

1 AMENDMENT TO SENATE BILL 884

2 AMENDMENT NO. _____. Amend Senate Bill 884 as follows:

3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Public Utilities Act is amended by
6 changing Section 13-409 as added by Public Act 93-5 as
7 follows:

8 (220 ILCS 5/13-409)

9 Sec. 13-409. Application of Sec. 13-408 unbundled
10 network element rates.

11 (a) During the first 2 years following the effective
12 date of Section 13-408, for the first 35,000 voice grade
13 equivalent access lines used by an individual carrier to
14 provide local exchange service to end users, the monthly
15 recurring rate for the unbundled network elements associated
16 with those lines and leased from an incumbent local exchange
17 carrier to which Section 13-408 applies shall be frozen at
18 the levels in effect immediately prior to the effective date
19 of Section 13-408.

20 (b) Thereafter, the monthly recurring rates for all
21 unbundled network elements provided by any incumbent local

1 exchange carrier to which Section 13-408 applies shall be the
2 rates established by the Commission in accordance with the
3 provisions of Section 13-408.

4 (c) If, as of the effective date of Section 13-408 and
5 this Section, an individual telecommunications carrier uses
6 unbundled network elements leased from a specific incumbent
7 local exchange carrier to provide local exchange service over
8 more than 35,000 voice grade equivalent access lines, that
9 carrier must designate the 35,000 voice grade equivalent
10 access lines to which the provisions of subsections (a) and
11 (b) of this Section apply. If subsequent to such designation,
12 the individual carrier loses the customer served by a
13 designated access line, and therefore no longer leases the
14 unbundled network elements associated with that line, the
15 individual carrier may not designate a different access line
16 to substitute for the lost line. All unbundled network
17 elements leased to provide service over undesignated voice
18 grade equivalent access lines shall be subject to the full
19 monthly recurring rates established by the Commission in
20 accordance with the provisions of Section 13-408.

21 (d) If, as of the effective date of this Section, an
22 individual carrier uses unbundled network elements leased
23 from a specific local exchange carrier to provide local
24 exchange service over fewer than 35,000 voice grade
25 equivalent access lines, that carrier must designate the
26 access lines to which the provisions of subsections (a) and
27 (b) of this Section apply. If subsequent to such designation,
28 the individual carrier loses the customer served by a
29 designated access line, and therefore no longer leases the
30 unbundled network elements associated with that line, the
31 individual carrier may not designate a different access line
32 to substitute for the lost line. Subject to these
33 limitations, subsequent to the effective date of this
34 Section, such a carrier may designate additional voice grade

1 equivalent access lines to which it wishes the provisions of
 2 subsections (a) and (b) of this Section to apply, until the
 3 total designated lines equal 35,000. If a subsequently
 4 designated line is lost, the carrier will not be permitted to
 5 designate a different line to substitute for that lost line.
 6 All unbundled network elements leased to provide service over
 7 undesignated voice grade equivalent access lines shall be
 8 subject to the full monthly recurring rates established by
 9 the Commission in accordance with the provisions of Section
 10 13-408.

11 (e) For purposes of this Section, in determining when an
 12 individual telecommunications carrier has reached 35,000
 13 voice grade equivalent access lines, a specific carrier, any
 14 affiliate of that carrier, any carrier serving as a sales or
 15 marketing agent for that carrier, and any carrier with whom
 16 that carrier has a cooperative sales or marketing arrangement
 17 all shall be treated as a single individual carrier.

18 (f) (Blank). ~~Notwithstanding any other provisions of~~
 19 ~~this Section, access lines provided to payphone service~~
 20 ~~providers are not eligible for the freeze or discount~~
 21 ~~provided for in subsections (a) and (b) of this Section.~~
 22 ~~Accordingly, the provisions of subsections (a) and (b) shall~~
 23 ~~not apply to unbundled network elements that are leased by~~
 24 ~~individual telecommunications carriers to provide local~~
 25 ~~exchange service to payphone service providers.~~

26 (Source: P.A. 93-5, eff. 5-09-03.)

27 Section 99. Effective date. This Act takes effect upon
 28 becoming law."