

# SB0474



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

**SB0474**

Introduced 2/8/2007, by Sen. James A. DeLeo

### SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-301.3

Amends the Public Utilities Act. Makes a technical change in a Section concerning the Digital Divide Elimination Infrastructure Program.

LRB095 08967 MJR 29158 b

A BILL FOR

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 13-301.3 as follows:

6 (220 ILCS 5/13-301.3)

7 (Section scheduled to be repealed on July 1, 2007)

8 Sec. 13-301.3. Digital Divide Elimination Infrastructure  
9 Program.

10 (a) ~~The~~ The Digital Divide Elimination Infrastructure Fund  
11 is created as a special fund in the State treasury. All moneys  
12 in the Fund shall be used, subject to appropriation, by the  
13 Commission to fund (i) the construction of facilities specified  
14 in Commission rules adopted under this Section and (ii) the  
15 accessible electronic information program, as provided in  
16 Section 20 of the Accessible Electronic Information Act. The  
17 Commission may accept private and public funds, including  
18 federal funds, for deposit into the Fund. Earnings attributable  
19 to moneys in the Fund shall be deposited into the Fund.

20 (b) The Commission shall adopt rules under which it will  
21 make grants out of funds appropriated from the Digital Divide  
22 Elimination Infrastructure Fund to eligible entities as  
23 specified in the rules for the construction of high-speed data

1 transmission facilities in eligible areas of the State. For  
2 purposes of determining whether an area is an eligible area,  
3 the Commission shall consider, among other things, whether (i)  
4 in such area, advanced telecommunications services, as defined  
5 in subsection (c) of Section 13-517 of this Act, are  
6 under-provided to residential or small business end users,  
7 either directly or indirectly through an Internet Service  
8 Provider, (ii) such area has a low population density, and  
9 (iii) such area has not yet developed a competitive market for  
10 advanced services. In addition, if an entity seeking a grant of  
11 funds from the Digital Divide Elimination Infrastructure Fund  
12 is an incumbent local exchange carrier having the duty to serve  
13 such area, and the obligation to provide advanced services to  
14 such area pursuant to Section 13-517 of this Act, the entity  
15 shall demonstrate that it has sought and obtained an exemption  
16 from such obligation pursuant to subsection (b) of Section  
17 13-517. Any entity seeking a grant of funds from the Digital  
18 Divide Elimination Infrastructure Fund shall demonstrate to  
19 the Commission that the grant shall be used for the  
20 construction of high-speed data transmission facilities in an  
21 eligible area and demonstrate that it satisfies all other  
22 requirements of the Commission's rules. The Commission shall  
23 determine the information that it deems necessary to award  
24 grants pursuant to this Section.

25 (c) The rules of the Commission shall provide for the  
26 competitive selection of recipients of grant funds available

1 from the Digital Divide Elimination Infrastructure Fund  
2 pursuant to the Illinois Procurement Code. Grants shall be  
3 awarded to bidders chosen on the basis of the criteria  
4 established in such rules.

5 (d) All entities awarded grant moneys under this Section  
6 shall maintain all records required by Commission rule for the  
7 period of time specified in the rules. Such records shall be  
8 subject to audit by the Commission, by any auditor appointed by  
9 the State, or by any State officer authorized to conduct  
10 audits.

11 (Source: P.A. 92-22, eff. 6-30-01; 93-306, eff. 7-23-03;  
12 93-797, eff. 7-22-04.)