

**SB0697**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB0697**

Introduced 2/6/2009, by Sen. John J. Cullerton

**SYNOPSIS AS INTRODUCED:**

220 ILCS 5/13-504

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

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

LRB096 06781 MJR 16865 b

**A BILL FOR**

1 AN ACT concerning regulation.

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

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

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

7 (Section scheduled to be repealed on July 1, 2009)

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

10 (a) Except where the ~~the~~ context clearly renders such  
11 provisions inapplicable, the ratemaking provisions of Article  
12 IX of this Act relating to public utilities are fully and  
13 equally applicable to the rates, charges, tariffs and  
14 classifications for the offer or provision of noncompetitive  
15 telecommunications services. However, the ratemaking  
16 provisions do not apply to any proposed change in rates or  
17 charges, any proposed change in any classification or tariff  
18 resulting in a change in rates or charges, or the establishment  
19 of new services and rates therefor for a noncompetitive local  
20 exchange telecommunications service offered or provided by a  
21 local exchange telecommunications carrier with no more than  
22 35,000 subscriber access lines. Proposed changes in rates,  
23 charges, classifications, or tariffs meeting these criteria

1 shall be permitted upon the filing of the proposed tariff and  
2 30 days notice to the Commission and all potentially affected  
3 customers. The proposed changes shall not be subject to  
4 suspension. The Commission shall investigate whether any  
5 proposed change is just and reasonable only if a  
6 telecommunications carrier that is a customer of the local  
7 exchange telecommunications carrier or 10% of the potentially  
8 affected access line subscribers of the local exchange  
9 telecommunications carrier shall file a petition or complaint  
10 requesting an investigation of the proposed changes. When the  
11 telecommunications carrier or 10% of the potentially affected  
12 access line subscribers of a local exchange telecommunications  
13 carrier file a complaint, the Commission shall, after notice  
14 and hearing, have the power and duty to establish the rates,  
15 charges, classifications, or tariffs it finds to be just and  
16 reasonable.

17 (b) Subsection (c) of Section 13-502 and Sections 13-505.1,  
18 13-505.4, 13-505.6, and 13-507 of this Article do not apply to  
19 rates or charges or proposed changes in rates or charges for  
20 applicable competitive or interexchange services when offered  
21 or provided by a local exchange telecommunications carrier with  
22 no more than 35,000 subscriber access lines. In addition,  
23 Sections 13-514, 13-515, and 13-516 do not apply to  
24 telecommunications carriers with no more than 35,000  
25 subscriber access lines. The Commission may require  
26 telecommunications carriers with no more than 35,000

1 subscriber access lines to furnish information that the  
2 Commission deems necessary for a determination that rates and  
3 charges for any competitive telecommunications service are  
4 just and reasonable.

5 (c) For a local exchange telecommunications carrier with no  
6 more than 35,000 access lines, the Commission shall consider  
7 and adjust, as appropriate, a local exchange  
8 telecommunications carrier's depreciation rates only in  
9 ratemaking proceedings.

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

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