



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1244

Introduced 2/9/2005, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-504

from Ch. 111 2/3, par. 13-504

Amends the Public Utilities Act. Makes a technical change in a Section concerning the application of ratemaking provisions of Article IX of the Act.

LRB094 10355 RCE 40625 b

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing
5 Section 13-504 as follows:

6 (220 ILCS 5/13-504) (from Ch. 111 2/3, par. 13-504)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-504. Application of ratemaking provisions of
9 Article IX.

10 (a) Except where the ~~the~~ context clearly renders such
11 provisions inapplicable, the ratemaking provisions of Article
12 IX of this Act relating to public utilities are fully and
13 equally applicable to the rates, charges, tariffs and
14 classifications for the offer or provision of noncompetitive
15 telecommunications services. However, the ratemaking
16 provisions do not apply to any proposed change in rates or
17 charges, any proposed change in any classification or tariff
18 resulting in a change in rates or charges, or the establishment
19 of new services and rates therefor for a noncompetitive local
20 exchange telecommunications service offered or provided by a
21 local exchange telecommunications carrier with no more than
22 35,000 subscriber access lines. Proposed changes in rates,
23 charges, classifications, or tariffs meeting these criteria
24 shall be permitted upon the filing of the proposed tariff and
25 30 days notice to the Commission and all potentially affected
26 customers. The proposed changes shall not be subject to
27 suspension. The Commission shall investigate whether any
28 proposed change is just and reasonable only if a
29 telecommunications carrier that is a customer of the local
30 exchange telecommunications carrier or 10% of the potentially
31 affected access line subscribers of the local exchange
32 telecommunications carrier shall file a petition or complaint

1 requesting an investigation of the proposed changes. When the
2 telecommunications carrier or 10% of the potentially affected
3 access line subscribers of a local exchange telecommunications
4 carrier file a complaint, the Commission shall, after notice
5 and hearing, have the power and duty to establish the rates,
6 charges, classifications, or tariffs it finds to be just and
7 reasonable.

8 (b) Subsection (c) of Section 13-502 and Sections 13-505.1,
9 13-505.4, 13-505.6, and 13-507 of this Article do not apply to
10 rates or charges or proposed changes in rates or charges for
11 applicable competitive or interexchange services when offered
12 or provided by a local exchange telecommunications carrier with
13 no more than 35,000 subscriber access lines. In addition,
14 Sections 13-514, 13-515, and 13-516 do not apply to
15 telecommunications carriers with no more than 35,000
16 subscriber access lines. The Commission may require
17 telecommunications carriers with no more than 35,000
18 subscriber access lines to furnish information that the
19 Commission deems necessary for a determination that rates and
20 charges for any competitive telecommunications service are
21 just and reasonable.

22 (c) For a local exchange telecommunications carrier with no
23 more than 35,000 access lines, the Commission shall consider
24 and adjust, as appropriate, a local exchange
25 telecommunications carrier's depreciation rates only in
26 ratemaking proceedings.

27 (d) Article VI and Sections 7-101 and 7-102 of Article VII
28 of this Act pertaining to public utilities, public utility
29 rates and services, and the regulation thereof are not
30 applicable to local exchange telecommunication carriers with
31 no more than 35,000 subscriber access lines.

32 (Source: P.A. 89-139, eff. 1-1-96; 90-185, eff. 7-23-97.)