

1 AN ACT concerning telecommunications.

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
5 changing Section 13-409 as added by Public Act 93-5 as
6 follows:

7 (220 ILCS 5/13-409)

8 Sec. 13-409. Application of Sec. 13-408 unbundled
9 network element rates.

10 (a) During the first 2 years following the effective
11 date of Section 13-408, for the first 35,000 voice grade
12 equivalent access lines used by an individual carrier to
13 provide local exchange service to end users, the monthly
14 recurring rate for the unbundled network elements associated
15 with those lines and leased from an incumbent local exchange
16 carrier to which Section 13-408 applies shall be frozen at
17 the levels in effect immediately prior to the effective date
18 of Section 13-408.

19 (b) Thereafter, the monthly recurring rates for all
20 unbundled network elements provided by any incumbent local
21 exchange carrier to which Section 13-408 applies shall be the
22 rates established by the Commission in accordance with the
23 provisions of Section 13-408.

24 (c) If, as of the effective date of Section 13-408 and
25 this Section, an individual telecommunications carrier uses
26 unbundled network elements leased from a specific incumbent
27 local exchange carrier to provide local exchange service over
28 more than 35,000 voice grade equivalent access lines, that
29 carrier must designate the 35,000 voice grade equivalent
30 access lines to which the provisions of subsections (a) and
31 (b) of this Section apply. If subsequent to such designation,

1 the individual carrier loses the customer served by a
2 designated access line, and therefore no longer leases the
3 unbundled network elements associated with that line, the
4 individual carrier may not designate a different access line
5 to substitute for the lost line. All unbundled network
6 elements leased to provide service over undesignated voice
7 grade equivalent access lines shall be subject to the full
8 monthly recurring rates established by the Commission in
9 accordance with the provisions of Section 13-408.

10 (d) If, as of the effective date of this Section, an
11 individual carrier uses unbundled network elements leased
12 from a specific local exchange carrier to provide local
13 exchange service over fewer than 35,000 voice grade
14 equivalent access lines, that carrier must designate the
15 access lines to which the provisions of subsections (a) and
16 (b) of this Section apply. If subsequent to such designation,
17 the individual carrier loses the customer served by a
18 designated access line, and therefore no longer leases the
19 unbundled network elements associated with that line, the
20 individual carrier may not designate a different access line
21 to substitute for the lost line. Subject to these
22 limitations, subsequent to the effective date of this
23 Section, such a carrier may designate additional voice grade
24 equivalent access lines to which it wishes the provisions of
25 subsections (a) and (b) of this Section to apply, until the
26 total designated lines equal 35,000. If a subsequently
27 designated line is lost, the carrier will not be permitted to
28 designate a different line to substitute for that lost line.
29 All unbundled network elements leased to provide service over
30 undesignated voice grade equivalent access lines shall be
31 subject to the full monthly recurring rates established by
32 the Commission in accordance with the provisions of Section
33 13-408.

34 (e) For purposes of this Section, in determining when an

1 individual telecommunications carrier has reached 35,000
2 voice grade equivalent access lines, a specific carrier, any
3 affiliate of that carrier, any carrier serving as a sales or
4 marketing agent for that carrier, and any carrier with whom
5 that carrier has a cooperative sales or marketing arrangement
6 all shall be treated as a single individual carrier.

7 (f) (Blank). Notwithstanding--any--other--provisions--of
8 this-Section,--access--lines--provided--to--payphone--service
9 providers--are--not--eligible--for--the--freeze--or--discount
10 provided--for--in--subsections--(a)--and--(b)--of--this-Section.
11 Accordingly,--the--provisions--of--subsections--(a)--and--(b)--shall
12 not--apply--to--unbundled-network-elements--that--are--leased--by
13 individual--telecommunications--carriers--to--provide--local
14 exchange--service--to--payphone--service--providers.

15 (Source: P.A. 93-5, eff. 5-09-03.)

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