

1 AN ACT concerning telecommunications.

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
5 changing Sections 13-401, 13-404, and 13-405 and adding
6 Sections 13-221 and 13-408 as follows:

7 (220 ILCS 5/13-221 new)

8 (Section scheduled to be repealed on July 1, 2005)

9 Sec. 13-221. Retail local exchange telecommunications
10 service. "Retail local exchange telecommunications service"
11 means "local exchange telecommunications services", as
12 defined in Section 13-204, sold to an end user. "Retail local
13 exchange telecommunications service" does not include a local
14 exchange telecommunications service provided by a
15 telecommunications carrier to a telecommunications carrier,
16 including itself, as a component of, or for the provision of,
17 local exchange telecommunications service. A "business retail
18 local exchange telecommunications service" is a retail local
19 exchange telecommunications service provided to a business
20 end user. A "residential retail local exchange
21 telecommunications service" is a retail local exchange
22 telecommunications service provided to a residential end
23 user.

24 (220 ILCS 5/13-401) (from Ch. 111 2/3, par. 13-401)

25 (Section scheduled to be repealed on July 1, 2005)

26 Sec. 13-401. Certificate of Service Authority.

27 (a) No telecommunications carrier not possessing a
28 certificate of public convenience and necessity or
29 certificate of authority from the Commission at the time this
30 Article goes into effect shall transact any business in this

1 State until it shall have obtained a certificate of service
2 authority from the Commission pursuant to the provisions of
3 this Article.

4 No telecommunications carrier offering or providing, or
5 seeking to offer or provide, any interexchange
6 telecommunications service shall do so until it has applied
7 for and received a Certificate of Interexchange Service
8 Authority pursuant to the provisions of Section 13-403. No
9 telecommunications carrier offering or providing, or seeking
10 to offer or provide, any local exchange telecommunications
11 service shall do so until it has applied for and received a
12 Certificate of Exchange Service Authority pursuant to the
13 provisions of Section 13-405.

14 Notwithstanding Sections 13-403, 13-404, and 13-405, the
15 Commission shall approve a cellular radio application for a
16 Certificate of Service Authority without a hearing upon a
17 showing by the cellular applicant that the Federal
18 Communications Commission has issued to it a construction
19 permit or an operating license to construct or operate a
20 cellular radio system in the area as defined by the Federal
21 Communications Commission, or portion of the area, for which
22 the carrier seeks a Certificate of Service Authority.

23 No Certificate of Service Authority issued by the
24 Commission shall be construed as granting a monopoly or
25 exclusive privilege, immunity or franchise. The issuance of a
26 Certificate of Service Authority to any telecommunications
27 carrier shall not preclude the Commission from issuing
28 additional Certificates of Service Authority to other
29 telecommunications carriers providing the same or equivalent
30 service or serving the same geographical area or customers as
31 any previously certified carrier, except to the extent
32 otherwise provided by Sections 13-403 and 13-405.

33 Any certificate of public convenience and necessity
34 granted by the Commission to a telecommunications carrier

1 prior to the effective date of this Article shall remain in
2 full force and effect, and such carriers need not apply for a
3 Certificate of Service Authority in order to continue
4 offering or providing service to the extent authorized in
5 such certificate of public convenience and necessity. Any
6 such carrier, however, prior to substantially altering the
7 nature or scope of services provided under a certificate of
8 public convenience and necessity, or adding or expanding
9 services beyond the authority contained in such certificate,
10 must apply for a Certificate of Service Authority for such
11 alterations or additions pursuant to the provisions of this
12 Article.

13 The Commission shall review and modify the terms of any
14 certificate of public convenience and necessity issued to a
15 telecommunications carrier prior to the effective date of
16 this Article in order to ensure its conformity with the
17 requirements and policies of this Article. Any Certificate of
18 Service Authority may be altered or modified by the
19 Commission, after notice and hearing, upon its own motion or
20 upon application of the person or company affected. Unless
21 exercised within a period of two years from the issuance
22 thereof, authority conferred by a Certificate of Service
23 Authority shall be null and void.

24 (b) The Commission may issue a temporary Certificate
25 which shall remain in force not to exceed one year in cases
26 of emergency, to assure maintenance of adequate service or to
27 serve particular customers, without notice and hearing,
28 pending the determination of an application for a
29 Certificate, and may by regulation exempt from the
30 requirements of this Section temporary acts or operations for
31 which the issuance of a certificate is not necessary in the
32 public interest and which will not be required therefor.

33 (c) Notwithstanding any of the provisions in this
34 Section and Sections 13-402, 13-403, 13-404, and 13-405, the

1 Commission shall initiate an investigation and order to show
2 cause to determine whether to revoke all or part of a
3 telecommunications carrier's certificate upon the occurrence
4 of any of the following events: (i) an event (a) indicating
5 that the telecommunications carrier's financial condition has
6 been or may be impaired or (b) causing the telecommunications
7 carrier's financial condition to deteriorate including, but
8 not limited to, the voluntary filing of a bankruptcy petition
9 by, or the involuntary filing of a bankruptcy petition
10 against, the telecommunications carrier or its parent or
11 indirect parent; (ii) a felony conviction under state or
12 federal law of the telecommunications carrier or its parent
13 or indirect parent; (iii) a felony conviction under state or
14 federal law of an officer of the telecommunications carrier
15 or its parent or indirect parent that relates to the
16 provision of telecommunications services; or (iv) failure to
17 comply with the corporate reporting requirements set forth in
18 Sections 13-404, 13-405, and 13-408. The telecommunications
19 carrier shall provide written notice to the Commission within
20 14 days after an event identified in subdivision (c)(i),
21 (c)(ii), or (c)(iii). Should the affected telecommunications
22 carrier fail to provide such notice within such time period,
23 any other telecommunications carrier certified by the
24 Commission to provide service may provide such notice.
25 Promptly upon receiving notice, the Commission shall initiate
26 its investigation by providing written notice thereof to all
27 other telecommunications carriers certified to provide
28 service by the Commission. The Commission shall conclude its
29 investigation within 90 days after the occurrence of any of
30 the events listed in subdivision (c)(i), (c)(ii), (c)(iii),
31 or (c)(iv).

32 In its investigation, the Commission shall consider
33 whether the affected telecommunications carrier continues to
34 possess sufficient technical, financial, and managerial

1 resources and abilities to continue to provide
2 telecommunications services in the State of Illinois.
3 Relevant to the determination of whether the affected
4 telecommunications carrier continues to possess sufficient
5 financial resources and abilities to provide service in the
6 State of Illinois is its ability to meet on a timely basis
7 any of its ongoing obligations, if any, to other
8 telecommunications carriers. If at the conclusion and as a
9 result of its investigation, the Commission concludes that as
10 a result of the event or events in question, the affected
11 telecommunications carrier no longer possesses sufficient
12 technical, financial, and managerial resources and ability to
13 continue to provide telecommunications services in the State
14 of Illinois, the Commission may revoke the affected
15 telecommunications carrier's certificate in whole or in part
16 or impose conditions and restrictions on its continued
17 exercise consistent with the public interest, convenience,
18 and necessity.

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

20 (220 ILCS 5/13-404) (from Ch. 111 2/3, par. 13-404)

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

22 Sec. 13-404. Any telecommunications carrier offering or
23 providing the resale of either local exchange or
24 interexchange telecommunications service must first obtain a
25 Certificate of Service Authority. The Commission shall
26 approve an application for a Certificate for the resale of
27 local exchange or interexchange telecommunications service
28 upon a showing by the applicant, and a finding by the
29 Commission, after notice and hearing, that the applicant
30 possesses sufficient technical, financial and managerial
31 resources and abilities to provide the resale of
32 telecommunications service.

33 The Commission shall not grant a waiver from the

1 requirements of 83 Ill. Adm. Code 710 to any
 2 telecommunications carrier granted a certificate for the
 3 resale of local exchange service. All telecommunication
 4 carriers that provide local exchange service and that have
 5 been granted a waiver from 83 Ill. Adm. Code Part 710 prior
 6 to the effective date of this amendatory Act of the 93rd
 7 General Assembly shall be subject to the requirements of this
 8 Act as of January 1, 2004.

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

10 (220 ILCS 5/13-405) (from Ch. 111 2/3, par. 13-405)

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

12 Sec. 13-405. Local exchange service authority; approval.
 13 The Commission shall approve an application for a Certificate
 14 of Exchange Service Authority only upon a showing by the
 15 applicant, and a finding by the Commission, after notice and
 16 hearing, that the applicant possesses sufficient technical,
 17 financial, and managerial resources and abilities to provide
 18 local exchange telecommunications service.

19 The Commission shall not grant a waiver from the
 20 requirements of 83 Ill. Adm. Code 710 to any
 21 telecommunications carrier granted such a certificate. All
 22 telecommunication carriers that provide local exchange
 23 service and that have been granted a waiver from 83 Ill. Adm.
 24 Code Part 710 prior to the effective date of this amendatory
 25 Act of the 93rd General Assembly shall be subject to the
 26 requirements of this Act as of January 1, 2004.

27 (Source: P.A. 90-185, eff. 7-23-97.)

28 (220 ILCS 5/13-408 new)

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

30 Sec. 13-408. Annual Reports. Notwithstanding any of the
 31 provisions in Section 5-109, the Commission shall require all
 32 telecommunications carriers providing retail local exchange

1 telecommunications service to submit annual reports in the
2 same form and level of detail as any incumbent local exchange
3 carrier, not including its parent, affiliates, or
4 subsidiaries.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.