authority
9 under Section 13-405 of this Act.

10 (c) On January 1, 2005 and on January 1 of each year
11 thereafter, the Commission shall assess and collect an annual
12 certification fee or fees in the amount or amounts set forth in
13 subsection (d) from each telecommunications carrier that
14 holds, as of December 31, 2004 and December 31 of each year
15 thereafter, one or more certificates under Sections 13-401,
16 13-403, 13-404, 13-404.1, and 13-405 of this Act.

17 The Commission shall revoke the certificate or
18 certificates of a telecommunications carrier that fails to pay
19 the fee or fees set forth in subsection (d). The Commission
20 shall provide, before revoking one or more certificates and at
21 least 30 days before the date set for hearing, written notice
22 that (i) notifies the telecommunications carrier of its failure
23 to pay the required fee or fees, (ii) establishes the date,
24 time, and location of the hearing, (iii) affords the
25 telecommunications carrier an opportunity to be heard in person
26 or by counsel in reference to the telecommunications carrier's
27 failure to pay the required fee or fees, (iv) directs the
28 telecommunications carrier to pay the outstanding fee or fees
29 on or before the hearing date, and (v) informs the
30 telecommunications carrier that failure to pay the required fee
31 or fees will result in the automatic revocation of the
32 certificate or certificates held by the telecommunications
33 carrier. The Commission may serve the written notice upon the
34 telecommunications carrier by personal delivery to the

1 telecommunications carrier or by mailing the notice by
2 certified mail to the telecommunications carrier's last known
3 place of business as specified by the telecommunications
4 carrier to the Commission.

5 (d) The annual certification fee is \$500 for each of the
6 following types of certificates held by a telecommunications
7 carrier:

8 (1) a certificate of service authority under Section
9 13-401 of this Act;

10 (2) a certificate of interexchange service authority
11 under Section 13-403 of this Act;

12 (3) a certificate for the resale of local exchange
13 telecommunications service under Section 13-404 of this
14 Act;

15 (4) a certificate for the resale of interexchange
16 telecommunications service under Section 13-404 of this
17 Act;

18 (5) a certificate of prepaid calling service provider
19 authority under Section 13-404.1 of this Act; and

20 (6) a certificate of local exchange service authority
21 under Section 13-405 of this Act.

22 (e) The Commission may establish rules and procedures to
23 implement and enforce the provisions of this Section,
24 including, but not limited to, the collection and assessment of
25 fees, pro-rated payments of the fee or fees set forth in
26 subsection (c), installment plans, and late fees. Irrespective
27 of the adoption of any rules to implement and enforce this
28 Section, the Commission shall begin collecting the fees and
29 enforcing the provisions of this Section on January 1, 2005.

30 (f) All fees collected by the Commission under this Section
31 shall be deposited into the Public Utility Fund to advance the
32 purposes of, without limitation, improving the quality of
33 telecommunications services and infrastructure in Illinois,
34 expanding universal service, and protecting the rights of

1 consumers. Fees paid under this Section are not refundable.

2 (g) If any subsection, paragraph, sentence, or phrase of
3 this Section is declared unconstitutional, preempted, or void
4 for any reason by any court of final jurisdiction, such fact
5 shall not in any manner invalidate or affect any other
6 subsection, paragraph, sentence, or phrase of this Section, but
7 the same shall continue in full force and effect.

8 Section 99. Effective date. This Act takes effect January
9 1, 2005.".