

**SB3839**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB3839**

Introduced 2/16/2010, by Sen. Don Harmon

**SYNOPSIS AS INTRODUCED:**

220 ILCS 5/22-501

Amends the Public Utilities Act. In provisions concerning customer service standards, provides that no contract or service offering cable services or video services or any bundle including such services shall be for a term longer than 2 years (instead of one year). Effective immediately.

LRB096 16765 MJR 32062 b

**A BILL FOR**

1 AN ACT concerning utilities.

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 22-501 as follows:

6 (220 ILCS 5/22-501)

7 Sec. 22-501. Customer service and privacy protection. All  
8 cable or video providers in this State shall comply with the  
9 following customer service requirements and privacy  
10 protections. The provisions of this Act shall not apply to an  
11 incumbent cable operator prior to January 1, 2008. For purposes  
12 of this paragraph, an incumbent cable operator means a person  
13 or entity that provided cable services in a particular area  
14 under a franchise agreement with a local unit of government  
15 pursuant to Section 11-42-11 of the Illinois Municipal Code or  
16 Section 5-1095 of the Counties Code on January 1, 2007. A  
17 master antenna television, satellite master antenna  
18 television, direct broadcast satellite, multipoint  
19 distribution service, and other provider of video programming  
20 shall only be subject to the provisions of this Article to the  
21 extent permitted by federal law.

22 The following definitions apply to the terms used in this  
23 Article:

1 "Basic cable or video service" means any service offering  
2 or tier that includes the retransmission of local television  
3 broadcast signals.

4 "Cable or video provider" means any person or entity  
5 providing cable service or video service pursuant to  
6 authorization under (i) the Cable and Video Competition Law of  
7 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;  
8 (iii) Section 5-1095 of the Counties Code; or (iv) a master  
9 antenna television, satellite master antenna television,  
10 direct broadcast satellite, multipoint distribution services,  
11 and other providers of video programming, whatever their  
12 technology. A cable or video provider shall not include a  
13 landlord providing only broadcast video programming to a  
14 single-family home or other residential dwelling consisting of  
15 4 units or less.

16 "Franchise" has the same meaning as found in 47 U.S.C.  
17 522(9).

18 "Local unit of government" means a city, village,  
19 incorporated town, or a county.

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

25 "Normal operating conditions" means those service  
26 conditions that are within the control of cable or video

1 providers. Those conditions that are not within the control of  
2 cable or video providers include, but are not limited to,  
3 natural disasters, civil disturbances, power outages,  
4 telephone network outages, and severe or unusual weather  
5 conditions. Those conditions that are ordinarily within the  
6 control of cable or video providers include, but are not  
7 limited to, special promotions, pay-per-view events, rate  
8 increases, regular peak or seasonal demand periods, and  
9 maintenance or upgrade of the cable service or video service  
10 network.

11 "Service interruption" means the loss of picture or sound  
12 on one or more cable service or video service on one or more  
13 cable or video channels.

14 "Service line drop" means the point of connection between a  
15 premises and the cable or video network that enables the  
16 premises to receive cable service or video service.

17 (a) General customer service standards:

18 (1) Cable or video providers shall establish general  
19 standards related to customer service, which shall  
20 include, but not be limited to, installation,  
21 disconnection, service and repair obligations; appointment  
22 hours and employee ID requirements; customer service  
23 telephone numbers and hours; procedures for billing,  
24 charges, deposits, refunds, and credits; procedures for  
25 termination of service; notice of deletion of programming  
26 service; changes related to transmission of programming;

1 changes or increases in rates; the use and availability of  
2 parental control or lock-out devices; the use and  
3 availability of an A/B switch if applicable; complaint  
4 procedures and procedures for bill dispute resolution; a  
5 description of the rights and remedies available to  
6 consumers if the cable or video provider does not  
7 materially meet its customer service standards; and  
8 special services for customers with visual, hearing, or  
9 mobility disabilities.

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

23 (3) Cable or video providers shall provide notice  
24 concerning their general customer service standards to all  
25 customers. This notice shall be offered when service is  
26 first activated and annually thereafter. The information

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

15 (b) General customer service obligations:

16 (1) Cable or video providers shall render reasonably  
17 efficient service, promptly make repairs, and interrupt  
18 service only as necessary and for good cause, during  
19 periods of minimum use of the system and for no more than  
20 24 hours.

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

1 themselves to callers immediately following the greeting  
2 during each telephone contact with the public.

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

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

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

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



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

8           (c) Bills, payment, and termination:

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

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

14           (3) Customer payments shall be posted promptly. When  
15           the payment is sent by United States mail, payment is  
16           considered paid on the date it is postmarked.

17           (4) Cable or video providers may not terminate  
18           residential service for nonpayment of a bill unless the  
19           cable or video provider furnishes notice of the delinquency  
20           and impending termination at least 21 days prior to the  
21           proposed termination. Notice of proposed termination shall  
22           be mailed, postage prepaid, to the customer to whom service  
23           is billed. Notice of proposed termination shall not be  
24           mailed until the 29th day after the date of the bill for  
25           services. Notice of delinquency and impending termination  
26           may be part of a billing statement only if the notice is

1 presented in a different color than the bill and is  
2 designed to be conspicuous. The cable or video providers  
3 may not assess a late fee prior to the 29th day after the  
4 date of the bill for service.

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

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

20 (7) Any service terminated by a cable or video provider  
21 without good cause shall be restored without any  
22 reconnection fee, charge, or penalty; good cause for  
23 termination includes, but is not limited to, failure to pay  
24 a bill by the date specified in the notice of impending  
25 termination, payment by check for which there are  
26 insufficient funds, theft of service, abuse of equipment or

1 personnel, or other similar subscriber actions.

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

14 (9) The customers or subscribers of a cable or video  
15 provider shall be allowed to disconnect their service at  
16 any time within the first 60 days after subscribing to or  
17 upgrading the service. Within this 60-day period, cable or  
18 video providers shall not charge or impose any fees or  
19 penalties on the customer for disconnecting service,  
20 including, but not limited to, any installation charge or  
21 the imposition of an early termination charge, except the  
22 cable or video provider may impose a charge or fee to  
23 offset any rebates or credits received by the customer and  
24 may impose monthly service or maintenance charges,  
25 including pay-per-view and premium services charges,  
26 during such 60-day period.

1           (10) Cable and video providers shall guarantee  
2 customer satisfaction for new or upgraded service and the  
3 customer shall receive a pro-rata credit in an amount equal  
4 to the pro-rata charge for the remaining days of service  
5 being disconnected or replaced upon the customers request  
6 if the customer is dissatisfied with the service and  
7 requests to discontinue the service within the first 60  
8 days after subscribing to the upgraded service.

9           (d) Response to customer inquiries:

10           (1) Cable or video providers will maintain a toll-free  
11 telephone access line that is available to customers 24  
12 hours a day, 7 days a week to accept calls regarding  
13 installation, termination, service, and complaints.  
14 Trained, knowledgeable, qualified service representatives  
15 of the cable or video providers will be available to  
16 respond to customer telephone inquiries during normal  
17 business hours. Customer service representatives shall be  
18 able to provide credit, waive fees, schedule appointments,  
19 and change billing cycles. Any difficulties that cannot be  
20 resolved by the customer service representatives shall be  
21 referred to a supervisor who shall make his or her best  
22 efforts to resolve the issue immediately. If the supervisor  
23 does not resolve the issue to the customer's satisfaction,  
24 the customer shall be informed of the cable or video  
25 provider's complaint procedures and procedures for billing  
26 dispute resolution and given a description of the rights

1 and remedies available to customers to enforce the terms of  
2 this Article, including the customer's rights to have the  
3 complaint reviewed by the local unit of government, to  
4 request mediation, and to review in a court of competent  
5 jurisdiction.

6 (2) After normal business hours, the access line may be  
7 answered by a service or an automated response system,  
8 including an answering machine. Inquiries received by  
9 telephone or e-mail after normal business hours shall be  
10 responded to by a trained service representative on the  
11 next business day. The cable or video provider shall  
12 respond to a written billing inquiry within 10 days of  
13 receipt of the inquiry.

14 (3) Cable or video providers shall provide customers  
15 seeking non-standard installations with a total  
16 installation cost estimate and an estimated date of  
17 completion. The actual charge to the customer shall not  
18 exceed 10% of the estimated cost without the written  
19 consent of the customer.

20 (4) If the cable or video provider receives notice that  
21 an unsafe condition exists with respect to its equipment,  
22 it shall investigate such condition immediately and shall  
23 take such measures as are necessary to remove or eliminate  
24 the unsafe condition. The cable or video provider shall  
25 inform the local unit of government promptly, but no later  
26 than 2 hours after it receives notification of an unsafe

1 condition that it has not remedied.

2 (5) Under normal operating conditions, telephone  
3 answer time by the cable or video provider's customer  
4 representative, including wait time, shall not exceed 30  
5 seconds when the connection is made. If the call needs to  
6 be transferred, transfer time shall not exceed 30 seconds.  
7 These standards shall be met no less than 90% of the time  
8 under normal operating conditions, measured on a quarterly  
9 basis.

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

13 (e) Under normal operating conditions, each of the  
14 following standards related to installations, outages, and  
15 service calls will be met no less than 95% of the time measured  
16 on a quarterly basis:

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

21 (2) Excluding conditions beyond the control of the  
22 cable or video providers, the cable or video providers will  
23 begin working on "service interruptions" promptly and in no  
24 event later than 24 hours after the interruption is  
25 reported by the customer or otherwise becomes known to the  
26 cable or video providers. Cable or video providers must

1 begin actions to correct other service problems the next  
2 business day after notification of the service problem and  
3 correct the problem within 48 hours after the interruption  
4 is reported by the customer 95% of the time, measured on a  
5 quarterly basis.

6 (3) The "appointment window" alternatives for  
7 installations, service calls, and other installation  
8 activities will be either a specific time or, at a maximum,  
9 a 4-hour time block during evening, weekend, and normal  
10 business hours. The cable or video provider may schedule  
11 service calls and other installation activities outside of  
12 these hours for the express convenience of the customer.

13 (4) Cable or video providers may not cancel an  
14 appointment with a customer after 5:00 p.m. on the business  
15 day prior to the scheduled appointment. If the cable or  
16 video provider's representative is running late for an  
17 appointment with a customer and will not be able to keep  
18 the appointment as scheduled, the customer will be  
19 contacted. The appointment will be rescheduled, as  
20 necessary, at a time that is convenient for the customer,  
21 even if the rescheduled appointment is not within normal  
22 business hours.

23 (f) Public benefit obligation:

24 (1) All cable or video providers offering service  
25 pursuant to the Cable and Video Competition Law of 2007,  
26 the Illinois Municipal Code, or the Counties Code shall

1 provide a free service line drop and free basic service to  
2 all current and future public buildings within their  
3 footprint, including, but not limited to, all local unit of  
4 government buildings, public libraries, and public primary  
5 and secondary schools, whether owned or leased by that  
6 local unit of government ("eligible buildings"). Such  
7 service shall be used in a manner consistent with the  
8 government purpose for the eligible building and shall not  
9 be resold.

10 (2) This obligation only applies to those cable or  
11 video service providers whose cable service or video  
12 service systems pass eligible buildings and its cable or  
13 video service is generally available to residential  
14 subscribers in the same local unit of government in which  
15 the eligible building is located. The burden of providing  
16 such service at each eligible building shall be shared by  
17 all cable and video providers whose systems pass the  
18 eligible buildings in an equitable and competitively  
19 neutral manner, and nothing herein shall require  
20 duplicative installations by more than one cable or video  
21 provider at each eligible building. Cable or video  
22 providers operating in a local unit of government shall  
23 meet as necessary and determine who will provide service to  
24 eligible buildings under this subsection (f). If the cable  
25 or video providers are unable to reach an agreement, they  
26 shall meet with the local unit of government, which shall



1 determine which cable or video providers will serve each  
2 eligible building. The local unit of government shall bear  
3 the costs of any inside wiring or video equipment costs not  
4 ordinarily provided as part of the cable or video  
5 provider's basic offering.

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

26 (h) To the extent consistent with federal law, cable or

1 video providers shall offer the lowest-cost basic cable or  
2 video service as a stand-alone service to residential customers  
3 at reasonable rates. Cable or video providers shall not require  
4 the subscription to any service other than the lowest-cost  
5 basic service or to any telecommunications or information  
6 service, as a condition of access to cable or video service,  
7 including programming offered on a per channel or per program  
8 basis. Cable or video providers shall not discriminate between  
9 subscribers to the lowest-cost basic service, subscribers to  
10 other cable services or video services, and other subscribers  
11 with regard to the rates charged for cable or video programming  
12 offered on a per channel or per program basis.

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

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

1           (k) To the extent consistent with federal law, cable or  
2 video providers shall not charge a subscriber for any service  
3 or equipment that the subscriber has not affirmatively  
4 requested by name. For purposes of this subsection (k), a  
5 subscriber's failure to refuse a cable or video provider's  
6 proposal to provide service or equipment shall not be deemed to  
7 be an affirmative request for such service or equipment.

8           (l) No contract or service offering cable services or video  
9 services or any bundle including such services shall be for a  
10 term longer than 2 years ~~one year~~. Any contract or service  
11 offering with a term of service that contains an early  
12 termination fee shall limit the early termination fee to not  
13 more than the amount of the discount reflected in the price for  
14 cable services or video services for the period during which  
15 the consumer benefited from the discount.

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

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

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

21 (3) In providing sexually explicit adult programming  
22 or other programming that is indecent on any channel of its  
23 service primarily dedicated to sexually oriented  
24 programming, the cable or video provider shall fully  
25 scramble or otherwise fully block the video and audio  
26 portion of such channel so that a person who is not a

1 subscriber to such channel or programming does not receive  
2 it.

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

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

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

1 consumer privacy requirements of the Communications Consumer  
2 Privacy Act, the Restricted Call Registry Act, and 47 U.S.C.  
3 551 that are in effect as of June 30, 2007 (the effective date  
4 of Public Act 95-9) and as amended thereafter.

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

19 (r) The Attorney General and the local unit of government  
20 may enforce all of the customer service and privacy protection  
21 standards of this Section with respect to complaints received  
22 from residents within the local unit of government's  
23 jurisdiction, but it may not adopt or seek to enforce any  
24 additional or different customer service or performance  
25 standards under any other authority or provision of law.

26 (1) The local unit of government may, by ordinance,

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

15 (2) For purposes of this Section, "material breach"  
16 means any substantial failure of a cable or video service  
17 provider to comply with service quality and other standards  
18 specified in any provision of this Act. The Attorney  
19 General or the local unit of government shall give the  
20 cable or video provider written notice of any alleged  
21 material breaches of this Act and allow such provider at  
22 least 30 days from receipt of the notice to remedy the  
23 specified material breach.

24 (3) A material breach, for the purposes of assessing  
25 penalties, shall be deemed to have occurred for each day  
26 that a material breach has not been remedied by the cable

1 service or video service provider after the expiration of  
2 the period specified in subdivision (2) of this subsection  
3 (r) in each local unit of government's jurisdiction,  
4 irrespective of the number of customers affected.

5 (4) Any customer, the Attorney General, or a local unit  
6 of government may pursue alleged violations of this Act by  
7 the cable or video provider in a court of competent  
8 jurisdiction. A cable or video provider may seek judicial  
9 review of a decision of a local unit of government imposing  
10 penalties in a court of competent jurisdiction. No local  
11 unit of government shall be subject to suit for damages or  
12 other relief based upon its action in connection with its  
13 enforcement or review of any of the terms, conditions, and  
14 rights contained in this Act except a court may require the  
15 return of any penalty it finds was not properly assessed or  
16 imposed.

17 (s) Cable or video providers shall credit customers for  
18 violations in the amounts stated herein. The credits shall be  
19 applied on the statement issued to the customer for the next  
20 monthly billing cycle following the violation or following the  
21 discovery of the violation. Cable or video providers are  
22 responsible for providing the credits described herein and the  
23 customer is under no obligation to request the credit. If the  
24 customer is no longer taking service from the cable or video  
25 provider, the credit amount will be refunded to the customer by  
26 check within 30 days of the termination of service. A local



1 unit of government may, by ordinance, adopt a schedule of  
2 credits payable directly to customers for breach of the  
3 customer service standards and obligations contained in this  
4 Article, provided the schedule of customer credits applies on a  
5 competitively neutral basis to all providers of cable service  
6 or video service in the local unit of government's jurisdiction  
7 and the credits are not greater than the credits provided in  
8 this Section.

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

11 (2) Failure to install service within 7 days: Waiver of  
12 50% of the installation fee or the monthly fee for the  
13 lowest-cost basic service, whichever is greater. Failure  
14 to install service within 14 days: Waiver of 100% of the  
15 installation fee or the monthly fee for the lowest-cost  
16 basic service, whichever is greater.

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

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

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

25 (6) Failure to comply with scrambling requirements:  
26 \$50.00 per month.

1           (7) Violation of customer service and billing  
2 standards in subsections (c) and (d) of this Section:  
3 \$25.00 per occurrence.

4           (8) Violation of the bundling rules in subsection (h)  
5 of this Section: \$25.00 per month.

6           (t) The enforcement powers granted to the Attorney General  
7 in Article XXI of this Act shall apply to this Article, except  
8 that the Attorney General may not seek penalties for violation  
9 of this Article other than in the amounts specified herein.  
10 Nothing in this Section shall limit or affect the powers of the  
11 Attorney General to enforce the provisions of Article XXI of  
12 this Act or the Consumer Fraud and Deceptive Business Practices  
13 Act.

14           (u) This Article applies to all cable and video providers  
15 in the State, including but not limited to those operating  
16 under a local franchise as that term is used in 47 U.S.C.  
17 522(9), those operating under authorization pursuant to  
18 Section 11-42-11 of the Illinois Municipal Code, those  
19 operating under authorization pursuant to Section 5-1095 of the  
20 Counties Code, and those operating under a State-issued  
21 authorization pursuant to Article XXI of this Act.

22           (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

23           Section 99. Effective date. This Act takes effect upon  
24 becoming law.