



Rep. James D. Brosnahan

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1 AMENDMENT TO SENATE BILL 678

2 AMENDMENT NO. _____. Amend Senate Bill 678 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 5.

5 Section 5-1. Short title. This Article may be cited as the
6 Broadband Access on Passenger Rail Law.

7 Section 5-5. Definitions. As used in this Article:

8 "Department" means the Department of Transportation.

9 "Passenger rail systems" includes all passenger rail
10 systems maintained by the National Passenger Railroad
11 Corporation in Illinois and those passenger rail systems under
12 the jurisdiction of the Commuter Rail Board as established in
13 Section 3B.08 of the Regional Transportation Authority Act.

14 Section 5-10. Broadband Access on Passenger Rail Plan. The

1 Department shall deliver to the Governor and General Assembly a
2 plan for ensuring high speed data transmission services on all
3 passenger rail systems in Illinois at fair and reasonable
4 prices no later than December 31, 2007. The plan shall include
5 recommendations for acquiring necessary rights of way,
6 installation of necessary infrastructure, operation of high
7 speed data transmission services, and funding sources.

8 ARTICLE 10.

9 Section 10-1. Short title. This Article may be cited as the
10 High Speed Internet Services and Information Technology Law.

11 Section 10-5. Findings. With respect to high speed Internet
12 services and information technology, the General Assembly
13 finds the following:

14 (1) The deployment and adoption of high speed Internet
15 services and information technology has resulted in
16 enhanced economic development and public safety for the
17 State's communities, improved health care and educational
18 opportunities, and a better quality of life for the State's
19 residents.

20 (2) Continued progress in the deployment and adoption
21 of high speed Internet services and information technology
22 is vital to ensuring that this State remains competitive
23 and continues to create business and job growth.

1 (3) The State must encourage and support the
2 partnership of the public and private sectors in the
3 continued growth of high speed Internet and Information
4 technology for the State's residents and businesses.

5 (4) Local governmental entities play a role in
6 assessing the needs of their communities with respect to
7 high speed Internet services and information technology.

8 Section 10-10. Definitions. In this Article:

9 "Nonprofit organization" means an organization that (i) is
10 a nonprofit organization as described in Section 501(c)(3) of
11 the federal Internal Revenue Code of 1986 and exempt from tax
12 under Section 501(a) of that Code; (ii) has no part of the net
13 earnings of which inures to the benefit of any member, founder,
14 contributor, or individual; and (iii) is organized under,
15 subject to, and has all the powers and duties of a
16 not-for-profit corporation under the General Not For Profit
17 Corporation Act of 1986.

18 Section 10-15. Connect IL.

19 (a) Notwithstanding any other statute, the Lieutenant
20 Governor, with the advice of the Broadband Deployment Council,
21 shall authorize the creation of a nonprofit corporation called
22 Connect IL to implement a comprehensive, statewide high speed
23 Internet deployment strategy and demand creation initiative
24 with the purpose of:

1 (1) ensuring that all State residents and businesses
2 have access to affordable and reliable high speed Internet
3 service;

4 (2) achieving improved technology literacy, increased
5 computer ownership, and home high speed Internet use among
6 State residents and businesses;

7 (3) establishing and empowering local technology
8 planning teams in each county to plan for improved
9 technology use across multiple community sectors; and

10 (4) establishing and sustaining an environment ripe
11 for high speed Internet access and technology investment
12 statewide.

13 (b) Connect IL's governing board shall be appointed by the
14 Lieutenant Governor, with the advice of the Broadband
15 Deployment Council, and shall not exceed 11 members, with a
16 maximum of 6 representing the private sector and a maximum of 5
17 representing the government and nonprofit sectors. Four of the
18 private sector members shall be from the largest incumbent
19 local exchange carriers, one shall be from the cable television
20 industry, and one shall be from the Internet Service Provider
21 (ISP) industry. Members representing the public sector shall
22 include one member from a public Illinois university, one
23 member that represents Community Technology Centers, one
24 member from the Department of Commerce and Economic
25 Opportunity, one member from the Lieutenant Governor's office,
26 and one member from the Department of Central Management. The

1 board shall select its chairperson to serve a 2-year term.

2 (c) In lieu of, or in addition to creating a nonprofit, the
3 Lieutenant Governor, with the Broadband Deployment Council's
4 advice, shall enlist an existing nonprofit organization that
5 has an established competency and proven record of working with
6 public and private sectors to accomplish wide-scale deployment
7 and adoption of broadband and information technology.

8 Section 10-20. Duties of Connect IL.

9 (a) The high speed Internet deployment strategy and demand
10 creation initiative to be performed by the nonprofit
11 organization shall include, but not be limited to, the
12 following actions:

13 (1) Create a geographic statewide inventory of high
14 speed Internet service and other relevant broadband and
15 information technology services. The inventory shall:

16 (A) identify geographic gaps in high speed
17 Internet service through a method of GIS mapping of
18 service availability and GIS analysis at the census
19 block level; and

20 (B) provide a baseline assessment of statewide
21 high speed Internet deployment in terms of percentage
22 of Illinois households with high speed Internet
23 availability.

24 (2) Track and identify, through customer interviews
25 and surveys and other publicly available sources,

1 statewide residential and business adoption of high speed
2 Internet, computers, and related information technology
3 and any barriers to adoption.

4 (3) Build and facilitate in each county or designated
5 region a local technology planning team with members
6 representing a cross section of the community, including,
7 but not limited to, representatives of business, K-12
8 education, health care, libraries, higher education,
9 community-based organizations, local government, tourism,
10 parks and recreation, and agriculture. Each team shall
11 benchmark technology use across relevant community
12 sectors, set goals for improved technology use within each
13 sector, and develop a plan for achieving its goals, with
14 specific recommendations for online application
15 development and demand creation.

16 (4) Collaborate with high speed Internet providers and
17 technology companies to encourage deployment and use,
18 especially in underserved areas, by aggregating local
19 demand, mapping analysis, and creating market intelligence
20 to improve the business case for providers to deploy.

21 (5) Establish a program to increase computer ownership
22 and Internet access for disenfranchised populations across
23 the State.

24 (b) The nonprofit organization may apply for federal grants
25 consistent with the objectives of this Article.

26 (c) The Lieutenant Governor shall use the funds in the High

1 Speed Internet Services and Information Technology Fund to
2 provide grants to the nonprofit organization created or
3 enlisted under this Article.

4 (d) The nonprofit organization shall have the power to
5 obtain or to raise funds other than the grants receive from the
6 Lieutenant Governor under this Article.

7 (e) The nonprofit organization and its Board of Directors
8 shall exist separately and independently from the Office of the
9 Lieutenant Governor and any other governmental entity, but
10 shall cooperate with the Office of the Lieutenant Governor, the
11 Broadband Deployment Council, and other public or private
12 entities it deems appropriate in carrying out its duties.

13 (f) Notwithstanding anything in this Article or any other
14 Act to the contrary, any information that is designated
15 confidential or proprietary by an entity providing the
16 information to the nonprofit organization or any other entity
17 to accomplish the objectives of this Article shall be deemed
18 confidential, proprietary, and a trade secret and treated by
19 the nonprofit organization, Connect IL's governing board, or
20 anyone else possessing the information as such and shall not be
21 disclosed.

22 Section 10-25. Scope of authority. Nothing in this Article
23 shall be construed as giving the Lieutenant Governor, the
24 Broadband Deployment Council, the nonprofit organization, or
25 other entities any additional authority, regulatory or

1 otherwise, over providers of telecommunications, broadband,
2 and information technology.

3 Section 10-30. High Speed Internet Services and
4 Information Technology Fund.

5 (a) There is created in the State treasury a special fund
6 to be known as the High Speed Internet Services and Information
7 Technology Fund, to be used, subject to appropriation, by the
8 Lieutenant Governor for purposes of providing grants to the
9 nonprofit organization enlisted under this Article.

10 (b) On the effective date of this Article, all moneys in
11 the Digital Divide Elimination Infrastructure Fund shall be
12 transferred to the High Speed Internet Services and Information
13 Technology Fund. Nothing contained in this subsection (b) shall
14 affect the validity of grants issued under this Article before
15 June 30, 2007.

16 Section 10-35. Local broadband projects. Any municipality
17 or county may undertake local broadband projects and the
18 provision of services in connection therewith; may lease
19 infrastructure that it owns or controls; may aggregate
20 customers or demand for broadband services; may apply for and
21 receive funds or technical assistance to undertake such
22 projects to address the level of broadband access available to
23 its businesses and residents. To the extent that it seeks to
24 serve as a retail provider of telecommunications services, the

1 municipality or county shall be required to obtain appropriate
2 certification from the Illinois Commerce Commission as a
3 telecommunications carrier.

4 Section 10-80. The State Finance Act is amended by adding
5 Section 5.675 as follows:

6 (30 ILCS 105/5.675 new)

7 Sec. 5.675. The High Speed Internet Services and
8 Information Technology Fund.

9 Section 10-90. The Public Utilities Act is amended by
10 changing Sections 13-505.4, 13-701, and 13-1200 as follows:

11 (220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4)

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

13 Sec. 13-505.4. Provision of noncompetitive services.

14 (a) A telecommunications carrier that offers or provides a
15 noncompetitive service, service element, feature, or
16 functionality on a separate, stand-alone basis to any customer
17 shall provide that service, service element, feature, or
18 functionality pursuant to tariff to all persons, including all
19 telecommunications carriers and competitors, in accordance
20 with the provisions of this Article.

21 (b) A telecommunications carrier that offers or provides a
22 noncompetitive service, service element, feature, or

1 functionality to any customer as part of an offering of
2 competitive services pursuant to tariff or contract shall
3 publicly disclose the offering or provisioning of the
4 noncompetitive service, service element, feature, or
5 functionality by filing with the Commission information that
6 generally describes the offering or provisioning and that shows
7 the rates, terms, and conditions of the noncompetitive service,
8 service element, feature, or functionality. The information
9 shall be filed with the Commission concurrently with the filing
10 of the tariff or not more than 10 days following the customer's
11 acceptance of the offering in a contract.

12 (c) A telecommunications carrier that is not subject to
13 regulation under an alternative regulation plan pursuant to
14 Section 13-506.1 of this Act may reduce the rate or charge for
15 a noncompetitive service, service element, feature, or
16 functionality offered to customers on a separate, stand-alone
17 basis or as part of a bundled service offering by filing with
18 the Commission a tariff that shows the reduced rate or charge
19 and all applicable terms and conditions of the noncompetitive
20 service, service element, feature, or functionality or bundled
21 offering. The reduction of rates or charges shall be permitted
22 upon the filing of the proposed rate, charge, classification,
23 tariff, or bundled offering. The total price of a bundled
24 offering shall not attribute any portion of the charge to
25 services subject to the jurisdiction of the Commission and
26 shall not be binding on the Commission in any proceeding under

1 Article IX of this Act to set the revenue requirement or to set
2 just and reasonable rates for services subject to the
3 jurisdiction of the Commission. Prices for bundles shall not be
4 subject to Section 13-505.1 of this Act. For purposes of this
5 subsection (c), a bundle is a group of services offered
6 together for a fixed price where at least one of the services
7 is an interLATA service as that term is defined in 47 U.S.C.
8 153(21), a cable service or a video service, a community
9 antenna television service, a satellite broadcast service, a
10 public mobile service as defined in Section 13-214 of this Act,
11 or an advanced telecommunications service as "advanced
12 telecommunications services" is defined in Section 13-517 of
13 this Act.

14 (Source: P.A. 87-856.)

15 (220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)

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

17 Sec. 13-701. (a) Notwithstanding any other provision of
18 this Act to the contrary, the Commission has no power to
19 supervise or control any telephone cooperative as respects
20 assessment schedules or local service rates made or charged by
21 such a cooperative on a nondiscriminatory basis. In addition,
22 the Commission has no power to inquire into, or require the
23 submission of, the terms, conditions or agreements by or under
24 which telephone cooperatives are financed. A telephone
25 cooperative shall file with the Commission either a copy of the

1 annual financial report required by the Rural Electrification
2 Administration, or the annual financial report required of
3 other public utilities.

4 Sections 13-712 and 13-713 of this Act do not apply to
5 telephone cooperatives.

6 (Source: P.A. 84-1063.)

7 (220 ILCS 5/13-1200)

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

9 Sec. 13-1200. Repealer. This Article is repealed July 1,
10 2009 ~~2007~~.

11 (Source: P.A. 94-76, eff. 6-24-05.)

12 ARTICLE 15.

13 Section 15-5. The Public Utilities Act is amended by adding
14 the heading of Article XXI and Sections 21-100, 21-101,
15 21-101.1, 21-201, 21-301, 21-401, 21-601, 21-701, 21-801,
16 21-901, 21-1001, 21-1101, 21-1201, 21-1301, 21-1401, 21-1501,
17 and 21-1601 as follows:

18 (220 ILCS 5/Art. XXI heading new)

19 ARTICLE XXI. CABLE AND VIDEO COMPETITION

20 (220 ILCS 5/21-100 new)

21 Sec. 21-100. Short title. This Article may be cited as the

1 Cable and Video Competition Law of 2007.

2 (220 ILCS 5/21-101 new)

3 Sec. 21-101. Findings. With respect to cable and video
4 competition, the General Assembly finds that:

5 (a) The economy in the State of Illinois will be enhanced
6 by investment in new communications, cable services and video
7 services infrastructure, including broadband facilities, fiber
8 optic, and Internet protocol technologies.

9 (b) Cable services and video services bring important daily
10 benefits to Illinois consumers by providing news, education,
11 and entertainment.

12 (c) Competitive cable service and video service providers
13 are capable of providing new video programming services and
14 competition to Illinois consumers and of decreasing the prices
15 for video programming services paid by Illinois consumers.

16 (d) Although there has been some competitive entry into the
17 facilities-based video programming market since current
18 franchising requirements in this State were enacted, further
19 entry by facilities-based providers could benefit consumers,
20 provided cable and video services are equitably available to
21 all Illinois consumers at reasonable prices.

22 (e) The provision of competitive cable services and video
23 services is a matter of statewide concern that extends beyond
24 the boundaries of individual local units of government.
25 Notwithstanding the foregoing, public rights-of-way are

1 limited resources over which the municipality has a custodial
2 duty to ensure that they are used, repaired and maintained in a
3 manner that best serves the public interest.

4 (f) The State authorization process and uniform standards
5 and procedures in this Article are intended to enable rapid and
6 widespread entry by competitive providers which will bring to
7 Illinois consumers the benefits of video competition including
8 providing consumers with more choice, lower prices, higher
9 speed and more advanced Internet access, more diverse and
10 varied news, public information, education, and entertainment
11 programming, and will bring to this State and its local units
12 of government the benefits of new infrastructure investment,
13 job growth, and innovation in broadband and Internet protocol
14 technologies and deployment.

15 (g) Providing an incumbent cable or video service provider
16 with the option to secure a State-issued authorization through
17 the termination of existing cable franchises between incumbent
18 cable and video service providers and any local franchising
19 authority, is part of the new regulatory framework established
20 by this Article. This Article is intended to best ensure equal
21 treatment and parity among providers and technologies.

22 (220 ILCS 5/21-101.1 new)

23 Sec. 21-101.1. Applicability. The provisions of this
24 Amendatory Act of the 95th Illinois General Assembly shall
25 apply only to a holder of a cable service or video service

1 authorization issued by the Commission pursuant to this Article
2 XXI of the Public Utilities Act, and shall not apply to any
3 person or entity that provides cable television services under
4 a cable television franchise issued by any municipality or
5 county pursuant to Section 11-42-11 of the Illinois Municipal
6 Code (65 ILCS 5/11-42-11) or Section 5-1095 of the Counties
7 Code (55 ILCS-1095), unless specifically provided for herein. A
8 local unit of government that has an existing agreement for the
9 provision of video services with a company or entity that uses
10 its telecommunications facilities to provide video service as
11 of May 30, 2007 may continue to operate under that agreement or
12 may, at its discretion, terminate the existing agreement and
13 require the video provider to obtain a State-issued
14 authorization under this Article.

15 (220 ILCS 5/21-201 new)

16 Sec. 21-201. Definitions. As used in this Article:

17 (a) "Access" means that the cable or video provider is
18 capable of providing cable services or video services at the
19 household address using any technology, other than
20 direct-to-home satellite service, which provides two-way
21 broadband Internet capability and video programming, content,
22 and functionality, regardless of whether any customer has
23 ordered service or whether the owner or landlord or other
24 responsible person has granted access to the household. If more
25 than one technology is used, the technologies shall provide

1 similar two-way broadband Internet accessibility and similar
2 video programming.

3 (b) "Basic cable or video service" means any cable or video
4 service offering or tier which includes the retransmission of
5 local television broadcast signals.

6 (c) "Broadband service" means a high speed service
7 connection to the public Internet capable of supporting, in at
8 least one direction, a speed in excess of 200 kilobits per
9 second (kbps) to the network demarcation point at the
10 subscriber's premises.

11 (d) "Cable operator" means that term as defined in 47
12 U.S.C. 522(5).

13 (e) "Cable service" means that term as defined in 47 U.S.C.
14 522(6).

15 (f) "Cable system" means that term as defined in 47 U.S.C.
16 522(7).

17 (g) "Commission" means the Illinois Commerce Commission.

18 (h) "Competitive cable service or video service provider"
19 means a person or entity that is providing or seeks to provide
20 cable service or video service in an area where there is at
21 least one incumbent cable operator.

22 (i) "Designated Market Area" means a designated market
23 area, as determined by Nielsen Media Research and published in
24 the 1999-2000 Nielsen Station Index Directory and Nielsen
25 Station Index United States Television Household Estimates or
26 any successor publication. For any designated market area that

1 crosses State lines, only households in the portion of the
2 designated market area that is located within the holder's
3 telecommunications service area in the State where access to
4 video service will be offered shall be considered.

5 (j) "Footprint" means the geographic area designated by the
6 cable service or video service provider as the geographic area
7 in which it will offer cable services or video services during
8 the period of its State-issued authorization. Each footprint
9 shall be identified in terms of either (i) exchanges, as that
10 term is defined in Section 13-206 of the Public Utilities Act;
11 (ii) a collection of United States Census Bureau Block numbers
12 (13 digit); (iii) if the area is smaller than the areas
13 identified in either (i) or (ii), by geographic information
14 system digital boundaries meeting or exceeding national map
15 accuracy standards; or (iv) local units of government.

16 (k) "Holder" means a person or entity that has received
17 authorization to offer or provide cable or video service from
18 the Commission pursuant to Section 21-401 of this Article.

19 (l) "Household" means a house, an apartment, a mobile home,
20 a group of rooms, or a single room that is intended for
21 occupancy as separate living quarters. Separate living
22 quarters are those in which the occupants live and eat
23 separately from any other persons in the building and which
24 have direct access from the outside of the building or through
25 a common hall. This definition is consistent with the United
26 States Census Bureau, as that definition may be amended

1 thereafter.

2 (m) "Incumbent cable operator" means a person or entity
3 that provided cable services or video services in a particular
4 area under a franchise agreement with a local unit of
5 government pursuant to Section 11-42-11 of the Illinois
6 Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the
7 Counties Code (55 ILCS 5/5-1095) on January 1, 2007.

8 (n) "Local franchising authority" means the local unit of
9 government that has or requires a franchise with a cable
10 operator, a provider of cable services or a provider of video
11 services to construct or operate a cable or video system or to
12 offer cable services or video services under Section 11-42-11
13 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section
14 5-1095 of the Counties Code (55 ILCS 5/5-1095).

15 (o) "Local unit of government" means a city, village,
16 incorporated town, or a county.

17 (p) "Low-income household" means those residential
18 households located within the holder's existing telephone
19 service area where the average annual household income is less
20 than \$35,000 based on the United States Census Bureau estimates
21 adjusted annually to reflect rates of change and distribution.

22 (q) "Public rights-of-way" means the areas on, below, or
23 above a public roadway, highway, street, public sidewalk,
24 alley, waterway, or utility easements dedicated for compatible
25 uses.

26 (r) "Service" means the provision of "cable service" or

1 "video service" to subscribers and the interaction of
2 subscribers with the person or entity that has received
3 authorization to offer or provide cable or video service from
4 the Commission pursuant to Section 21-401 of this Article.

5 (s) "Service provider fee" means the amount paid under
6 Section 21-801 of this Article by the holder to a municipality,
7 or in the case of an unincorporated service area to a county,
8 for service areas within its territorial jurisdiction, but
9 under no circumstances shall the service provider fee be paid
10 to more than one local unit of government for the same portion
11 of the holder's service area.

12 (t) "Telecommunications service area" means the area
13 designated by the Commission as the area in which a
14 telecommunications company was obligated to provide
15 non-competitive local telephone service as of February 8, 1996
16 as incorporated into Section 13-202.5 of Article XIII of the
17 Public Utilities Act .

18 (u) "Video programming" means that term as defined in 47
19 U.S.C. 522(20).

20 (v) "Video service" means video programming and subscriber
21 interaction, if any, that is required for the selection or use
22 of such video programming services, and which is provided
23 through wireline facilities located at least in part in the
24 public rights-of-way without regard to delivery technology,
25 including Internet protocol technology. This definition does
26 not include any video programming provided by a commercial

1 mobile service provider defined in 47 U.S.C. 332(d) or any
2 video programming provided solely as part of, and via, service
3 that enables users to access content, information, electronic
4 mail, or other services offered over the public Internet.

5 (220 ILCS 5/21-301 new)

6 Sec. 21-301. Eligibility.

7 (a) A person or entity seeking to provide cable service or
8 video service in this State after the effective date of this
9 amendatory act of the 95th General Assembly shall either (1)
10 obtain a State-issued authorization pursuant to Section 401 of
11 the Cable and Video Competition Act (220 ILCS 5/21-401); (2)
12 obtain authorization pursuant to Section 11-42-11 of the
13 Illinois Municipal Code (65 ILCS 5/11-42-11); or (3) obtain
14 authorization pursuant to Section 5-1095 of the Counties Code
15 (55 ILCS 5/5-1095).

16 (b) An incumbent cable operator shall be eligible to apply
17 for a State-issued authorization as provided in subsection (c).
18 Upon expiration of its current franchise agreement, an
19 incumbent cable operator may obtain State authorization from
20 the Commission pursuant to this Article or may pursue a
21 franchise renewal with the appropriate local franchise
22 authority under state and federal law. An incumbent cable
23 operator and any successor-in-interest that receives a
24 State-issued authorization shall be obligated to provide
25 access to cable services or video services within any local

1 unit of government at the same levels required by the local
2 franchising authorities for the local unit of government on the
3 effective date of this amendatory act of the 95th General
4 Assembly.

5 (c)(1) An incumbent cable operator may elect to terminate
6 its agreement with the local franchising authority and obtain a
7 State-issued authorization by providing written notice to the
8 Commission and the affected local franchising authority and any
9 entity authorized by that franchising authority to manage
10 public, education, and government access at least 180 days
11 prior to its filing an application for a State-issued
12 authorization. The existing agreement shall be terminated on
13 the date that the Commission issues the State-issued
14 authorization.

15 (2) An incumbent cable operator that elects to terminate an
16 existing agreement with a local franchising authority under
17 this Section is responsible for remitting to the affected local
18 franchising authority and any entity designated by that local
19 franchising authority to manage public, education, and
20 government access before the 46th day after the date the
21 agreement is terminated any accrued but unpaid fees due under
22 the terminated agreement. If that incumbent cable operator has
23 credit remaining from prepaid franchise fees, such amount of
24 the remaining credit may be deducted from any future fees the
25 incumbent cable operator must pay to the local franchising
26 authority pursuant to Section 21-801(b) of this Article.

1 (3) An incumbent cable operator that elects to terminate an
2 existing agreement with a local franchising authority under
3 this Section shall pay the affected local franchising authority
4 and any entity designated by that franchising authority to
5 manage public, education, and government access, at the time
6 that they would have been due, all monetary payments for
7 public, education, or government access that would have been
8 due during the remaining term of the agreement had it not been
9 terminated as provided in this paragraph. All payments made by
10 an incumbent cable operator pursuant to the previous sentence
11 of this paragraph may be credited against the fees that that
12 operator owes under Section 21-801(d) (1) of this Article.

13 (d) For purposes of this Article, the Commission shall be
14 the franchising authority for cable service or video service
15 providers that apply for and obtain a State-issued
16 authorization under this Article with regard to the footprint
17 covered by such authorization. Notwithstanding any other
18 provision of this Article, holders using telecommunications
19 facilities to provide cable service or video service are not
20 obligated to provide that service outside the holder's
21 telecommunications service area.

22 (e) Any person or entity that applies for and obtains a
23 State-issued authorization under this Article shall not be
24 subject to Section 11-42-11 of the Illinois Municipal Code (65
25 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55
26 ILCS 5/5-1095), except as provided in this Article. Except as

1 provided under this Article, neither the Commission nor any
2 local unit of government may require a person or entity that
3 has applied for and obtained a State-issued authorization to
4 obtain a separate franchise or pay any franchise fee on cable
5 service or video service.

6 (220 ILCS 5/21-401 new)

7 Sec. 21-401. Applications.

8 (a) (1) A person or entity seeking to provide cable service
9 or video service pursuant to this Article shall not use the
10 public rights-of-way for the installation or construction of
11 facilities for the provision of cable service or video service
12 or offer cable service or video service until it has obtained a
13 State-issued authorization to offer or provide cable or video
14 service under Section 401 of this Article, except as provided
15 for in subsection (a) (2). All cable or video providers offering
16 or providing service in this State shall have authorization
17 pursuant to either (i) the Cable and Video Competition Law of
18 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
19 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
20 5-1095 of the Counties Code (55 ILCS 5/5-1095).

21 (2) Nothing in this Section shall prohibit a local unit of
22 government from granting a permit to a person or entity for the
23 use of the public rights-of-way to install or construct
24 facilities to provide cable service or video service, at its
25 sole discretion. No unit of local government shall be liable

1 for denial or delay of a permit prior to the issuance of a
2 State-issued authorization.

3 (b) The application to the Commission for state-issued
4 authorization shall contain a completed affidavit submitted by
5 the applicant and signed by an officer or general partner of
6 the applicant affirming all of the following:

7 (1) That the applicant has filed or will timely file
8 with the Federal Communications Commission all forms
9 required by that agency in advance of offering cable
10 service or video service in this State;

11 (2) That the applicant agrees to comply with all
12 applicable federal and State statutes and regulations;

13 (3) That the applicant agrees to comply with all
14 applicable local unit of government regulations;

15 (4) An exact description of the cable service or video
16 service area where the cable service or video service will
17 be offered during the term of the State-issued
18 authorization. The service area shall be identified in
19 terms of either (i) exchanges, as that term is defined in
20 Section 13-206 of the Public Utilities Act; (ii) a
21 collection of United States Census Bureau Block numbers (13
22 digit); (iii) if the area is smaller than the areas
23 identified in either (i) or (ii), by geographic information
24 system digital boundaries meeting or exceeding national
25 map accuracy standards; or (iv) local unit of government.
26 The description shall include the number of low-income

1 households within the service area or footprint. If an
2 applicant is a an incumbent cable operator, the incumbent
3 cable operator and any successor-in-interest shall be
4 obligated to provide access to cable services or video
5 services within any local units of government at the same
6 levels required by the local franchising authorities for
7 the local unit of government on the effective date of this
8 amendatory act of the 95th General Assembly and its
9 application shall provide a description of an area no
10 smaller than the service areas contained in its
11 franchise(s) within the jurisdiction of the local unit of
12 government in which it seeks to offer cable or video
13 service;

14 (5) The location and telephone number of the
15 applicant's principal place of business within this State
16 and the names of the applicant's principal executive
17 officers who are responsible for communications concerning
18 the application and the services to be offered pursuant to
19 the application, the applicant's legal name and any name or
20 names under which the applicant does or will provide cable
21 services or video services in this State;

22 (6) A certification that the applicant has
23 concurrently delivered a copy of the application to all
24 local units of government that include all or any part of
25 the service area identified in subsection (b)(4) within
26 such local unit of government's jurisdictional boundaries;

1 (7) The expected date that cable service or video
2 service will be initially offered in the area identified in
3 subsection (b)(4). In the event that a holder does not
4 offer cable service or video services within three months
5 after the expected date, it shall amend its application and
6 update the expected date service will be offered and
7 explain the delay in offering cable service or video
8 services;

9 (8) The application shall include adequate assurance
10 that the applicant possesses the financial, managerial,
11 legal, and technical qualifications necessary to construct
12 and operate the proposed system, and to promptly repair any
13 damage to the public right-of-way caused by the applicant,
14 and to pay the cost of removal of its facilities. To
15 accomplish these requirements, the applicant may, at the
16 time the applicant seeks to use the public rights-of-way in
17 that jurisdiction, be required by the State of Illinois
18 and/or later be required by the local unit of government to
19 post a bond, produce a certificate of insurance, or
20 otherwise demonstrate its financial responsibility; and

21 (9) The application shall include the applicant's
22 general standards related to customer service required by
23 220 ILCS 5/70-501, which shall include, but not be limited
24 to, installation, disconnection, service and repair
25 obligations; appointment hours, employee ID requirements;
26 customer service telephone numbers and hours; procedures

1 for billing, charges, deposits, refunds, and credits;
2 procedures for termination of service; notice of deletion
3 of programming service, changes related to transmission of
4 programming or changes or increases in rates; use and
5 availability of parental control or lock-out devices;
6 complaint procedures and procedures for bill dispute
7 resolution, and a description of the rights and remedies
8 available to consumers if the holder does not materially
9 meet their customer service standards; and special
10 services for customers with visual, hearing or mobility
11 disabilities.

12 (c)(1) The applicant may designate information that it
13 submits in its application or subsequent reports as
14 confidential or proprietary, provided that the applicant
15 states the reasons the confidential designation is necessary.
16 The Commission shall provide adequate protection for such
17 information pursuant to Section 5/4-404 of the Public Utilities
18 Act. If the Commission, a local unit of government, or any
19 other party seeks public disclosure of information designated
20 as confidential, the Commission shall consider the
21 confidential designation in a proceeding under the
22 Administrative Procedures Act, and the burden of proof to
23 demonstrate that the designated information is confidential
24 shall be upon the applicant. Designated information shall
25 remain confidential pending the Commission's determination of
26 whether the information is entitled to confidential treatment.

1 Information designated as confidential shall be provided to
2 local units of government for purposes of assessing compliance
3 with this Article as permitted under a Protective Order issued
4 by the Commission pursuant to the Commission's rules and to the
5 Attorney General pursuant to Section 6.5 of the Attorney
6 General Act, 15 ILCS 205/6.5. Information designated as
7 confidential under this section or determined to be
8 confidential upon Commission review shall only be disclosed
9 pursuant to a valid and enforceable subpoena or court order or
10 as required by the Freedom of Information Act. Nothing herein
11 shall delay the application approval timeframes set forth in
12 this Article.

13 (2) Information regarding the location of video services
14 that have been or are being offered to the public and aggregate
15 information included in the reports required by this Article
16 shall not be designated or treated as confidential.

17 (d)(1) The Commission shall post all applications it
18 receives under this Article on its web site within five (5)
19 business days.

20 (2) The Commission shall notify an applicant for a cable
21 service or video service authorization whether the applicant's
22 application and affidavit are complete on or before the 15th
23 business day after the applicant submits the application. If
24 the application and affidavit are not complete, the Commission
25 shall state in its notice all of the reasons the application or
26 affidavit are incomplete, and the applicant shall resubmit a

1 complete application. The Commission shall have 30 days after
2 submission by the applicant of a complete application and
3 affidavit to issue the service authorization. If the Commission
4 does not notify the applicant regarding the completeness of the
5 application and affidavit or issue the service authorization
6 within the time periods required under this subsection, the
7 application and affidavit shall be considered complete and the
8 service authorization issued upon the expiration of the 30th
9 day.

10 (e) The authorization issued by the Commission will expire
11 on the date listed in Section 21-1601 and shall contain or
12 include all of the following:

13 (1) A grant of authority to provide cable service or
14 video service in the service area footprint as requested in
15 the application, subject to the laws of the State and the
16 ordinances, rules and regulations of the local units of
17 government.

18 (2) A grant of authority to use, occupy, and construct
19 facilities in the public rights-of-way for the delivery of
20 cable service or video service in the service area
21 footprint, subject to the laws, ordinances, rules or
22 regulations of this State and local units of governments.

23 (3) A statement that the grant of authority is subject
24 to lawful operation of the cable service or video service
25 by the applicant, its affiliated entities or its
26 successors-in-interest.

1 (4) The Commission shall notify a local unit of
2 government within three (3) business days of the grant of
3 any authorization within a service area footprint if that
4 authorization includes any part of the local unit of
5 government's jurisdictional boundaries.

6 (f) The authorization issued pursuant to Section 401 of
7 this Article by the Commission may be transferred to any
8 successor-in-interest to the applicant to which it is initially
9 granted without further Commission action if the
10 successor-in-interest (i) submits an application and the
11 information required by Section 21-401(b) for the
12 successor-in-interest and (ii) is not in violation of this
13 Article or of any federal, State, or local law, ordinance, rule
14 or regulation. A successor-in-interest shall file its
15 application and notice of transfer with the Commission and the
16 relevant local units of government no less than fifteen (15)
17 business days prior to the completion of the transfer. The
18 Commission is not required or authorized to act upon the notice
19 of transfer; however, the transfer is not effective until the
20 Commission approves the successor-in-interest's application. A
21 local unit of government or the Attorney General may seek to
22 bar a transfer of ownership by filing suit in a court of
23 competent jurisdiction predicated on the existence of a
24 material and continuing breach of this Article by the holder, a
25 pattern of noncompliance with customer service standards by the
26 potential successor-in-interest, or the insolvency of the

1 potential successor-in-interest. If a transfer is made when
2 there are violations of this Article or of any federal, State,
3 or local law, ordinance, rule or regulation, the
4 successor-in-interest shall be subject to three times the
5 penalties provided for in this Article.

6 (g) The authorization issued pursuant to Section 21-401 of
7 this Article by the Commission may be terminated, or its cable
8 service or video service area footprint may be modified, by the
9 cable service provider or video service provider by submitting
10 notice to the Commission and to the relevant local unit of
11 government containing a description of the change on the same
12 terms as the initial description pursuant to Section
13 21-401(b) (4). The Commission is not required or authorized to
14 act upon that notice. It shall be a violation of this Article
15 for a holder to discriminate against potential residential
16 subscribers because of the race or income of the residents in
17 the local area in which the group resides by terminating or
18 modifying its cable service or video service area footprint. It
19 shall be a violation of this Article for a holder to terminate
20 or modify its cable service or video service area footprint if
21 it leaves an area with no cable service or video service from
22 any provider.

23 (h) The Commission's authority to administer this Article
24 is limited to the powers and duties explicitly provided under
25 this Article. Its authority under this Article does not include
26 or limit the powers and duties that the Commission has under

1 the other Articles of the Public Utilities Act, the Illinois
2 Administrative Procedure Act (5 ILCS 100/) or any other law or
3 regulation to conduct proceedings other than as provided in
4 subsection (c) above, or to promulgate rules or regulations.
5 The Commission shall not have the authority to limit or expand
6 the obligations and requirements provided in this Section, or
7 to regulate or control a person or entity to the extent that
8 person or entity is providing cable service or video service
9 except as provided in this Article.

10 (220 ILCS 5/21-601 new)

11 Sec. 21-601. Public, education, and government access. For
12 the purposes of this Section, "programming" means content
13 produced or provided by any person, group, governmental agency,
14 or noncommercial public or private agency or organization.

15 (a) Not later than 90 days after a request by the local
16 unit of government or its designee that has received notice
17 under Section 21-801(a) of this Article, the holder shall (i)
18 designate the same amount of capacity on its network to provide
19 for public, education, and government access use, as the
20 incumbent cable operator is required to designate under its
21 franchise terms in effect with a local unit of government on
22 January 1, 2007; and (ii) retransmit to its subscribers the
23 same number of public, education, and government access
24 channels as the incumbent cable operator was retransmitting to
25 subscribers on January 1, 2007.

1 (b) If the local unit of government produces or maintains
2 the public education or government programming in a manner or
3 form that is compatible with the holder's network, it shall
4 transmit such programming to the holder in that form provided
5 that form will permit the holder to satisfy the requirements of
6 Section 21-601 (c). If the local unit of government does not
7 produce or maintain such programming in that manner or form,
8 then the holder shall be responsible for any changes in the
9 form of the transmission necessary to make public, education,
10 and government programming compatible with the technology or
11 protocol used by the holder to deliver services. The holder
12 shall receive programming from the local unit of government (or
13 the local unit of government's public, education, and
14 government programming providers) and transmit that public,
15 education, and government programming directly to the holder's
16 subscribers within the local unit of government's jurisdiction
17 at no cost to the local unit of government or the public,
18 education, and government programming providers. If the holder
19 is required to change the form of the transmission, the local
20 unit of government or its designee shall provide reasonable
21 access to the holder to allow the holder to transmit the
22 public, education, and government programming in an economical
23 manner subject to the requirements of Section 21-601(c).

24 (c) The holder shall provide to subscribers public,
25 education and government access channel capacity at equivalent
26 visual and audio quality and equivalent functionality, from the

1 viewing perspective of the subscriber, to that of commercial
2 channels carried on the holder's basic cable or video service
3 offerings or tiers without the need for any equipment other
4 than the equipment necessary to receive the holder's basic
5 cable or video service offerings or tiers.

6 (d) The holder and an incumbent cable operator shall
7 negotiate in good faith to interconnect their networks, if
8 needed, for the purpose of providing public, education, and
9 government programming. Interconnection may be accomplished by
10 direct cable, microwave link, satellite, or other reasonable
11 method of connection. The holder and the incumbent cable
12 operator shall provide interconnection of the public,
13 education, and government channels on reasonable terms and
14 conditions and may not withhold the interconnection. If a
15 holder and an incumbent cable operator cannot reach a mutually
16 acceptable interconnection agreement, the local unit of
17 government may require the incumbent cable operator to allow
18 the holder to interconnect its network with the incumbent cable
19 operator's network at a technically feasible point on their
20 networks. If no technically feasible point for interconnection
21 is available, the holder and an incumbent cable operator shall
22 each make an interconnection available to the public,
23 education, and government channel originators at their local
24 origination points and shall provide the facilities necessary
25 for the interconnection. The cost of any interconnection shall
26 be borne by the holder unless otherwise agreed to by the

1 parties. The interconnection required by this subsection shall
2 be completed within the 90 day deadline set forth in subsection
3 (a).

4 (e) The public, education, and government channels shall be
5 for the exclusive use of the local unit of government or its
6 designee to provide public, education, and government
7 programming. The public, education, and government channels
8 shall be used only for noncommercial purposes. However,
9 advertising, underwriting, or sponsorship recognition may be
10 carried on the channels for the purpose of funding public,
11 education, and government access related activities.

12 (f) Public, education and government channels shall all be
13 carried on the holder's basic cable or video service offerings
14 or tiers. To the extent feasible, the public, education and
15 government channels shall not be separated numerically from
16 other channels carried on the holder's basic cable or video
17 service offerings or tiers, and the channel numbers for the
18 public, education and government channels shall be the same
19 channel numbers used by the incumbent cable operator unless
20 prohibited by federal law. After the initial designation of
21 public, education and government channel numbers, the channel
22 numbers shall not be changed without the agreement of the local
23 unit of government or the entity to which the local unit of
24 government has assigned responsibility for managing public,
25 education and government access channels unless the change is
26 required by federal law. Each channel shall be capable of

1 carrying a National Television System Committee (NTSC)
2 television signal.

3 (g) The holder shall provide a listing of public, education
4 and government channels on channel cards and menus provided to
5 subscribers in a manner equivalent to other channels if the
6 holder uses such cards and menus. Further, the holder shall
7 provide a listing of public, education, and government
8 programming on its electronic program guide if such a guide is
9 utilized by the holder. It is the public, education and
10 government entity's responsibility to provide the holder or its
11 designated agent, as determined by the holder, with program
12 schedules and information in a timely manner.

13 (h) If less than three public, education, and government
14 channels are provided within the local unit of government as of
15 January 1, 2007, a local unit of government whose jurisdiction
16 lies within the authorized service area of the holder may
17 initially request the holder to designate sufficient capacity
18 for up to three public, education, and government channels. A
19 local unit of government or its designee that seeks to add
20 additional capacity shall give the holder a written
21 notification specifying the number of additional channels to be
22 used, specifying the number of channels in actual use, and
23 verifying that the additional channels requested will be put
24 into actual use.

25 (i) The holder shall, within 90 days of a request by the
26 local unit of government or its designated public, education,

1 or government access entity, provide sufficient capacity for an
2 additional channel for public, education, and government
3 access when the programming on a given access channel exceeds
4 40 hours per week as measured on a quarterly basis. The
5 additional channel shall not be used for any purpose other than
6 for carrying additional public, education, or government
7 access programming.

8 (j) The public, education, and government access
9 programmer is solely responsible for the content that it
10 provides over designated public, education, or government
11 channels. A holder shall not exercise any editorial control
12 over any programming on any channel designed for public,
13 education, or government use or on any other channel required
14 by law or a binding agreement with the local unit of
15 government.

16 (k) A holder shall not be subject to any civil or criminal
17 liability for any program carried on any channel designated for
18 public, education, or government use.

19 (l) A court of competent jurisdiction shall have exclusive
20 jurisdiction to enforce any requirement under this Section or
21 resolve any dispute regarding the requirements set forth in
22 this Section, and no provider of cable service or video service
23 may be barred from providing service or be required to
24 terminate service as a result of that dispute or enforcement
25 action.

1 (220 ILCS 5/21-701 new)

2 Sec. 21-701. Emergency alert system. The holder shall
3 comply with all applicable requirements of the Federal
4 Communications Commission involving the distribution and
5 notification of federal, state, and local emergency messages
6 over the emergency alert system applicable to cable operators.
7 The holder will provide a requesting local unit of government
8 with sufficient information regarding how to submit, via
9 telephone or web listing, a local emergency alert for
10 distribution over its cable or video network. To the extent
11 that a local unit of government requires incumbent cable
12 operators to provide emergency alert system messages or
13 services in excess of the requirements of this Section, the
14 holder shall comply with any such additional requirements
15 within the jurisdiction of the local franchising authority. The
16 holder may provide a local emergency alert to an area larger
17 than the boundaries of the local unit of government issuing the
18 emergency alert.

19 (220 ILCS 5/21-801 new)

20 Sec. 21-801. Applicable fees payable to the local unit of
21 government.

22 (a) Prior to offering cable service or video service in a
23 local unit of government's jurisdiction, a holder shall notify
24 the local unit of government. The notice shall be given to the
25 local unit of government at least 10 days before the holder

1 begins to offer cable service or video service within the
2 boundaries of that local unit of government.

3 (b) In any local unit of government in which a holder
4 offers cable service or video service on a commercial basis,
5 the holder shall be liable for and pay the service provider fee
6 to the local unit of government. The local unit of government
7 shall adopt an ordinance imposing such a fee. The holder's
8 liability for the fee shall commence on the first day of the
9 calendar month that is at least 30 days after the holder
10 receives such ordinance. The ordinance shall be sent by mail,
11 postage prepaid, to the address listed on the holder's
12 application provided to the local unit of government pursuant
13 to Section 21-401(b)(6). The fee authorized by this section
14 shall be 5% of gross revenues or the same as the fee paid to the
15 local unit of government by any incumbent cable operator
16 providing cable service. The payment of the service provider
17 fee shall be due on a quarterly basis, 45 days after the close
18 of the calendar quarter. If mailed, the fee is considered paid
19 on the date it is postmarked. Except as provided in this
20 Article, the local unit of government may not demand any
21 additional fees or charges from the holder and may not demand
22 the use of any other calculation method other than allowed
23 under this Article.

24 (c) For purposes of this Article, "gross revenues" means
25 all consideration of any kind or nature, including, without
26 limitation, cash, credits, property, and in-kind contributions

1 received by the holder for the operation of a cable or video
2 system to provide cable service or video service within the
3 holder's cable service or video service area within the local
4 unit of government's jurisdiction.

5 (1) Gross revenues shall include the following:

6 (i) Recurring charges for cable service or video
7 service.

8 (ii) Event-based charges for cable service or
9 video service, including, but not limited to,
10 pay-per-view and video-on-demand charges.

11 (iii) Rental of set top boxes and other cable
12 service or video service equipment.

13 (iv) Service charges related to the provision of
14 cable service or video service, including but not
15 limited to activation, installation, and repair
16 charges.

17 (v) Administrative charges related to the
18 provision of cable service or video service, including
19 but not limited to service order and service
20 termination charges.

21 (vi) Late payment fees or charges, insufficient
22 funds check charges, and other charges assessed to
23 recover the costs of collecting delinquent payments.

24 (vii) A pro rata portion of all revenue derived by
25 the holder or its affiliates pursuant to compensation
26 arrangements for advertising or for promotion or

1 exhibition of any products or services derived from the
2 operation of the holder's network to provide cable
3 service or video service within the local unit of
4 government's jurisdiction. The allocation shall be
5 based on the number of subscribers in the local unit of
6 government divided by the total number of subscribers
7 in relation to the relevant regional or national
8 compensation arrangement.

9 (viii) Compensation received by the holder that is
10 derived from the operation of the holder's network to
11 provide cable service or video service with respect to
12 commissions that are received by the holder as
13 compensation for promotion or exhibition of any
14 products or services on the holder's network, such as a
15 "home shopping" or similar channel, subject to
16 subsection (b) (ix).

17 (ix) In the case of a cable service or video
18 service that is bundled or integrated functionally
19 with other services, capabilities, or applications,
20 the portion of the holder's revenue attributable to the
21 other services, capabilities, or applications shall be
22 included in gross revenue unless the holder can
23 reasonably identify the division or exclusion of the
24 revenue from its books and records that are kept in the
25 regular course of business.

26 (x) The service provider fee permitted by Section

1 21-801(b) of this Article.

2 (2) Gross revenues do not include any of the following:

3 (i) Revenues not actually received, even if
4 billed, such as bad debt, subject to Section
5 21-801(c) (1) (vi).

6 (ii) Refunds, discounts, or other price
7 adjustments that reduce the amount of gross revenues
8 received by the holder of the State-issued
9 authorization to the extent the refund, rebate,
10 credit, or discount is attributable to cable service or
11 video service.

12 (iii) Regardless of whether the services are
13 bundled, packaged, or functionally integrated with
14 cable service or video service, any revenues received
15 from services not classified as cable service or video
16 service, including, without limitation, revenue
17 received from telecommunications services, information
18 services, or the provision of directory or Internet
19 advertising, including yellow pages, white pages,
20 banner advertisement, and electronic publishing or any
21 other revenues attributed by the holder to noncable
22 service or nonvideo service in accordance with the
23 holder's books and records and records kept in the
24 regular course of business and any applicable laws,
25 rules, regulations, standards, or orders.

26 (iv) The sale of cable service or video services

1 for resale in which the purchaser is required to
2 collect the service provider fee from the purchaser's
3 subscribers to the extent the purchaser certifies in
4 writing that it will resell the service within the
5 local unit of government's jurisdiction and pay the fee
6 permitted by Section 21-801(b) with respect to the
7 service.

8 (v) Any tax or fee of general applicability imposed
9 upon the subscribers or the transaction by a city,
10 state, federal, or any other governmental entity and
11 collected by the holder of the State-issued
12 authorization and required to be remitted to the taxing
13 entity, including sales and use taxes.

14 (vi) Security deposits collected from subscribers.

15 (vii) Amounts paid by subscribers to "home
16 shopping" or similar vendors for merchandise sold
17 through any home shopping channel offered as part of
18 the cable service or video service.

19 (3) Revenue of an affiliate of a holder shall be
20 included in the calculation of gross revenues to the extent
21 the treatment of the revenue as revenue of the affiliate
22 rather than the holder has the effect of evading the
23 payment of the fee permitted by Section 21-801(b) of this
24 Article which would otherwise be paid by the cable service
25 or video service.

26 (d) (1) The holder shall pay to the local unit of government

1 or the entity designated by that local unit of government to
2 manage public, education and government access, upon request as
3 support for public, education, and government access, a fee
4 equal to no less than (i) 1% of gross revenues; or (ii) if
5 greater, the percentage of gross revenues that incumbent cable
6 operators pay to the local unit of government or its designee
7 for public, education, and government access support in the
8 local unit of government's jurisdiction. For purposes of
9 subparagraph (d)(1)(ii) above, the percentage of gross
10 revenues that all incumbent cable operators pay shall be equal
11 to the annual sum of the payments that incumbent cable
12 operators in the service area are obligated to pay by
13 franchises and agreements or by contracts with the local
14 government designee for public, education and government
15 access in effect on January 1, 2007, including the total of any
16 lump sum payments required to be made over the term of each
17 franchise or agreement divided by the number of years of the
18 applicable term, divided by the annual sum of such incumbent
19 cable operator(s)'s gross revenues during the immediately
20 prior calendar year. The sum of payments includes any payments
21 that an incumbent cable operator is required to pay pursuant to
22 Section 21-301(c)(3) of this Article.

23 (2) A local unit of government may require all holders of a
24 State-issued authorization and all cable operators franchised
25 by that local unit of government on the effective date hereof
26 in the franchise area to provide to the local unit of

1 government, or to the entity designated by that local unit of
2 government to manage public, education and government access,
3 information sufficient to calculate the public, education and
4 government access equivalent fee and any credits under
5 subsection (d)(1).

6 (3) The fee shall be due on a quarterly basis and paid 45
7 days after the close of the calendar quarter. Each payment
8 shall include a statement explaining the basis for the
9 calculation of the fee. If mailed, the fee is considered paid
10 on the date it is postmarked. The liability of the holder for
11 payment of the fee under this subsection shall commence on the
12 same date as the payment of the service provider fee pursuant
13 to subsection (b) of this Section.

14 (e) The holder may identify and collect the amount of the
15 service provider fee as a separate line item on the regular
16 bill of each subscriber.

17 (f) The holder may identify and collect the amount of the
18 public, education, and government programming support fee as a
19 separate line item on the regular bill of each subscriber.

20 (g) All determinations and computations under this Section
21 shall be made pursuant to the definition of gross revenues set
22 forth in this Section, and shall be made pursuant to generally
23 accepted accounting principles.

24 (h) Nothing contained in this Article shall be construed to
25 exempt a holder from any tax that is or may later be imposed by
26 the local unit of government, including any tax that is or may

1 later be required to be paid by or through the holder with
2 respect to cable service or video service. A State-issued
3 authorization shall not affect any requirement of the holder
4 with respect to payment of the local unit of government's
5 simplified municipal telecommunications tax or any other tax as
6 it applies to any telephone service provided by the holder. A
7 State-issued authorization shall not affect any requirement of
8 the holder with respect to payment of the local unit of
9 government's 911 or E911 fees, taxes or charges.

10 (220 ILCS 5/21-901 new)

11 Sec. 21-901. Audits.

12 (a) Upon receiving notice under Section 21-401(e) (4) that a
13 holder has received State-issued authorization under this
14 Article, a local unit of government shall notify the holder of
15 the requirements it imposes on other cable service or video
16 service providers in its jurisdiction to submit to an audit of
17 its books and records. The holder shall comply with the same
18 requirements the local unit of government imposes on other
19 cable service or video service providers in its jurisdiction to
20 audit the holder's books and records and to recompute any
21 amounts determined to be payable under the requirements of the
22 local unit of government. If all local franchises between the
23 local unit of government and a cable operator terminate, the
24 audit requirements shall be those adopted by the local
25 government pursuant to the Local Government Taxpayers' Bill of

1 Rights, 50 ILCS 45. No acceptance of amounts remitted should be
2 construed as an accord that the amounts are correct.

3 (b) Any additional amount due after an audit shall be paid
4 within 30 days after the local unit of government's submission
5 of an invoice for the sum.

6 (220 ILCS 5/21-1001 new)

7 Sec. 21-1001. Local unit of government authority.

8 (a) The holder of a State-issued authorization shall comply
9 with all the applicable construction and technical standards
10 and right-of-way occupancy standards set forth in a local unit
11 of government's code of ordinances relating to the use of
12 public rights-of-way, pole attachments, permit obligations,
13 indemnification, performance bonds, penalties or liquidated
14 damages. The applicable requirements for a holder that is using
15 its existing telecommunications network or constructing a
16 telecommunications network shall be the same requirements that
17 the local unit of government imposes on telecommunications
18 providers in its jurisdiction. The applicable requirements for
19 a holder that is using or constructing a cable system shall be
20 the same requirements the local unit of government imposes on
21 other cable operators in its jurisdiction.

22 (b) A local unit of government shall allow the holder to
23 install, construct, operate, maintain, and remove a cable
24 service, video service, or telecommunications network within a
25 public right-of-way and shall provide the holder with open,

1 comparable, nondiscriminatory, and competitively neutral
2 access to the public right-of-way on the same terms applicable
3 to other cable service or video service providers or cable
4 operators in its jurisdiction. Notwithstanding any other
5 provisions of law, if a local unit of government is permitted
6 by law to require the holder of a State authorization to seek a
7 permit to install, construct, operate, maintain or remove its
8 cable service, video service, or telecommunications network
9 within a public right-of-way, those permits shall be deemed
10 granted within 45 days after being submitted, if not otherwise
11 acted upon by the local unit of government, provided the holder
12 complies with the requirements applicable to the holder in its
13 jurisdiction.

14 (c) A local unit of government may impose reasonable terms,
15 but it may not discriminate against the holder with respect to
16 any of the following:

17 (1) The authorization or placement of a cable service,
18 video service, or telecommunications network or equipment
19 in public rights-of-way.

20 (2) Access to a building.

21 (3) A local unit of government utility pole attachment.

22 (d) If a local unit of government imposes a permit fee on
23 incumbent cable operators, it may impose a permit fee on the
24 holder only to the extent it imposes such a fee on incumbent
25 cable operators. In all other cases, these fees may not exceed
26 the actual, direct costs incurred by the local unit of

1 government for issuing the relevant permit. In no event may a
2 fee under this Section be levied if the holder already has paid
3 a permit fee of any kind in connection with the same activity
4 that would otherwise be covered by the permit fee under this
5 Section provided no additional equipment, work, function or
6 other burden is added to the existing activity for which the
7 permit was issued.

8 (e) Nothing in this Article shall affect the rights that
9 any holder has under Section 4 of the Telephone Line Right of
10 Way Act (220 ILCS 65/4).

11 (f) In addition to the other requirements in this Section,
12 if the holder installs, upgrades, constructs, operates,
13 maintains, and removes facilities or equipment within a public
14 right-of-way to provide cable service or video service, it
15 shall comply with the following:

16 (1) The holder must locate its equipment in the
17 right-of-way as to cause only minimum interference with the
18 use of streets, alleys and other public ways and places,
19 and to cause only minimum impact upon, and interference
20 with the rights and reasonable convenience of property
21 owners who adjoin any of the said streets, alleys or other
22 public ways. No fixtures shall be placed in any public ways
23 in such a manner to interfere with the usual travel on such
24 public ways. Nor shall such fixtures or equipment limit the
25 visibility of vehicular and/or pedestrian traffic.

26 (2) The holder shall comply with a local unit of

1 government's reasonable requests to place equipment on
2 public property where possible, and promptly comply with
3 local unit of government direction with respect to the
4 location and screening of equipment and facilities. In
5 constructing or upgrading its cable or video network in the
6 right-of-way, the holder shall use the smallest suitable
7 equipment enclosures and power pedestals and cabinets then
8 in use by the holder for the application.

9 (3) The holder's construction practices shall be in
10 accordance with all applicable sections of the
11 Occupational Safety and Health Act of 1970, as amended, as
12 well as all applicable state laws, including the Illinois
13 Administrative Code, and local codes where applicable, as
14 adopted by the local unit of government. All installation
15 of electronic equipment shall be of a permanent nature,
16 durable and, where applicable, installed in accordance
17 with the provisions of the National Electrical Safety Code
18 of the National Bureau of Standards and National Electrical
19 Code of the National Board of Fire Underwriters.

20 (4) The holder shall not interfere with the local unit
21 of government's performance of public works. Nothing in the
22 State-issued authorization shall be in preference or
23 hindrance to the right of the local unit of government to
24 perform or carry on any public works or public improvements
25 of any kind. The holder expressly agrees that it shall, at
26 its own expense, protect, support, temporarily disconnect,

1 relocate in the same street or other public place, or
2 remove from such street or other public place, any of the
3 network, system, facilities or equipment when required to
4 do so by the local unit of government, because of necessary
5 public health, safety and welfare improvements. In the
6 event a holder and other users, including incumbent cable
7 operators or utilities, of a public right-of-way are
8 required to relocate and compensation is paid to the users
9 of such public right-of-way, such parties shall be treated
10 equally with respect to such compensation.

11 (5) The holder shall comply with all local units of
12 government inspection requirements. The making of
13 post-construction, subsequent and/or periodic inspections
14 or the failure to do so shall not operate to relieve the
15 holder of any responsibility, obligation or liability.

16 (6) The holder shall maintain insurance or provide
17 evidence of self insurance as required by an applicable
18 ordinance of the local unit of government.

19 (7) The holder shall reimburse all reasonable
20 make-ready expenses, including aerial and underground
21 installation expenses requested by the holder to the local
22 unit of government within thirty (30) days of billing to
23 the holder provided that such charges shall be at the same
24 rates as charges to others for the same or similar
25 services.

26 (8) The holder shall indemnify and hold harmless the

1 local unit of government and all boards, officers,
2 employees and representatives thereof from all claims,
3 demands, causes of action, liability, judgments, costs and
4 expenses or losses for injury or death to persons or damage
5 to property owned by, and Worker's Compensation claims
6 against any parties indemnified herein, arising out of,
7 caused by, or as a result of the holder's construction,
8 lines, cable, erection, maintenance, use or presence of, or
9 removal of any poles, wires, conduit, appurtenances
10 thereto, or equipment or attachments thereto. The holder,
11 however, shall not indemnify the local unit of government
12 for any liabilities, damages, cost and expense resulting
13 from the willful misconduct or negligence of the local unit
14 of government, its officers, employees and agents. The
15 obligations imposed pursuant to this section by a local
16 unit of government shall be competitively neutral.

17 (9) The holder, upon request, shall provide the local
18 unit of government with information describing the
19 location of the cable service or video service facilities
20 and equipment located in the unit of local government's
21 rights-of-way pursuant to its State-issued authorization.
22 If designated by the holder as confidential, such
23 information provided pursuant to this subsection shall be
24 exempt from inspection and copying under the Illinois
25 Freedom of Information Act, 5 ILCS 140/1 et seq., pursuant
26 to the exemption provided for under 5 ILCS 140/7(1) (mm).

1 and any other present or future exemptions applicable to
2 such information and shall not be disclosed by the unit of
3 local government to any third party without the written
4 consent of the holder.

5 (220 ILCS 5/21-1101 new)

6 Sec. 21-1101. Requirements to provide video services.

7 (a) The holder of a State-issued authorization shall not
8 deny access to cable service or video service to any potential
9 residential subscribers because of the race or income of the
10 residents in the local area in which the potential subscribers
11 reside.

12 (b) If the holder is using telecommunications facilities to
13 provide cable or video service and has 1,000,000 or less
14 telecommunications access lines in this State, but more than
15 300,000 telecommunications access lines in this State, the
16 holder shall:

17 (1) Provide access to its cable or video service to a
18 number of households equal to at least 25% of its
19 telecommunications access lines in this State within 3
20 years after the date a holder receives a State-issued
21 authorization from the Commission and to a number not less
22 than 35% of these households within 5 years after the date
23 a holder receives a State-issued authorization from the
24 Commission; provided, however, that the holder of a
25 State-issued authorization is not required to meet the 35%

1 requirement in this subsection until 2 years after at least
2 15% of the households with access to the holder's video
3 service subscribe to the service for 6 consecutive months.
4 The holder's obligation to provide such access in the State
5 shall be distributed, as the holder determines, within
6 three different designated market areas.

7 (2) Within 3 years after the date a holder receives a
8 State-issued authorization from the Commission at least
9 30% of the total households with access to the holder's
10 cable or video service shall be low-income.

11 Within each designated market area identified in
12 subsection (b)(1), the holder's obligation to offer
13 service to low-income households shall be measured by each
14 exchange, as that term is defined in Section 13-206 of the
15 Public Utilities Act, in which the holder chooses to
16 provide cable or video service. The holder is under no
17 obligation to serve or provide access to an entire
18 exchange; however, in addition to the statewide obligation
19 to provide low-income access provided by this section, in
20 each exchange in which the holder chooses to provide cable
21 or video service, the holder shall provide access to a
22 percentage of low-income households that is at least equal
23 to the percentage of the total low-income households within
24 that exchange.

25 (3) The number of telecommunication access lines in
26 this section shall be based on the number of access lines

1 that exist as of the effective date of this amendatory act
2 of the 95th General Assembly.

3 (c) If the holder of a State-issued authorization is using
4 telecommunications facilities to provide cable or video
5 service and has more than 1,000,000 telecommunications access
6 lines in this State, the holder shall:

7 (1) (A) Provide access to its cable or video service to a
8 number of households equal to at least 35% of the households in
9 the holder's telecommunications service area in the State
10 within 3 years after the date a holder receives a State-issued
11 authorization from the Commission and to a number not less than
12 50% of these households within 5 years after the date a holder
13 receives a State-issued authorization from the Commission;
14 provided, however, that the holder of a State-issued
15 authorization is not required to meet the 50% requirement in
16 this subsection until 2 years after at least 15% of the
17 households with access to the holder's video service subscribe
18 to the service for 6 consecutive months.

19 The holder's obligation to provide such access in the State
20 shall be distributed, as the holder determines, within three
21 designated market areas, one in each of the northeastern,
22 central and southwestern portions of the holder's
23 telecommunications service area in the State. The designated
24 market area for the northeastern portion shall consist of two
25 separate and distinct reporting areas: i) a city with more than
26 1,000,000 inhabitants, and ii) all other local units of

1 government on a combined basis within such designated market
2 area in which it offers video service.

3 (B) If any state, in which a holder subject to this
4 subsection (c) or one of its affiliates provides or seeks to
5 provide cable or video service, adopts a law permitting
6 state-issued authorization or statewide franchises to provide
7 cable or video service that requires a cable or video provider
8 to offer service to more than 35% of the households in the
9 cable or video provider's service area in that State within 3
10 years, holders subject to this subsection (c) shall provide
11 service in this State to the same percentage of households
12 within 3 years of adoption of such law in that State.

13 Furthermore, if any state, in which a holder subject to
14 this subsection (c) or one of its affiliates provides or seeks
15 to provide cable or video service, adopts a law requiring a
16 holder of a state-issued authorization or statewide franchises
17 to offer cable or video service to more than 35% of its
18 households if less than 15% of the households with access to
19 the holder's video service subscribe to the service for 6
20 consecutive months, then as a precondition to further
21 build-out, holders subject to this subsection (c) shall be
22 subject to the same percentage of service subscription in
23 meeting its obligation to provide service to 50% of the
24 households in this State.

25 (2) Within 3 years after the date a holder receives a
26 State-issued authorization from the Commission at least 30% of

1 the total households with access to the holder's cable or video
2 service shall be low-income.

3 Within each designated market area listed in subsection
4 (c)(1), the holder's obligation to offer service to low-income
5 households shall be measured by each exchange, as that term is
6 defined in Section 13-206 of the Public Utilities Act in which
7 the holder chooses to provide cable or video service. The
8 holder is under no obligation to serve or provide access to an
9 entire exchange; however, in addition to the statewide
10 obligation to provide low-income access provided by this
11 section, in each exchange in which the holder chooses to
12 provide cable or video service, the holder shall provide access
13 to a percentage of low-income households that is at least equal
14 to the percentage of the total low-income households within
15 that exchange.

16 (d)(1) All other holders shall only provide access to one
17 or more exchanges, as that term is defined in Section 13-206 of
18 the Public Utilities Act, or to local units of government and
19 shall provide access to their cable or video service to a
20 number of households equal to 35% of the households in the
21 exchange or local unit of government within 3 years after the
22 date a holder receives a State-issued authorization from the
23 Commission and to a number not less than 50% of these
24 households within 5 years after the date a holder receives a
25 State-issued authorization from the Commission, provided,
26 however, that if the holder is an incumbent cable operator or

1 any successor-in-interest company, it shall be obligated to
2 provide access to cable or video services within the
3 jurisdiction of a local unit of government at the same levels
4 required by the local franchising authorities for that local
5 unit of government on the effective date of this amendatory act
6 of the 95th General Assembly.

7 (2) Within 3 years after the date a holder receives a
8 State-issued authorization from the Commission, at least 30% of
9 the total households with access to the holder's cable or video
10 service shall be low-income.

11 Within each designated exchange, as that term is defined in
12 Section 13-206 of the Public Utilities Act, or local unit of
13 government listed in subsection (d)(1), the holder's
14 obligation to offer service to low-income households shall be
15 measured by each exchange or local unit of government in which
16 the holder chooses to provide cable or video service. Except as
17 provided in subsection (d)(1), the holder is under no
18 obligation to serve or provide access to an entire exchange or
19 local unit of government; however, in addition to the statewide
20 obligation to provide low-income access provided by this
21 section, in each exchange or local unit of government in which
22 the holder chooses to provide cable or video service, the
23 holder shall provide access to a percentage of low-income
24 households that is at least equal to the percentage of the
25 total low-income households within that exchange or local unit
26 of government.

1 (e) A holder subject to section 21-1101(c) shall provide
2 wireline broadband service, defined as wireline service
3 capable of supporting, in at least one direction, a speed in
4 excess of 200 kilobits per second (kbps), to the network
5 demarcation point at the subscriber's premises, to a number of
6 households equal to 90% of the households in the holder's
7 telecommunications service area by December 31, 2008, or shall
8 pay within 30 days of December 31, 2008 a sum of \$15,000,000 to
9 the Digital Divide Elimination Infrastructure Fund established
10 pursuant to Section 13-301.3 of Article XIII of this Act, or
11 any successor fund established by the General Assembly. In that
12 event the holder is required to make a payment pursuant to this
13 subsection, the holder shall have no further accounting for
14 this payment, which shall be used in any part of the State for
15 the purposes established in the Digital Divide Elimination
16 Infrastructure Fund or for broadband deployment.

17 (f) The holder of a State-issued authorization may satisfy
18 the requirements of subsections (b), (c) and (d) of this
19 Section through the use of any technology, which shall not
20 include direct-to-home satellite service, that offers service,
21 functionality, and content, which is demonstrably similar to
22 that provided through the holder's video service system.

23 (g) In any investigation into or complaint alleging that
24 the holder of a State-issued authorization has failed to meet
25 the requirements of this Section, the following factors may be
26 considered in justification or mitigation or as justification

1 for an extension of time to meet the requirements of
2 subsections (b), (c) and (d) of this Section:,

3 (1) The inability to obtain access to public and
4 private rights-of-way under reasonable terms and
5 conditions.

6 (2) Barriers to competition arising from existing
7 exclusive service arrangements in developments or
8 buildings.

9 (3) The inability to access developments or buildings
10 using reasonable technical solutions under commercially
11 reasonable terms and conditions.

12 (4) Natural disasters.

13 (5) Other factors beyond the control of the holder.

14 (h) If the holder relies on the factors identified in
15 subsection (g) in response to an investigation or complaint,
16 the holder shall demonstrate:

17 (1) what substantial effort the holder of a
18 state-issued authorization has taken to meet the
19 requirements of subsections (a), (b) or (c) of this
20 Section;

21 (2) which portions of subsection (g) of this Section
22 apply; and

23 (3) the number of days it has been delayed or the
24 requirements it cannot perform as a consequence of
25 subsection (g) of this Section.

26 (i) The factors in subsection (g) may be considered by the

1 Attorney General or by a court of competent jurisdiction in
2 determining whether the holder is in violation of this Article.

3 (j) Every holder of a State-issued authorization, no later
4 than April 1, 2009, and annually no later than April 1
5 thereafter, shall report to the Commission for each of the
6 service areas as described in subsections (b), (c) and (d) of
7 this Section in which it provides access to its video service
8 in the State, the following information:

9 (1) Cable Service and Video Service Information:

10 (A) The number of households in the holder's
11 telecommunications service area within each designated
12 market area as described in subsections (b) and (c) of
13 this Section or exchange or local unit of government as
14 described in subsection (d) of this Section in which it
15 offers video service.

16 (B) The number of households in the holder's
17 telecommunications service area within each designated
18 market area as described in subsections (b) and (c) of
19 this Section or exchange or local unit of government as
20 described in subsection (d) of this Section that are
21 offered access to video service by the holder.

22 (C) The number of households in the holder's
23 telecommunications service area in the State.

24 (D) The number of households in the holder's
25 telecommunications service area in the State that are
26 offered access to video service by the holder.

1 (2) Low-Income Household Information:

2 (A) The number of low-income households in the
3 holder's telecommunications service area within each
4 designated market area as described in subsections (b)
5 and (c) of this Section, as further identified in terms
6 of exchanges, or exchange or local unit of government
7 as described in subsection (d) of this Section, in
8 which it offers video service.

9 (B) The number of low-income households in the
10 holder's telecommunications service area within each
11 designated market area as described in subsections (b)
12 and (c) of this Section, as further identified in terms
13 of exchanges, or exchange or local unit of government
14 as described in subsection (d) of this Section in the
15 State, that are offered access to video service by the
16 holder.

17 (C) The number of low-income households in the
18 holder's telecommunications service area in the State.

19 (D) The number of low-income households in the
20 holder's telecommunications service area in the State
21 that are offered access to video service by the holder.

22 (k) The Commission, within 30 days of receiving the first
23 report from holders under this Section, and annually no later
24 than July 1 thereafter, shall submit to the General Assembly a
25 report that includes, based on year-end data, the information
26 submitted by holders pursuant to subsections (j) (1) and (j) (2).

1 of this Section. The Commission shall make this report
2 available to any member of the public or any local unit of
3 government upon request. All information submitted to the
4 Commission and designated by holders as confidential and
5 proprietary shall be subject to the disclosure provisions in
6 Section 21-401(c). No individually identifiable customer
7 information shall be subject to public disclosure.

8 (220 ILCS 5/21-1201 new)

9 Sec. 21-1201. Multiple-unit dwellings-Interference with
10 Holder Prohibited.

11 (a) Neither the owner of any multiple-unit residential
12 dwelling nor an agent or representative shall unreasonably
13 interfere with the right of any tenant or lawful resident
14 thereof to receive cable service or video service installation
15 or maintenance from a holder of a State-issued authorization;
16 provided, however, the owner, agent or representative may
17 require just and reasonable compensation from the holder for
18 its access to and use of such property to provide installation,
19 operation, maintenance, or removal of such cable service or
20 video service.

21 (b) Neither the owner of any multiple-unit residential
22 dwelling nor an agent or representative shall ask, demand or
23 receive any additional payment, service or gratuity in any form
24 from any tenant or lawful resident thereof as a condition for
25 permitting or cooperating with the installation of a cable

1 service or video service to the dwelling unit occupied by a
2 tenant or resident requesting such service.

3 (c) Neither the owner of any multiple-unit residential
4 dwelling nor an agent or representative shall penalize, charge
5 or surcharge a tenant or resident, or forfeit or threaten to
6 forfeit any right of such tenant or resident, or discriminate
7 in any way against such tenant or resident who requests or
8 receives cable service or video service from a holder.

9 (d) Nothing in this Section shall prohibit the owner of any
10 multiple-unit residential dwelling nor an agent or
11 representative from requiring that a holder's facilities
12 conform to reasonable conditions necessary to protect safety,
13 functioning, appearance, and value of premises or the
14 convenience and safety of persons or property.

15 (e) The owner of any multiple-unit residential dwelling or
16 an agent or representative may require a holder to agree to
17 indemnify the owner, or his agents or representatives, for
18 damages or from liability for damages caused by the
19 installation, operation, maintenance or removal of cable
20 service of video service facilities.

21 (220 ILCS 5/21-1301 new)

22 Sec. 21-1301. Enforcement, Penalties.

23 (a) The Attorney General is responsible for administering
24 and ensuring holders' compliance with this Article, provided
25 that nothing in this Article shall deprive local units of

1 government of the right to enforce applicable rights and
2 obligations.

3 (b) The Attorney General may conduct an investigation
4 regarding possible violations by holders of this Article
5 including, without limitation, the issuance of subpoenas to:

6 (1) require the holder to file a statement or report or
7 to answer interrogatories in writing as to all information
8 relevant to the alleged violations;

9 (2) examine, under oath, any person who possesses
10 knowledge or information related to the alleged
11 violations; and

12 (3) examine any record, book, document, account, or
13 paper related to the alleged violation.

14 (c) If the Attorney General determines that there is a
15 reason to believe that a holder has violated or is about to
16 violate this Article, the Attorney General may bring an action
17 in a court of competent jurisdiction in the name of the People
18 of the State against the holder to obtain temporary,
19 preliminary, or permanent injunctive relief and civil
20 penalties for any act, policy, or practice by the holder that
21 violates this Article.

22 (d) If a court orders a holder to make payments to the
23 Attorney General and the payments are to be used for the
24 operations of the Office of the Attorney General or if a holder
25 agrees to make payments to the Attorney General for the
26 operations of the Office of the Attorney General as part of an

1 Assurance of Voluntary Compliance, then the moneys paid under
2 any of the conditions described in this subsection shall be
3 deposited into the Attorney General Court Ordered and Voluntary
4 Compliance Payment Projects Fund. Moneys in the Fund shall be
5 used, subject to appropriation, for the performance of any
6 function pertaining to the exercise of the duties to the
7 Attorney General including, but not limited to, enforcement of
8 any law of this State and conducting public education programs;
9 however, any moneys in the Fund that are required by the court
10 to be used for a particular purpose shall be used for that
11 purpose.

12 (e) In an action against a holder brought pursuant to this
13 Article, the Attorney General may seek the assessment of one or
14 more of the following civil monetary penalties in any action
15 filed under this Article where the holder violates this Article
16 and does not remedy the violation within 30 days of notice by
17 the Attorney General:

18 (1) Any holder that violates or fails to comply with
19 any of the provisions of this Article or of its
20 State-issued authorization shall be subject to a civil
21 penalty of up to \$30,000 for each and every offense, or
22 .00825% of the holder's gross revenues, as defined in
23 Section 21-801, whichever is greater. Every violation of
24 the provisions of this Article by a holder is a separate
25 and distinct offense, provided, however, that if the same
26 act or omission violates more than one provision of this

1 Article, only one penalty or cumulative penalty may be
2 imposed for such act or omission. In case of a continuing
3 violation, each day's continuance thereof shall be a
4 separate and distinct offense, provided, however, that the
5 cumulative penalty for any continuing violation shall not
6 exceed \$500,000 per year, and provided further that these
7 limits shall not apply where the violation was intentional
8 and either (i) created substantial risk to the safety of
9 the cable service or video service provider's employees or
10 customers or the public or (ii) was intended to cause
11 economic benefits to accrue to the violator.

12 (2) The holder's State-issued authorization may be
13 suspended or revoked if the holder fails to comply with the
14 provisions of this Article after a reasonable time to
15 achieve compliance has passed.

16 (3) If the holder is in violation of Section 21-1101,
17 in addition to any other remedies provided by law, a fine
18 not to exceed 3% of the holder's total monthly gross
19 revenue as that term is defined in this Article, shall be
20 imposed for each month from the date of violation until the
21 date that compliance is achieved.

22 (4) Nothing in this Section shall limit or affect the
23 powers of the Attorney General to enforce the provisions of
24 the Cable and Video Customer Protection Law, 220 ILCS
25 5/70-501 new, or the Consumer Fraud and Deceptive Business
26 Practices Act, 815 ILCS 505.

1 (220 ILCS 5/21-1401 new)

2 Sec. 21-1401. Home rule.

3 (a) The provisions of this Article are a limitation of home
4 rule powers under subsection (i) of Section 6 of Article VII of
5 the Illinois Constitution.

6 (b) Nothing in this Article shall be construed to limit or
7 deny a home rule unit's power to tax as set forth in Section 6
8 of Article VII of the Illinois Constitution.

9 (220 ILCS 5/21-1501 new)

10 Sec. 21-1501. Except as otherwise provided in this Article,
11 this Article shall be enforced only by a court of competent
12 jurisdiction.

13 (220 ILCS 5/21-1601 new)

14 Sec. 21-1601. Repealer. This Article is repealed October 1,
15 2013.

16 Section 15-7. The Illinois Administrative Procedure Act is
17 amended by changing Section 1-5 as follows:

18 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

19 Sec. 1-5. Applicability.

20 (a) This Act applies to every agency as defined in this
21 Act. Beginning January 1, 1978, in case of conflict between the

1 provisions of this Act and the Act creating or conferring power
2 on an agency, this Act shall control. If, however, an agency
3 (or its predecessor in the case of an agency that has been
4 consolidated or reorganized) has existing procedures on July 1,
5 1977, specifically for contested cases or licensing, those
6 existing provisions control, except that this exception
7 respecting contested cases and licensing does not apply if the
8 Act creating or conferring power on the agency adopts by
9 express reference the provisions of this Act. Where the Act
10 creating or conferring power on an agency establishes
11 administrative procedures not covered by this Act, those
12 procedures shall remain in effect.

13 (b) The provisions of this Act do not apply to (i)
14 preliminary hearings, investigations, or practices where no
15 final determinations affecting State funding are made by the
16 State Board of Education, (ii) legal opinions issued under
17 Section 2-3.7 of the School Code, (iii) as to State colleges
18 and universities, their disciplinary and grievance
19 proceedings, academic irregularity and capricious grading
20 proceedings, and admission standards and procedures, and (iv)
21 the class specifications for positions and individual position
22 descriptions prepared and maintained under the Personnel Code.
23 Those class specifications shall, however, be made reasonably
24 available to the public for inspection and copying. The
25 provisions of this Act do not apply to hearings under Section
26 20 of the Uniform Disposition of Unclaimed Property Act.

1 (c) Section 5-35 of this Act relating to procedures for
2 rulemaking does not apply to the following:

3 (1) Rules adopted by the Pollution Control Board that,
4 in accordance with Section 7.2 of the Environmental
5 Protection Act, are identical in substance to federal
6 regulations or amendments to those regulations
7 implementing the following: Sections 3001, 3002, 3003,
8 3004, 3005, and 9003 of the Solid Waste Disposal Act;
9 Section 105 of the Comprehensive Environmental Response,
10 Compensation, and Liability Act of 1980; Sections 307(b),
11 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
12 Water Pollution Control Act; and Sections 1412(b),
13 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
14 Water Act.

15 (2) Rules adopted by the Pollution Control Board that
16 establish or amend standards for the emission of
17 hydrocarbons and carbon monoxide from gasoline powered
18 motor vehicles subject to inspection under Section 13A-105
19 of the Vehicle Emissions Inspection Law and rules adopted
20 under Section 13B-20 of the Vehicle Emissions Inspection
21 Law of 1995.

22 (3) Procedural rules adopted by the Pollution Control
23 Board governing requests for exceptions under Section 14.2
24 of the Environmental Protection Act.

25 (4) The Pollution Control Board's grant, pursuant to an
26 adjudicatory determination, of an adjusted standard for

1 persons who can justify an adjustment consistent with
2 subsection (a) of Section 27 of the Environmental
3 Protection Act.

4 (5) Rules adopted by the Pollution Control Board that
5 are identical in substance to the regulations adopted by
6 the Office of the State Fire Marshal under clause (ii) of
7 paragraph (b) of subsection (3) of Section 2 of the
8 Gasoline Storage Act.

9 (d) Pay rates established under Section 8a of the Personnel
10 Code shall be amended or repealed pursuant to the process set
11 forth in Section 5-50 within 30 days after it becomes necessary
12 to do so due to a conflict between the rates and the terms of a
13 collective bargaining agreement covering the compensation of
14 an employee subject to that Code.

15 (e) Section 10-45 of this Act shall not apply to any
16 hearing, proceeding, or investigation conducted under Section
17 13-515 of the Public Utilities Act.

18 (f) Article 10 of this Act does not apply to any hearing,
19 proceeding, or investigation conducted by the State Council for
20 the State of Illinois created under Section 3-3-11.05 of the
21 Unified Code of Corrections or by the Interstate Commission
22 ~~Commission~~ for Adult Offender Supervision created under the
23 Interstate Compact for Adult Offender Supervision.

24 (g) This Act is subject to the provisions of Article XXI of
25 the Public Utilities Act. To the extent that any provision of
26 this Act conflicts with the provisions of that Article XXI, the

1 provisions of that Article XXI control.

2 (Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

3 Section 15-10. The Attorney General Act is amended by
4 changing Section 6.5 as follows:

5 (15 ILCS 205/6.5)

6 Sec. 6.5. Consumer Utilities Unit.

7 (a) The General Assembly finds that the health, welfare,
8 and prosperity of all Illinois citizens, and the public's
9 interest in adequate, safe, reliable, cost-effective electric,
10 natural gas, water, cable, video, and telecommunications
11 services, requires effective public representation by the
12 Attorney General to protect the rights and interests of the
13 public in the provision of all elements of electric, natural
14 gas, water, cable, video, and telecommunications service both
15 during and after the transition to a competitive market, and
16 that to ensure that the benefits of competition in the
17 provision of electric, natural gas, water, cable, video, and
18 telecommunications services to all consumers are attained,
19 there shall be created within the Office of the Attorney
20 General a Consumer Utilities Unit.

21 (b) As used in this Section: "Electric services" means
22 services sold by an electric service provider. "Electric
23 service provider" shall mean anyone who sells, contracts to
24 sell, or markets electric power, generation, distribution,

1 transmission, or services (including metering and billing) in
2 connection therewith. Electric service providers shall include
3 any electric utility and any alternative retail electric
4 supplier as defined in Section 16-102 of the Public Utilities
5 Act.

6 (b-5) As used in this Section: "Telecommunications
7 services" means services sold by a telecommunications carrier,
8 as provided for in Section 13-203 of the Public Utilities Act.
9 "Telecommunications carrier" means anyone who sells, contracts
10 to sell, or markets telecommunications services, whether
11 noncompetitive or competitive, including access services,
12 interconnection services, or any services in connection
13 therewith. Telecommunications carriers include any carrier as
14 defined in Section 13-202 of the Public Utilities Act.

15 (b-10) As used in this Section: "natural gas services"
16 means natural gas services sold by a "gas utility" or by an
17 "alternative gas supplier", as those terms are defined in
18 Section 19-105 of the Public Utilities Act.

19 (b-15) As used in this Section: "water services" means
20 services sold by any corporation, company, limited liability
21 company, association, joint stock company or association,
22 firm, partnership, or individual, its lessees, trustees, or
23 receivers appointed by any court and that owns, controls,
24 operates, or manages within this State, directly or indirectly,
25 for public use, any plant, equipment, or property used or to be
26 used for or in connection with (i) the production, storage,

1 transmission, sale, delivery, or furnishing of water or (ii)
2 the treatment, storage, transmission, disposal, sale of
3 services, delivery, or furnishing of sewage or sewage services.

4 (b-20) As used in this Section: "cable service and video
5 service" means services sold by anyone who sells, contracts to
6 sell or markets cable services or video services pursuant to a
7 State-issued authorization under the Cable and Video
8 Competition Law of 2007.

9 (c) There is created within the Office of the Attorney
10 General a Consumer Utilities Unit, consisting of Assistant
11 Attorneys General appointed by the Attorney General, who,
12 together with such other staff as is deemed necessary by the
13 Attorney General, shall have the power and duty on behalf of
14 the people of the State to intervene in, initiate, enforce, and
15 defend all legal proceedings on matters relating to the
16 provision, marketing, and sale of electric, natural gas, water,
17 and telecommunications service whenever the Attorney General
18 determines that such action is necessary to promote or protect
19 the rights and interests of all Illinois citizens, classes of
20 customers, and users of electric, natural gas, water, and
21 telecommunications services.

22 (d) In addition to the investigative and enforcement powers
23 available to the Attorney General, including without
24 limitation those under the Consumer Fraud and Deceptive
25 Business Practices Act, the Illinois Antitrust Act, and any
26 other law of this State, the Attorney General shall be a party

1 as a matter of right to all proceedings, investigations, and
2 related matters involving the provision of electric, natural
3 gas, water, and telecommunications services before the
4 Illinois Commerce Commission, the courts, and other public
5 bodies. Upon request, the Office of the Attorney General shall
6 have access to and the use of all files, records, data, and
7 documents in the possession or control of the Commission. The
8 Office of the Attorney General may use information obtained
9 under this Section, including information that is designated as
10 and that qualifies for confidential treatment, which
11 information the Attorney General's office shall maintain as
12 confidential, to be used for law enforcement purposes only,
13 which information may be shared with other law enforcement
14 officials. Nothing in this Section is intended to take away or
15 limit any of the powers the Attorney General has pursuant to
16 common law or other statutory law.

17 (Source: P.A. 94-291, eff. 7-21-05.)

18 Section 15-15. The Counties Code is amended by changing
19 Section 5-1095 and by adding Section 5-1096.5 as follows:

20 (55 ILCS 5/5-1095) (from Ch. 34, par. 5-1095)

21 Sec. 5-1095. Community antenna television systems;
22 satellite transmitted television programming.

23 (a) The County Board may license, tax or franchise the
24 business of operating a community antenna television system or

1 systems within the County and outside of a municipality, as
2 defined in Section 1-1-2 of the Illinois Municipal Code.

3 When an area is annexed to a municipality, the annexing
4 municipality shall thereby become the franchising authority
5 with respect to that portion of any community antenna
6 television system that, immediately before annexation, had
7 provided cable television services within the annexed area
8 under a franchise granted by the county, and the owner of that
9 community antenna television system shall thereby be
10 authorized to provide cable television services within the
11 annexed area under the terms and provisions of the existing
12 franchise. In that instance, the franchise shall remain in
13 effect until, by its terms, it expires, except that any
14 franchise fees payable under the franchise shall be payable
15 only to the county for a period of 5 years or until, by its
16 terms, the franchise expires, whichever occurs first. After the
17 5 year period, any franchise fees payable under the franchise
18 shall be paid to the annexing municipality. In any instance in
19 which a duly franchised community antenna television system is
20 providing cable television services within the annexing
21 municipality at the time of annexation, the annexing
22 municipality may permit that franchisee to extend its community
23 antenna television system to the annexed area under terms and
24 conditions that are no more burdensome nor less favorable to
25 that franchisee than those imposed under any community antenna
26 television franchise applicable to the annexed area at the time

1 of annexation. The authorization to extend cable television
2 service to the annexed area and any community antenna
3 television system authorized to provide cable television
4 services within the annexed area at the time of annexation
5 shall not be subject to the provisions of subsection (e) of
6 this Section.

7 (b) "Community antenna television system" as used in this
8 Section, means any facility which is constructed in whole or in
9 part in, on, under or over any highway or other public place
10 and which is operated to perform for hire the service of
11 receiving and amplifying the signals broadcast by one or more
12 television stations and redistributing such signals by wire,
13 cable or other means to members of the public who subscribe to
14 such service except that such term does not include (i) any
15 system which serves fewer than 50 subscribers or (ii) any
16 system which serves only the residents of one or more apartment
17 dwellings under common ownership, control or management, and
18 commercial establishments located on the premises of such
19 dwellings.

20 (c) The authority hereby granted does not include the
21 authority to license or franchise telephone companies subject
22 to the jurisdiction of the Illinois Commerce Commission or the
23 Federal Communications Commission in connection with
24 furnishing circuits, wires, cables or other facilities to the
25 operator of a community antenna television system.

26 (c-1) Each franchise entered into by a county and a

1 community antenna television system shall include the customer
2 service and privacy standards and protections contained in the
3 Cable and Video Customers Protection Law. A franchise may not
4 contain different penalties, consumer service and privacy
5 standards and protections. Each franchise entered into by a
6 county and a community antenna television system before the
7 effective date of this amendatory Act of the 95th General
8 Assembly shall be amended by this section to incorporate the
9 penalty provisions, customer service and privacy standards and
10 protections contained in the Cable and Video Customers
11 Protection Law.

12 The County Board may, in the course of franchising such
13 community antenna television system, grant to such franchisee
14 the authority and the right and permission to use all public
15 streets, rights of way, alleys, ways for public service
16 facilities, parks, playgrounds, school grounds, or other
17 public grounds, in which such county may have an interest, for
18 the construction, installation, operation, maintenance,
19 alteration, addition, extension or improvement of a community
20 antenna television system.

21 Any charge imposed by a community antenna television system
22 franchised pursuant to this Section for the raising or removal
23 of cables or lines to permit passage on, to or from a street
24 shall not exceed the reasonable costs of work reasonably
25 necessary to safely permit such passage. Pursuant to
26 subsections (h) and (i) of Section 6 of Article VII of the

1 Constitution of the State of Illinois, the General Assembly
2 declares the regulation of charges which may be imposed by
3 community antenna television systems for the raising or removal
4 of cables or lines to permit passage on, to or from streets is
5 a power or function to be exercised exclusively by the State
6 and not to be exercised or performed concurrently with the
7 State by any unit of local government, including any home rule
8 unit.

9 The County Board may, upon written request by the
10 franchisee of a community antenna television system, exercise
11 its right of eminent domain solely for the purpose of granting
12 an easement right no greater than 8 feet in width, extending no
13 greater than 8 feet from any lot line for the purpose of
14 extending cable across any parcel of property in the manner
15 provided for by the law of eminent domain, provided, however,
16 such franchisee deposits with the county sufficient security to
17 pay all costs incurred by the county in the exercise of its
18 right of eminent domain.

19 Except as specifically provided otherwise in this Section,
20 this Section is not a limitation on any home rule county.

21 (d) The General Assembly finds and declares that
22 satellite-transmitted television programming should be
23 available to those who desire to subscribe to such programming
24 and that decoding devices should be obtainable at reasonable
25 prices by those who are unable to obtain satellite-transmitted
26 television programming through duly franchised community

1 antenna television systems.

2 In any instance in which a person is unable to obtain
3 satellite-transmitted television programming through a duly
4 franchised community antenna television system either because
5 the municipality and county in which such person resides has
6 not granted a franchise to operate and maintain a community
7 antenna television system, or because the duly franchised
8 community antenna television system operator does not make
9 cable television services available to such person, any
10 programming company that delivers satellite-transmitted
11 television programming in scrambled or encrypted form shall
12 ensure that devices for decryption of such programming are made
13 available to such person, through the local community antenna
14 television operator or directly, for purchase or lease at
15 prices reasonably related to the cost of manufacture and
16 distribution of such devices.

17 (e) The General Assembly finds and declares that, in order
18 to ensure that community antenna television services are
19 provided in an orderly, competitive and economically sound
20 manner, the best interests of the public will be served by the
21 establishment of certain minimum standards and procedures for
22 the granting of additional cable television franchises.

23 Subject to the provisions of this subsection, the authority
24 granted under subsection (a) hereof shall include the authority
25 to license, franchise and tax more than one cable operator to
26 provide community antenna television services within the

1 territorial limits of a single franchising authority. For
2 purposes of this subsection (e), the term:

3 (i) "Existing cable television franchise" means a
4 community antenna television franchise granted by a county
5 which is in use at the time such county receives an
6 application or request by another cable operator for a
7 franchise to provide cable antenna television services
8 within all or any portion of the territorial area which is
9 or may be served under the existing cable television
10 franchise.

11 (ii) "Additional cable television franchise" means a
12 franchise pursuant to which community antenna television
13 services may be provided within the territorial areas, or
14 any portion thereof, which may be served under an existing
15 cable television franchise.

16 (iii) "Franchising Authority" is defined as that term
17 is defined under Section 602(9) of the Cable Communications
18 Policy Act of 1984, Public Law 98-549.

19 (iv) "Cable operator" is defined as that term is
20 defined under Section 602(4) of the Cable Communications
21 Policy Act of 1984, Public Law 98-549.

22 Before granting an additional cable television franchise,
23 the franchising authority shall:

24 (1) Give written notice to the owner or operator of any
25 other community antenna television system franchised to
26 serve all or any portion of the territorial area to be

1 served by such additional cable television franchise,
2 identifying the applicant for such additional franchise
3 and specifying the date, time and place at which the
4 franchising authority shall conduct public hearings to
5 consider and determine whether such additional cable
6 television franchise should be granted.

7 (2) Conduct a public hearing to determine the public
8 need for such additional cable television franchise, the
9 capacity of public rights-of-way to accommodate such
10 additional community antenna television services, the
11 potential disruption to existing users of public
12 rights-of-way to be used by such additional franchise
13 applicant to complete construction and to provide cable
14 television services within the proposed franchise area,
15 the long term economic impact of such additional cable
16 television system within the community, and such other
17 factors as the franchising authority shall deem
18 appropriate.

19 (3) Determine, based upon the foregoing factors,
20 whether it is in the best interest of the county to grant
21 such additional cable television franchise.

22 (4) If the franchising authority shall determine that
23 it is in the best interest of the county to do so, it may
24 grant the additional cable television franchise. Except as
25 provided in paragraph (5) of this subsection (e), no such
26 additional cable television franchise shall be granted

1 under terms or conditions more favorable or less burdensome
2 to the applicant than those required under the existing
3 cable television franchise, including but not limited to
4 terms and conditions pertaining to the territorial extent
5 of the franchise, system design, technical performance
6 standards, construction schedules, performance bonds,
7 standards for construction and installation of cable
8 television facilities, service to subscribers, public
9 educational and governmental access channels and
10 programming, production assistance, liability and
11 indemnification, and franchise fees.

12 (5) Unless the existing cable television franchise
13 provides that any additional cable television franchise
14 shall be subject to the same terms or substantially
15 equivalent terms and conditions as those of the existing
16 cable television franchise, the franchising authority may
17 grant an additional cable television franchise under
18 different terms and conditions than those of the existing
19 franchise, in which event the franchising authority shall
20 enter into good faith negotiations with the existing
21 franchisee and shall, within 120 days after the effective
22 date of the additional cable television franchise, modify
23 the existing cable television franchise in a manner and to
24 the extent necessary to ensure that neither the existing
25 cable television franchise nor the additional cable
26 television franchise, each considered in its entirety,

1 provides a competitive advantage over the other, provided
2 that prior to modifying the existing cable television
3 franchise, the franchising authority shall have conducted
4 a public hearing to consider the proposed modification. No
5 modification in the terms and conditions of the existing
6 cable television franchise shall oblige the existing cable
7 television franchisee (1) to make any additional payment to
8 the franchising authority, including the payment of any
9 additional franchise fee, (2) to engage in any additional
10 construction of the existing cable television system or,
11 (3) to modify the specifications or design of the existing
12 cable television system; and the inclusion of the factors
13 identified in items (2) and (3) shall not be considered in
14 determining whether either franchise considered in its
15 entirety, has a competitive advantage over the other except
16 to the extent that the additional franchisee provides
17 additional video or data services or the equipment or
18 facilities necessary to generate and or carry such service.
19 No modification in the terms and conditions of the existing
20 cable television franchise shall be made if the existing
21 cable television franchisee elects to continue to operate
22 under all terms and conditions of the existing franchise.

23 If within the 120 day period the franchising authority
24 and the existing cable television franchisee are unable to
25 reach agreement on modifications to the existing cable
26 television franchise, then the franchising authority shall

1 modify the existing cable television franchise, effective
2 45 days thereafter, in a manner, and only to the extent,
3 that the terms and conditions of the existing cable
4 television franchise shall no longer impose any duty or
5 obligation on the existing franchisee which is not also
6 imposed under the additional cable television franchise;
7 however, if by the modification the existing cable
8 television franchisee is relieved of duties or obligations
9 not imposed under the additional cable television
10 franchise, then within the same 45 days and following a
11 public hearing concerning modification of the additional
12 cable television franchise within that 45 day period, the
13 franchising authority shall modify the additional cable
14 television franchise to the extent necessary to insure that
15 neither the existing cable television franchise nor the
16 additional cable television franchise, each considered in
17 its entirety, shall have a competitive advantage over the
18 other.

19 No county shall be subject to suit for damages based upon
20 the county's determination to grant or its refusal to grant an
21 additional cable television franchise, provided that a public
22 hearing as herein provided has been held and the franchising
23 authority has determined that it is in the best interest of the
24 county to grant or refuse to grant such additional franchise,
25 as the case may be.

26 It is declared to be the law of this State, pursuant to

1 paragraphs (h) and (i) of Section 6 of Article VII of the
2 Illinois Constitution, that the establishment of minimum
3 standards and procedures for the granting of additional cable
4 television franchises as provided in this subsection (e) is an
5 exclusive State power and function that may not be exercised
6 concurrently by a home rule unit.

7 (Source: P.A. 90-14, eff. 7-1-97; 90-285, eff. 7-31-97.)

8 (55 ILCS 5/5-1096.5 new)

9 Sec. 5-1096.5. Cable and video competition.

10 (a) A person or entity seeking to provide cable service or
11 video service in this State after the effective date of this
12 amendatory act of the 95th General Assembly shall either (1)
13 obtain a State-issued authorization pursuant to Section 401 of
14 the Cable and Video Competition Law of 2007 (220 ILCS
15 5/21-401); (2) obtain authorization pursuant to Section
16 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11);
17 or (3) obtain authorization pursuant to Section 5-1095 of the
18 Counties Code (55 ILCS 5/5-1095).

19 (b) A person or entity seeking to provide cable service or
20 video service in this State after the effective date of this
21 amendatory act of the 95th General Assembly shall not use the
22 public rights-of-way for the installation or construction of
23 facilities for the provision of cable service or video service
24 or offer cable service or video service until it has (i)
25 obtained a State-issued authorization to offer or provide cable

1 or video service under Section 401 of the Cable and Video
2 Competition Law of 2007; (ii) obtained authorization under
3 Section 11-42-11 of the Illinois Municipal Code; (iii) or
4 obtained authorization under Section 5-1095 of the Counties
5 Code. Nothing in this Section shall prohibit a local unit of
6 government from granting a permit to a person or entity for the
7 use of the public rights-of-way to install or construct
8 facilities to provide cable service or video service, at its
9 sole discretion. No unit of local government shall be liable
10 for denial or delay of a permit prior to the issuance of a
11 State-issued authorization.

12 (c) For the purposes of Section 5-1095(e), a State-issued
13 authorization under Article XXI of the Public Utilities Act
14 shall be considered substantially equivalent in terms and
15 conditions as an existing cable provider.

16 (d) Nothing in Article XXI of the Public Utilities Act
17 shall constitute a basis for modification of an existing cable
18 franchise or an injunction against or for the recovery of
19 damages from a municipality pursuant to Section 5-1095(e)
20 because of an application for or the issuance of a State-issued
21 authorization under that Article XXI.

22 Section 15-20. The Illinois Municipal Code is amended by
23 changing Section 11-42-11 and by adding Section 11-42-11.2 as
24 follows:

1 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

2 Sec. 11-42-11. Community antenna television systems;
3 satellite transmitted television programming.

4 (a) The corporate authorities of each municipality may
5 license, franchise and tax the business of operating a
6 community antenna television system as hereinafter defined. In
7 municipalities with less than 2,000,000 inhabitants, the
8 corporate authorities may, under the limited circumstances set
9 forth in this Section, own (or lease as lessee) and operate a
10 community antenna television system; provided that a
11 municipality may not acquire, construct, own, or operate a
12 community antenna television system for the use or benefit of
13 private consumers or users, and may not charge a fee for that
14 consumption or use, unless the proposition to acquire,
15 construct, own, or operate a cable antenna television system
16 has been submitted to and approved by the electors of the
17 municipality in accordance with subsection (f). Before
18 acquiring, constructing, or commencing operation of a
19 community antenna television system, the municipality shall
20 comply with the following:

21 (1) Give written notice to the owner or operator of any
22 other community antenna television system franchised to
23 serve all or any portion of the territorial area to be
24 served by the municipality's community antenna television
25 system, specifying the date, time, and place at which the
26 municipality shall conduct public hearings to consider and

1 determine whether the municipality should acquire,
2 construct, or commence operation of a community antenna
3 television system. The public hearings shall be conducted
4 at least 14 days after this notice is given.

5 (2) Publish a notice of the hearing in 2 or more
6 newspapers published in the county, city, village,
7 incorporated town, or town, as the case may be. If there is
8 no such newspaper, then notice shall be published in any 2
9 or more newspapers published in the county and having a
10 general circulation throughout the community. The public
11 hearings shall be conducted at least 14 days after this
12 notice is given.

13 (3) Conduct a public hearing to determine the means by
14 which construction, maintenance, and operation of the
15 system will be financed, including whether the use of tax
16 revenues or other fees will be required.

17 (b) The words "community antenna television system" shall
18 mean any facility which is constructed in whole or in part in,
19 on, under or over any highway or other public place and which
20 is operated to perform for hire the service of receiving and
21 amplifying the signals broadcast by one or more television
22 stations and redistributing such signals by wire, cable or
23 other means to members of the public who subscribe to such
24 service; except that such definition shall not include (i) any
25 system which serves fewer than fifty subscribers, or (ii) any
26 system which serves only the residents of one or more apartment

1 dwellings under common ownership, control or management, and
2 commercial establishments located on the premises of such
3 dwellings.

4 (c) The authority hereby granted does not include authority
5 to license, franchise or tax telephone companies subject to
6 jurisdiction of the Illinois Commerce Commission or the Federal
7 Communications Commission in connection with the furnishing of
8 circuits, wires, cables, and other facilities to the operator
9 of a community antenna television system.

10 (c-1) Each franchise entered into by a municipality and a
11 community antenna television system shall include the customer
12 service and privacy standards and protections contained in the
13 Cable and Video Customers Protection Law. A franchise may not
14 contain different penalties, consumer service and privacy
15 standards and protections Each franchise entered into by a
16 municipality and a community antenna television system before
17 the effective date of this amendatory Act of the 95th General
18 Assembly shall be amended by this section to incorporate the
19 penalty provisions, customer service and privacy standards and
20 protections contained in the Cable and Video Customers
21 Protection Law.

22 The corporate authorities of each municipality may, in the
23 course of franchising such community antenna television
24 system, grant to such franchisee the authority and the right
25 and permission to use all public streets, rights of way,
26 alleys, ways for public service facilities, parks,

1 playgrounds, school grounds, or other public grounds, in which
2 such municipality may have an interest, for the construction,
3 installation, operation, maintenance, alteration, addition,
4 extension or improvement of a community antenna television
5 system.

6 Any charge imposed by a community antenna television system
7 franchised pursuant to this Section for the raising or removal
8 of cables or lines to permit passage on, to or from a street
9 shall not exceed the reasonable costs of work reasonably
10 necessary to safely permit such passage. Pursuant to
11 subsections (h) and (i) of Section 6 of Article VII of the
12 Constitution of the State of Illinois, the General Assembly
13 declares the regulation of charges which may be imposed by
14 community antenna television systems for the raising or removal
15 of cables or lines to permit passage on, to or from streets is
16 a power or function to be exercised exclusively by the State
17 and not to be exercised or performed concurrently with the
18 State by any unit of local government, including any home rule
19 unit.

20 The municipality may, upon written request by the
21 franchisee of a community antenna television system, exercise
22 its right of eminent domain solely for the purpose of granting
23 an easement right no greater than 8 feet in width, extending no
24 greater than 8 feet from any lot line for the purpose of
25 extending cable across any parcel of property in the manner
26 provided by the law of eminent domain, provided, however, such

1 franchisee deposits with the municipality sufficient security
2 to pay all costs incurred by the municipality in the exercise
3 of its right of eminent domain.

4 (d) The General Assembly finds and declares that
5 satellite-transmitted television programming should be
6 available to those who desire to subscribe to such programming
7 and that decoding devices should be obtainable at reasonable
8 prices by those who are unable to obtain satellite-transmitted
9 television programming through duly franchised community
10 antenna television systems.

11 In any instance in which a person is unable to obtain
12 satellite-transmitted television programming through a duly
13 franchised community antenna television system either because
14 the municipality and county in which such person resides has
15 not granted a franchise to operate and maintain a community
16 antenna television system, or because the duly franchised
17 community antenna television system operator does not make
18 cable television services available to such person, any
19 programming company that delivers satellite-transmitted
20 television programming in scrambled or encrypted form shall
21 ensure that devices for description of such programming are
22 made available to such person, through the local community
23 antenna television operator or directly, for purchase or lease
24 at prices reasonably related to the cost of manufacture and
25 distribution of such devices.

26 (e) The General Assembly finds and declares that, in order

1 to ensure that community antenna television services are
2 provided in an orderly, competitive and economically sound
3 manner, the best interests of the public will be served by the
4 establishment of certain minimum standards and procedures for
5 the granting of additional cable television franchises.

6 Subject to the provisions of this subsection, the authority
7 granted under subsection (a) hereof shall include the authority
8 to license, franchise and tax more than one cable operator to
9 provide community antenna television services within the
10 corporate limits of a single franchising authority. For
11 purposes of this subsection (e), the term:

12 (i) "Existing cable television franchise" means a
13 community antenna television franchise granted by a
14 municipality which is in use at the time such municipality
15 receives an application or request by another cable
16 operator for a franchise to provide cable antenna
17 television services within all or any portion of the
18 territorial area which is or may be served under the
19 existing cable television franchise.

20 (ii) "Additional cable television franchise" means a
21 franchise pursuant to which community antenna television
22 services may be provided within the territorial areas, or
23 any portion thereof, which may be served under an existing
24 cable television franchise.

25 (iii) "Franchising Authority" is defined as that term
26 is defined under Section 602(9) of the Cable Communications

1 Policy Act of 1984, Public Law 98-549, but does not include
2 any municipality with a population of 1,000,000 or more.

3 (iv) "Cable operator" is defined as that term is
4 defined under Section 602(4) of the Cable Communications
5 Policy Act of 1984, Public Law 98-549.

6 Before granting an additional cable television franchise,
7 the franchising authority shall:

8 (1) Give written notice to the owner or operator of any
9 other community antenna television system franchised to
10 serve all or any portion of the territorial area to be
11 served by such additional cable television franchise,
12 identifying the applicant for such additional franchise
13 and specifying the date, time and place at which the
14 franchising authority shall conduct public hearings to
15 consider and determine whether such additional cable
16 television franchise should be granted.

17 (2) Conduct a public hearing to determine the public
18 need for such additional cable television franchise, the
19 capacity of public rights-of-way to accommodate such
20 additional community antenna television services, the
21 potential disruption to existing users of public
22 rights-of-way to be used by such additional franchise
23 applicant to complete construction and to provide cable
24 television services within the proposed franchise area,
25 the long term economic impact of such additional cable
26 television system within the community, and such other

1 factors as the franchising authority shall deem
2 appropriate.

3 (3) Determine, based upon the foregoing factors,
4 whether it is in the best interest of the municipality to
5 grant such additional cable television franchise.

6 (4) If the franchising authority shall determine that
7 it is in the best interest of the municipality to do so, it
8 may grant the additional cable television franchise.
9 Except as provided in paragraph (5) of this subsection (e),
10 no such additional cable television franchise shall be
11 granted under terms or conditions more favorable or less
12 burdensome to the applicant than those required under the
13 existing cable television franchise, including but not
14 limited to terms and conditions pertaining to the
15 territorial extent of the franchise, system design,
16 technical performance standards, construction schedules,
17 performance bonds, standards for construction and
18 installation of cable television facilities, service to
19 subscribers, public educational and governmental access
20 channels and programming, production assistance, liability
21 and indemnification, and franchise fees.

22 (5) Unless the existing cable television franchise
23 provides that any additional cable television franchise
24 shall be subject to the same terms or substantially
25 equivalent terms and conditions as those of the existing
26 cable television franchise, the franchising authority may

1 grant an additional cable television franchise under
2 different terms and conditions than those of the existing
3 franchise, in which event the franchising authority shall
4 enter into good faith negotiations with the existing
5 franchisee and shall, within 120 days after the effective
6 date of the additional cable television franchise, modify
7 the existing cable television franchise in a manner and to
8 the extent necessary to ensure that neither the existing
9 cable television franchise nor the additional cable
10 television franchise, each considered in its entirety,
11 provides a competitive advantage over the other, provided
12 that prior to modifying the existing cable television
13 franchise, the franchising authority shall have conducted
14 a public hearing to consider the proposed modification. No
15 modification in the terms and conditions of the existing
16 cable television franchise shall oblige the existing cable
17 television franchisee (1) to make any additional payment to
18 the franchising authority, including the payment of any
19 additional franchise fee, (2) to engage in any additional
20 construction of the existing cable television system or,
21 (3) to modify the specifications or design of the existing
22 cable television system; and the inclusion of the factors
23 identified in items (2) and (3) shall not be considered in
24 determining whether either franchise considered in its
25 entirety, has a competitive advantage over the other except
26 to the extent that the additional franchisee provides

1 additional video or data services or the equipment or
2 facilities necessary to generate and or carry such service.
3 No modification in the terms and conditions of the existing
4 cable television franchise shall be made if the existing
5 cable television franchisee elects to continue to operate
6 under all terms and conditions of the existing franchise.

7 If within the 120 day period the franchising authority
8 and the existing cable television franchisee are unable to
9 reach agreement on modifications to the existing cable
10 television franchise, then the franchising authority shall
11 modify the existing cable television franchise, effective
12 45 days thereafter, in a manner, and only to the extent,
13 that the terms and conditions of the existing cable
14 television franchise shall no longer impose any duty or
15 obligation on the existing franchisee which is not also
16 imposed under the additional cable television franchise;
17 however, if by the modification the existing cable
18 television franchisee is relieved of duties or obligations
19 not imposed under the additional cable television
20 franchise, then within the same 45 days and following a
21 public hearing concerning modification of the additional
22 cable television franchise within that 45 day period, the
23 franchising authority shall modify the additional cable
24 television franchise to the extent necessary to insure that
25 neither the existing cable television franchise nor the
26 additional cable television franchise, each considered in

1 its entirety, shall have a competitive advantage over the
2 other.

3 No municipality shall be subject to suit for damages based
4 upon the municipality's determination to grant or its refusal
5 to grant an additional cable television franchise, provided
6 that a public hearing as herein provided has been held and the
7 franchising authority has determined that it is in the best
8 interest of the municipality to grant or refuse to grant such
9 additional franchise, as the case may be.

10 It is declared to be the law of this State, pursuant to
11 paragraphs (h) and (i) of Section 6 of Article VII of the
12 Illinois Constitution, that the establishment of minimum
13 standards and procedures for the granting of additional cable
14 television franchises by municipalities with a population less
15 than 1,000,000 as provided in this subsection (e) is an
16 exclusive State power and function that may not be exercised
17 concurrently by a home rule unit.

18 (f) No municipality may acquire, construct, own, or operate
19 a community antenna television system unless the corporate
20 authorities adopt an ordinance. The ordinance must set forth
21 the action proposed; describe the plant, equipment, and
22 property to be acquired or constructed; and specifically
23 describe the manner in which the construction, acquisition, and
24 operation of the system will be financed.

25 The ordinance may not take effect until the question of
26 acquiring, construction, owning, or operating a community

1 antenna television system has been submitted to the electors of
2 the municipality at a regular election and approved by a
3 majority of the electors voting on the question. The corporate
4 authorities must certify the question to the proper election
5 authority, which must submit the question at an election in
6 accordance with the Election Code.

7 The question must be submitted in substantially the
8 following form:

9 Shall the ordinance authorizing the municipality to
10 (insert action authorized by ordinance) take effect?

11 The votes must be recorded as "Yes" or "No".

12 If a majority of electors voting on the question vote in
13 the affirmative, the ordinance shall take effect.

14 Not more than 30 or less than 15 days before the date of
15 the referendum, the municipal clerk must publish the ordinance
16 at least once in one or more newspapers published in the
17 municipality or, if no newspaper is published in the
18 municipality, in one or more newspapers of general circulation
19 within the municipality.

20 (Source: P.A. 90-285, eff. 7-31-97; 91-648, eff. 1-1-00.)

21 (65 ILCS 5/11-42-11.2 new)

22 Sec. 11-42-11.2. Cable and video competition.

23 (a) A person or entity seeking to provide cable service or
24 video service in this State after the effective date of this
25 amendatory act of the 95th General Assembly shall either (1)

1 obtain a State-issued authorization pursuant to Section 401 of
2 the Cable and Video Competition Law of 2007; (2) obtain
3 authorization pursuant to Section 11-42-11 of the Illinois
4 Municipal Code; or (3) obtain authorization pursuant to Section
5 5-1095 of the Counties Code. All providers offering or
6 providing cable or video service in this State shall have
7 authorization pursuant to either (i) the Cable and Video
8 Competition Law of 2007; (ii) Section 11-42-11 of the Illinois
9 Municipal Code; (iii) Section 5-1095 of the Counties Code.

10 (b) A person or entity seeking to provide cable service or
11 video service in this State after the effective date of this
12 amendatory act of the 95th General Assembly shall not use the
13 public rights-of-way for the installation or construction of
14 facilities for the provision of cable service or video service
15 or offer cable service or video service until it has (i)
16 obtained a State-issued authorization to offer or provide cable
17 or video service under Section 401 of the Cable and Video
18 Competition Law of 2007; (ii) obtained authorization under
19 Section 11-42-11 of the Illinois Municipal Code; (iii) or
20 obtained authorization under Section 5-1095 of the Counties
21 Code. Nothing in this Section shall prohibit a local unit of
22 government from granting a permit to a person or entity for the
23 use of the public rights-of-way to install or construct
24 facilities to provide cable service or video service, at its
25 sole discretion. No unit of local government shall be liable
26 for denial or delay of a permit prior to the issuance of a

1 State-issued authorization.

2 (c) For the purposes of Section 11-42-11(e), a State-issued
3 authorization under Article XXI of the Public Utilities Act
4 shall be considered substantially equivalent in terms and
5 conditions as an existing cable provider.

6 (d) Nothing in Article XXI of the Public Utilities Act
7 shall constitute a basis for modification of an existing cable
8 franchise or an injunction against or for the recovery of
9 damages from a municipality pursuant to Section 11-42-11
10 because of an application for or the issuance of a State-issued
11 authorization under that Article XXI.

12 Section 15-25. The Public Utilities Act is amended by
13 adding the heading of Article 70 and Sections 13-507.1, 70-501,
14 70-502, and 70-503 as follows:

15 (220 ILCS 5/13-507.1 new)

16 Sec. 13-507.1. In any proceeding permitting, approving,
17 investigating, or establishing rates, charges,
18 classifications, or tariffs for telecommunications services
19 classified as noncompetitive offered or provided by an
20 incumbent local exchange carrier as that term is defined in
21 Section 13-202.1 of the Public Utilities Act, the Commission
22 shall not allow any subsidy of Internet services, cable
23 services, or video services by the rates or charges for local
24 exchange telecommunications services, including local services

1 classified as noncompetitive.

2 (220 ILCS 5/Art. 70 heading new)

3 ARTICLE 70. CABLE AND VIDEO CUSTOMER PROTECTION LAW

4 (220 ILCS 5/70-501 new)

5 Sec. 70-501. Customer service and privacy protection. All
6 cable or video providers in this State shall comply with the
7 following customer service requirements and privacy
8 protections. The provisions of this Act shall not apply to an
9 incumbent cable operator prior to January 1, 2008. For purposes
10 of this paragraph, an incumbent cable operator means a person
11 or entity that provided cable services in a particular area
12 under a franchise agreement with a local unit of government
13 pursuant to Section 11-42-11 of the Illinois Municipal Code or
14 Section 5-1095 of the Counties Code on January 1, 2007. A
15 master antenna television, satellite master antenna
16 television, direct broadcast satellite, multipoint
17 distribution service, and other provider of video programming
18 shall only be subject to the provisions of this Article to the
19 extent permitted by federal law. The following definitions
20 apply to the terms used in this Article:

21 "Basic cable or video service" means any service offering
22 or tier which includes the retransmission of local television
23 broadcast signals.

24 "Cable or video provider" means any person or entity

1 providing cable service or video service pursuant to
2 authorization under (i) the Cable and Video Competition Law of
3 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
4 (iii) Section 5-1095 of the Counties Code; or (iv) a master
5 antenna television, satellite master antenna television,
6 direct broadcast satellite, multipoint distribution services,
7 and other providers of video programming, whatever their
8 technology. A cable or video provider shall not include a
9 landlord providing only broadcast video programming to a
10 single-family home or other residential dwelling consisting of
11 four units or less.

12 "Franchise" has the same meaning as found in 47 U.S.C.
13 522(9).

14 "Local unit of government" means a city, village,
15 incorporated town, or a county.

16 "Normal business hours" means those hours during which most
17 similar businesses in the geographic area of the local unit of
18 government are open to serve customers. In all cases, "normal
19 business hours" must include some evening hours at least one
20 night per week or some weekend hours.

21 "Normal operating conditions" means those service
22 conditions that are within the control of cable or video
23 providers. Those conditions that are not within the control of
24 cable or video providers include, but are not limited to,
25 natural disasters, civil disturbances, power outages,
26 telephone network outages, and severe or unusual weather

1 conditions. Those conditions that are ordinarily within the
2 control of cable or video providers include, but are not
3 limited to, special promotions, pay-per-view events, rate
4 increases, regular peak or seasonal demand periods, and
5 maintenance or upgrade of the cable service or video service
6 network.

7 "Service interruption" means the loss of picture or sound
8 on one or more cable service or video service on one or more
9 cable or video channels.

10 "Service line drop" means the point of connection between a
11 premises and the cable or video network that enables the
12 premises to receive cable service or video service.

13 (a) General customer service standards:

14 (1) Cable or video providers shall establish
15 general standards related to customer service, which
16 shall include, but not be limited to, installation,
17 disconnection, service and repair obligations;
18 appointment hours, and employee ID requirements;
19 customer service telephone numbers and hours;
20 procedures for billing, charges, deposits, refunds,
21 and credits; procedures for termination of service;
22 notice of deletion of programming service, changes
23 related to transmission of programming; changes or
24 increases in rates; the use and availability of
25 parental control or lock-out devices; the use and
26 availability of A/B switch if applicable; complaint

1 procedures and procedures for bill dispute resolution;
2 a description of the rights and remedies available to
3 consumers if the cable or video provider does not
4 materially meet their customer service standards; and
5 special services for customers with visual, hearing or
6 mobility disabilities.

7 (2) Cable or video providers' rates for each level
8 of service, rules, regulations and policies related to
9 its cable service or video service described in
10 subsection (a) (1) must be made available to the public
11 and displayed clearly and conspicuously on the cable or
12 video provider's site on the Internet. If a promotional
13 price or a price for a specified period of time is
14 offered, the cable or video provider shall display the
15 price at the end of the promotional period or specified
16 period of time clearly and conspicuously with the
17 display of the promotional price or price for a
18 specified period of time. The cable or video provider
19 shall provide this information upon request.

20 (3) Cable or video providers shall provide notice
21 concerning their general customer service standards to
22 all customers. This notice shall be offered when
23 service is first activated and annually thereafter.
24 The information in the notice shall include all of the
25 information specified in subsection (a) (1), as well as
26 the following: a listing of services offered by the

1 cable or video providers, which shall clearly describe
2 programming for all services and all levels of service;
3 the rates for all services and levels of service;
4 telephone number(s) through which customers may
5 subscribe to, change, or terminate service, request
6 customer service or seek general or billing
7 information; instructions on the use of the cable or
8 video services; and, a description of rights and
9 remedies that the cable or video providers shall make
10 available to their customers if they do not materially
11 meet the general customer service standards described
12 in this Act.

13 (b) General customer service obligations:

14 (1) Cable or video providers shall render
15 reasonably efficient service, promptly make repairs,
16 and interrupt service only as necessary and for good
17 cause, during periods of minimum use of the system and
18 for no more than 24 hours.

19 (2) All service representatives or any other
20 person who contacts customers or potential customers
21 on behalf of the cable or video provider shall have a
22 visible identification card with their name and
23 photograph and shall orally identify themselves upon
24 first contact with the customer. Customer service
25 representatives shall orally identify themselves to
26 callers immediately following the greeting during each

1 telephone contact with the public.

2 (3) The cable or video providers shall: (i)
3 maintain a customer service facility within the
4 boundaries of a local unit of government staffed by
5 customer service representatives that have the
6 capacity to accept payment, adjust bills, respond to
7 repair, installation, reconnection, disconnection, or
8 other service calls; distribute or receive converter
9 boxes, remote control units, digital stereo units or
10 other equipment related to the provision of cable or
11 video service; or (ii) provide customers with bill
12 payment facilities through retail, financial, or other
13 commercial institutions located within the boundaries
14 of a local unit of government; or (iii) provide an
15 address, toll-free telephone number or electronic
16 address to accept bill payments and correspondence,
17 and provide secure collection boxes for the receipt of
18 bill payments and the return of equipment, provided
19 that if a cable or video provider provides secure
20 collection boxes, it shall provide a printed receipt
21 when items are deposited; or (iv) provide an address,
22 toll-free telephone number or electronic address to
23 accept bill payments and correspondence, and provide a
24 method for customers to return equipment to the cable
25 or video provider at no cost to the customer.

26 (4) In each contact with a customer, the service

1 representatives or any other person who contacts
2 customers or potential customers on behalf of the cable
3 or video provider, shall state the estimated cost of
4 the service, repair, or installation orally prior to
5 delivery of the service or before any work is
6 performed, and shall provide the customer with an oral
7 statement of the total charges before terminating the
8 telephone call or other contact in which a service is
9 ordered, whether in-person or over the Internet, and
10 shall provide a written statement of the total charges
11 before leaving the location at which the work was
12 performed. In the event that the cost of service is a
13 promotional price or is for a limited period of time,
14 the cost of service at the end of the promotion or
15 limited period of time shall be disclosed.

16 (5) Cable or video providers shall provide
17 customers a minimum of 30 days' written notice before
18 increasing rates or eliminating transmission of
19 programming and shall submit the notice to the local
20 unit of government in advance of distribution to
21 customers in advance of distribution to customers,
22 provided that the cable or video provider is not in
23 violation of this provision if the elimination of
24 transmission of programming was outside the control of
25 the provider, in which case the provider shall use
26 reasonable efforts to provide as much as notice as

1 possible and any rate decrease related to the
2 elimination of transmission of programming shall be
3 applied to the date of the change.

4 (6) Cable or video providers shall provide clear
5 visual and audio reception that meets or exceeds
6 applicable Federal Communications Commission technical
7 standards. If a customer experiences poor video or
8 audio reception due to the equipment of the cable or
9 video provider, the cable or video provider shall
10 promptly repair the problem at its own expense.

11 (c) Bills, payment and termination:

12 (1) Cable or video providers shall render monthly
13 bills that are clear, accurate and understandable.

14 (2) Every residential customer who pays bills
15 directly to the cable or video provider shall have at
16 least 28 days from the date of the bill to pay the
17 listed charges.

18 (3) Customer payments shall be posted promptly.
19 When the payment is sent by United States Mail, payment
20 is considered paid on the date it is postmarked.

21 (4) Cable or video providers may not terminate
22 residential service for nonpayment of a bill unless the
23 cable or video provider furnishes notice of the
24 delinquency and impending termination at least 21 days
25 prior to the proposed termination. Notice of proposed
26 termination shall be mailed, postage prepaid, to the

1 customer to whom service is billed. Notice of proposed
2 termination shall not be mailed until the 29th day
3 after the date of the bill for services. Notice of
4 delinquency and impending termination may be part of a
5 billing statement only if the notice is presented in a
6 different color than the bill and is designed to be
7 conspicuous. The cable or video providers may not
8 assess a late fee prior to the 29th day after the date
9 of the bill for service.

10 (5) Every notice of impending termination shall
11 include all of the following: name and address of
12 customer; amount of delinquency; date on which payment
13 is required to avoid termination; and the telephone
14 number of the cable or video provider's service
15 representative to make payment arrangements and to
16 provide additional information about the charges for
17 failure to return equipment and for reconnection, if
18 any. No customer may be charged a fee for termination
19 or disconnection of service, irrespective of whether
20 the customer initiated termination or disconnection or
21 the cable or video provider initiated termination or
22 disconnection.

23 (6) Service may only be terminated on days when the
24 customer is able to reach a service representative of
25 the cable or video providers, either in person or by
26 telephone.

1 (7) Any service terminated by a cable or video
2 provider without good cause shall be restored without
3 any reconnection fee, charge or penalty; good cause for
4 termination includes, but is not limited to, failure to
5 pay a bill by the date specified in the notice of
6 impending termination, payment by check for which
7 there are insufficient funds, theft of service, abuse
8 of equipment or personnel or other similar subscriber
9 actions.

10 (8) Cable or video providers shall cease charging a
11 customer for any or all services within 1 business day
12 after it receives a request to immediately terminate
13 service or on the day requested by the customer if such
14 a date is at least 5 days from the date requested by
15 the customer. Nothing in this subsection shall
16 prohibit the provider from billing for charges that the
17 customer incurs prior to the date of termination. Cable
18 or video providers shall issue a credit, a refund, or
19 return a deposit within 10 business days after the
20 close of the customer's billing cycle following the
21 request for termination or the return of equipment, if
22 any, whichever is later.

23 (9) The customers or subscribers of a cable or
24 video provider shall be allowed to disconnect their
25 service at any time within the first 60 days after
26 subscribing to or upgrading the service. Within this 60

1 day period, cable or video providers shall not charge
2 or impose any fees or penalties on the customer for
3 disconnecting service, including, but not limited to,
4 any installation charge, the imposition of an early
5 termination charge, except the cable or video provider
6 may impose a charge or fee to offset any rebates or
7 credits received by the customer, and may impose
8 monthly service or maintenance charges, including
9 pay-per-view and premium services charges, during such
10 60 day period.

11 (10) Cable and video providers shall guarantee
12 customer satisfaction for new or upgraded service and
13 the customer shall receive a pro-rata credit in an
14 amount equal to the pro-rata charge for the remaining
15 days of service being disconnected or replaced upon the
16 customers request if the customer is dissatisfied with
17 the service and requests to discontinue the service
18 within the first 60 days after subscribing to the
19 upgraded service.

20 (d) Response to customer inquiries:

21 (1) Cable or video providers will maintain a
22 toll-free telephone access line that will be available
23 to customers 24 hours a day, seven days a week, to
24 accept calls regarding installation, termination,
25 service, and complaints. Trained, knowledgeable,
26 qualified service representatives of the cable or

1 video providers will be available to respond to
2 customer telephone inquiries during normal business
3 hours. Customer service representatives shall be able
4 to provide credit, waive fees, schedule appointments
5 and change billing cycles. Any difficulties that
6 cannot be resolved by the customer service
7 representatives shall be referred to a supervisor who
8 shall make best efforts to resolve the issue
9 immediately. If the supervisor does not resolve the
10 issue to the customer's satisfaction, the customer
11 shall be informed of the cable or video provider's
12 complaint procedures and procedures for billing
13 dispute resolution and given a description of the
14 rights and remedies available to customers to enforce
15 the terms of this Article, including the customer's
16 rights to have the complaint reviewed by the local unit
17 of government, to request mediation, and to review in a
18 court of competent jurisdiction.

19 (2) After normal business hours, the access line
20 may be answered by a service or an automated response
21 system, including an answering machine. Inquiries
22 received by telephone or e-mail after normal business
23 hours shall be responded to by a trained service
24 representative on the next business day. The cable or
25 video provider shall respond to a written billing
26 inquiry within 10 days of receipt of the inquiry.

1 (3) Cable or video providers shall provide
2 customers seeking non-standard installations with a
3 total installation cost estimate and an estimated date
4 of completion. The actual charge to the customer shall
5 not exceed 10% of the estimated cost without the
6 written consent of the customer.

7 (4) If the cable or video provider receives notice
8 that an unsafe condition exists with respect to its
9 equipment, it shall investigate such condition
10 immediately, and shall take such measures as are
11 necessary to remove or eliminate the unsafe condition.
12 The cable or video provider shall inform the local unit
13 of government promptly, but no later than 2 hours after
14 it receives notification of an unsafe condition that it
15 has not remedied.

16 (5) Under normal operating conditions, telephone
17 answer time by the cable or video provider's customer
18 representative, including wait time, shall not exceed
19 30 seconds when the connection is made. If the call
20 needs to be transferred, transfer time shall not exceed
21 30 seconds. These standards shall be met no less than
22 90% of the time under normal operating conditions,
23 measured on a quarterly basis.

24 (6) Under normal operating conditions, the cable
25 or video provider's customers will receive a busy
26 signal less than 3% of the time.

1 (e) Installations, Outages and Service Calls. Under
2 normal operating conditions, each of the following
3 standards related to installations, outages and service
4 calls will be met no less than 95% of the time measured on
5 a quarterly basis:

6 (1) Standard installations will be performed
7 within 7 business days after an order has been placed.
8 "Standard" installations are those that are located up
9 to 125 feet from the existing distribution system;

10 (2) Excluding conditions beyond the control of the
11 cable or video providers, the cable or video providers
12 will begin working on "service interruptions" promptly
13 and in no event later than 24 hours after the
14 interruption is reported by the customer or otherwise
15 becomes known to the cable or video providers. Cable or
16 video providers must begin actions to correct other
17 service problems the next business day after
18 notification of the service problem and correct the
19 problem within 48 hours after the interruption is
20 reported by the customer 95% of the time, measured on a
21 quarterly basis;

22 (3) The "appointment window" alternatives for
23 installations, service calls, and other installation
24 activities will be either a specific time or, at a
25 maximum, a four hour time block during evening, weekend
26 and normal business hours. The cable or video provider

1 may schedule service calls and other installation
2 activities outside of these hours for the express
3 convenience of the customer; and

4 (4) Cable or video providers may not cancel an
5 appointment with a customer after 5:00 p.m. on the
6 business day prior to the scheduled appointment. If the
7 cable or video provider's representative is running
8 late for an appointment with a customer and will not be
9 able to keep the appointment as scheduled, the customer
10 will be contacted. The appointment will be
11 rescheduled, as necessary, at a time which is
12 convenient for the customer, even if the rescheduled
13 appointment is not within normal business hours.

14 (f) Public benefit obligation:

15 (1) All cable or video providers offering service
16 pursuant to the Cable and Video Competition Law of
17 2007, the Illinois Municipal Code, or the Counties
18 Code, shall provide a free service line drop and free
19 basic service to all current and future public
20 buildings within their footprint, including, but not
21 limited to, all local unit of government buildings,
22 public libraries, and public primary and secondary
23 schools, whether owned or leased by that local unit of
24 government ("eligible buildings"). Such service shall
25 be used in a manner consistent with the government
26 purpose for the eligible building and shall not be

1 resold.

2 (2) This obligation only applies to those cable or
3 video service providers whose cable service or video
4 service systems pass eligible buildings and its cable
5 or video service is generally available to residential
6 subscribers in the same local unit of government in
7 which the eligible building is located. The burden of
8 providing such service at each eligible building shall
9 be shared by all cable and video providers whose
10 systems pass the eligible buildings in an equitable and
11 competitively neutral manner, and nothing herein shall
12 require duplicative installations by more than one
13 cable or video provider at each eligible building.
14 Cable or video providers operating in a local unit of
15 government shall meet as necessary and determine who
16 will provide service to eligible building under this
17 subsection. If the cable or video providers are unable
18 to reach agreement, they shall meet with the local unit
19 of government which shall determine which cable or
20 video providers will serve each eligible building. The
21 local unit of government shall bear the costs of any
22 inside wiring or video equipment costs not ordinarily
23 provided as part of the cable or video provider's basic
24 offering.

25 (g) After the cable or video providers have offered
26 service for one (1) year, the cable or video providers

1 shall make an annual report to the Commission, the local
2 unit of government and to the Attorney General that it is
3 meeting the standards specified in this Article,
4 identifying the number of complaints it received over the
5 prior year in the State, and specifying the number of
6 complaints related to each of the following: (1) billing,
7 charges, refunds, credits; (2) installation or termination
8 of service; (3) quality of service and repair; (4)
9 programming; and (5) miscellaneous complaints that do not
10 fall within these categories. Thereafter, the cable or
11 video providers shall also provide, upon request by the
12 local unit of government where service is offered and to
13 the Attorney General, an annual public report that includes
14 performance data described in subsections (d) (5), (d) (6),
15 (e) (1) and (e) (2) of this Section for cable services or
16 video services. The performance data shall be
17 disaggregated for each requesting local unit of government
18 or local exchange, as that term is defined in Section
19 13-206 of the Public Utilities Act, in which the cable or
20 video providers have customers.

21 (h) To the extent consistent with federal law, cable or
22 video providers shall offer the lowest-cost basic cable or
23 video service as a stand-alone service to residential
24 customers at reasonable rates. Cable or video providers
25 shall not require the subscription to any service other
26 than the lowest-cost basic service or to any

1 telecommunications or information service, as a condition
2 of access to cable or video service, including programming
3 offered on a per channel or per program basis. Cable or
4 video providers shall not discriminate between subscribers
5 to the lowest-cost basic service, subscribers to other
6 cable services or video services, and other subscribers
7 with regard to the rates charged for cable or video
8 programming offered on a per channel or per program basis.

9 (i) To the extent consistent with federal law, cable or
10 video providers shall ensure that charges for changes in
11 the subscriber's selection of services or equipment shall
12 be based on the cost of such change and shall not exceed
13 nominal amounts when the system's configuration permits
14 changes in service tier selection to be effected solely by
15 coded entry on a computer terminal or by other similarly
16 simple method.

17 (j) To the extent consistent with federal law, cable or
18 video providers shall have a rate structure for the
19 provision of cable or video service that is uniform
20 throughout the area within the boundaries of the local unit
21 of government. This subsection is not intended to prohibit
22 bulk discounts to multiple dwelling units or to prohibit
23 reasonable discounts to senior citizens or other
24 economically disadvantaged groups.

25 (k) To the extent consistent with federal law, cable or
26 video providers shall not charge a subscriber for any

1 service or equipment that the subscriber has not
2 affirmatively requested by name. For purposes of this
3 subsection, a subscriber's failure to refuse a cable or
4 video provider's proposal to provide service or equipment
5 shall not be deemed to be an affirmative request for such
6 service or equipment.

7 (l) No contract or service offering cable services or
8 video services or any bundle including such services shall
9 be for a term longer than one year. Any contract or service
10 offering with a term of service that contains an early
11 termination fee shall limit the early termination fee to
12 not more than the amount of the discount reflected in the
13 price for cable services or video services for the period
14 during which the consumer benefited from the discount.

15 (m) Cable or video providers shall not discriminate in
16 the provision of services for the hearing and visually
17 impaired, and shall comply with the accessibility
18 requirements of 47 U.S.C. 613. Cable or video providers
19 shall deliver and pick-up, or provide customers with
20 pre-paid shipping and packaging for the return of,
21 converters and other necessary equipment at the home of
22 customers with disabilities. Cable or video provider shall
23 provide free use of a converter or remote control unit to
24 mobility impaired customers.

25 (n) (1) To the extent consistent with federal law, cable
26 or video providers shall comply with the provisions of 47

1 U.S.C. 532(h) and (j). The cable or video providers shall
2 not exercise any editorial control over any video
3 programming provided pursuant to this section, or in any
4 other way consider the content of such programming, except
5 that a cable or video provider may refuse to transmit any
6 leased access program or portion of a leased access program
7 which contains obscenity, indecency, or nudity and may
8 consider such content to the minimum extent necessary to
9 establish a reasonable price for the commercial use of
10 designated channel capacity by an unaffiliated person.
11 This subsection shall permit cable or video providers to
12 enforce prospectively a written and published policy of
13 prohibiting programming that the cable or video provider
14 reasonably believes describes or depicts sexual or
15 excretory activities or organs in a patently offensive
16 manner as measured by contemporary community standards.

17 (2) Upon customer request, the cable or video
18 provider shall, without charge, fully scramble or
19 otherwise fully block the audio and video programming
20 of each channel carrying such programming so that a
21 person who is not a subscriber does not receive the
22 channel or programming.

23 (3) In providing sexually explicit adult
24 programming or other programming that is indecent on
25 any channel of its service primarily dedicated to
26 sexually-oriented programming, the cable or video

1 provider shall fully scramble or otherwise fully block
2 the video and audio portion of such channel so that one
3 not a subscriber to such channel or programming does
4 not receive it.

5 (4) Scramble means to rearrange the content of the
6 signal of the programming so that the programming
7 cannot be viewed or heard in an understandable manner.

8 (o) Cable or video providers will maintain a listing,
9 specific to the level of street address, of the areas where
10 its cable or video services are available. Customers who
11 inquire about purchasing cable or video service shall be
12 informed about whether the cable or video provider's cable
13 or video services are currently available to them at their
14 specific location.

15 (p) Privacy protections. Cable or video providers
16 shall not disclose the name, address, telephone number or
17 other personally identifying information of a cable
18 service or video service customer to be used in mailing
19 lists or to be used for other commercial purposes not
20 reasonably related to the conduct of its business unless
21 the cable or video provider has provided to the customer a
22 notice, separately or included in any other customer
23 service notice, that clearly and conspicuously describes
24 the customer's ability to prohibit the disclosure. Cable or
25 video providers shall provide an address and telephone
26 number for a customer to use without toll charge to prevent

1 disclosure of the customer's name and address in mailing
2 lists or for other commercial purposes not reasonably
3 related to the conduct of its business to other businesses
4 or affiliates of the cable or video provider. Cable or
5 video providers shall comply with the consumer privacy
6 requirements of the Communications Consumer Privacy Act,
7 the Restricted Call Registry Act, and 47 U.S.C. 551 that
8 are in effect as of the effective date of this amendatory
9 act of the 95th General Assembly, and as amended
10 thereafter.

11 (q) Cable or video providers shall implement an
12 informal process for handling inquiries from local unit of
13 government and customers concerning billing issues,
14 service issues, privacy concerns and other consumer
15 complaints. In the event an issue is not resolved through
16 this informal process, a local unit of government or the
17 customer may request nonbinding mediation with the cable or
18 video provider, with each party to bear its own costs of
19 such mediation. Selection of the mediator will be by mutual
20 agreement, and preference will be given to mediation
21 services that do not charge the consumer for their
22 services. In the event the informal process does not
23 produce a satisfactory result to the customer or the local
24 unit of government, enforcement may be pursued as provided
25 in subsection (r) (4).

26 (r) The Attorney General and the local unit of

1 government may enforce all of the customer service and
2 privacy protection standards of this Section with respect
3 to complaints received from residents within the local unit
4 of government's jurisdiction, but it may not adopt or seek
5 to enforce any additional or different customer service or
6 performance standards under any other authority or
7 provision of law.

8 (1) The local unit of government may, by ordinance,
9 provide a schedule of penalties for any material breach
10 of this Section by cable or video providers in addition
11 to the penalties provided herein. No monetary
12 penalties shall be assessed for a material breach if it
13 is out of the reasonable control of the cable or video
14 providers or its affiliate. Monetary penalties adopted
15 in an ordinance pursuant to this Section shall apply on
16 a competitively neutral basis to all providers of cable
17 service or video service within the local unit of
18 government's jurisdiction and in no event shall the
19 penalties imposed under this subsection exceed \$750
20 for each day of the material breach, and shall not
21 exceed \$25,000 for each occurrence of a material breach
22 per customer.

23 (2) For purposes of this section, "material
24 breach" means any substantial failure of a cable or
25 video service provider to comply with service quality
26 and other standards specified in any provision of this

1 Act. The Attorney General or the local unit of
2 government shall give the cable or video provider
3 written notice of any alleged material breaches of this
4 Act and allow such provider at least 30 days from
5 receipt of the notice to remedy the specified material
6 breach.

7 (3) A material breach, for the purposes of
8 assessing penalties, shall be deemed to have occurred
9 for each day that a material breach has not been
10 remedied by the cable service or video service provider
11 after the expiration of the period specified in
12 subsection (r)(2) in each local unit of government's
13 jurisdiction, irrespective of the number of customers
14 affected.

15 (4) Any customer, the Attorney General, or local
16 unit of government may pursue alleged violations of
17 this Act by the cable or video provider in a court of
18 competent jurisdiction. A cable or video provider may
19 seek judicial review of a decision of a local unit of
20 government imposing penalties in a court of competent
21 jurisdiction. No local unit of government shall be
22 subject to suit for damages or other relief based upon
23 its action in connection with its enforcement or review
24 of any of the terms, conditions, and rights contained
25 in this Act except a court may require the return of
26 any penalty it finds was not properly assessed or

1 imposed.

2 (s) Cable or video providers shall credit customers for
3 violations in the amounts stated herein. The credits shall
4 be applied on the statement issued to the customer for the
5 next monthly billing cycle following the violation or
6 following the discovery of the violation. Cable or video
7 providers are responsible for providing the credits
8 described herein and the customer is under no obligation to
9 request the credit. If the customer is no longer taking
10 service from the cable or video provider, the credit amount
11 will be refunded to the customer by check within 30 days of
12 the termination of service. A local unit of government may,
13 by ordinance, adopt a schedule of credits payable directly
14 to customers for breach of the customer service standards
15 and obligations contained in this Article, provided the
16 schedule of customer credits applies on a competitively
17 neutral basis to all providers of cable service or video
18 service in the local unit of government's jurisdiction and
19 the credits are not greater than the credits provided in
20 this Section.

21 (1) Failure to provide notice of customer service
22 standards upon initiation of service: \$25.00.

23 (2) Failure to install service within 7 days:
24 Waiver of 50% of the installation fee or the monthly
25 fee for the lowest-cost basic service, whichever is
26 greater. Failure to install service within 14 days:

1 Waiver of 100% of the installation fee or the monthly
2 fee for the lowest-cost basic service, whichever is
3 greater.

4 (3) Failure to remedy service interruptions or
5 poor video or audio service quality within 48 hours:
6 Pro-rata credit of total regular monthly charges equal
7 to the number of days of the service interruption.

8 (4) Failure to keep an appointment or to notify the
9 customer prior to the close of business on the business
10 day prior to the scheduled appointment: \$25.00.

11 (5) Violation of privacy protections: \$150.00.

12 (6) Failure to comply with scrambling
13 requirements: \$50.00 per month.

14 (7) Violation of customer service and billing
15 standards in Sections (c) and (d): \$25.00 per
16 occurrence.

17 (8) Violation of the bundling rules in Section (h):
18 \$25.00 per month.

19 (t) The enforcement powers granted to the Attorney
20 General in Article 21 of the Public Utilities Act shall
21 apply to this Act, except that the Attorney General may not
22 seek penalties for violation of this Act other than in the
23 amounts specified herein. Nothing in this Section shall
24 limit or affect the powers of the Attorney General to
25 enforce the provisions of Article 21 of the Public
26 Utilities Act or the Consumer Fraud and Deceptive Practices

1 Act.

2 (u) This Act applies to all cable and video providers
3 in the State, including but not limited to those operating
4 under a local franchise as that term is used in 47 U.S.C.
5 522(9), those operating under authorization pursuant to
6 Section 11-42-11 of the Municipal Code, those operating
7 under authorization pursuant to Section 5-1095 of the
8 Counties Code, and those operating under a state-issued
9 authorization pursuant to Article 21 of the Public
10 Utilities Act.

11 (220 ILCS 5/70-502 new)

12 Sec. 70-502. The provisions of this Article are a
13 limitation of home rule powers under subsection (h) of Section
14 6 of Article VII of the Illinois Constitution.

15 (220 ILCS 5/70-503 new)

16 Sec. 70-503. The provisions of this Article are severable
17 under Section 1.31 of the Statute on Statutes.

18 Section 15-30. The State Mandates Act is amended by adding
19 Section 8.31 as follows:

20 (30 ILCS 805/8.31 new)

21 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
22 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 95th General Assembly.

3 ARTICLE 99.

4 Section 99-999. Effective date. This Act takes effect upon
5 becoming law.".