



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1381

Introduced 2/9/2017, by Sen. Bill Cunningham - James F. Clayborne, Jr. - Christine Radogno - Michael E. Hastings - Michael Connelly, et al.

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-102	from Ch. 111 2/3, par. 13-102
220 ILCS 5/13-103	from Ch. 111 2/3, par. 13-103
220 ILCS 5/13-406	from Ch. 111 2/3, par. 13-406
220 ILCS 5/13-406.1 new	
220 ILCS 5/21-401	
220 ILCS 5/13-1200 rep.	
220 ILCS 5/21-1601 rep.	

Amends the Public Utilities Act. Adds provisions to the Telecommunications Article concerning the transition of Large Electing Providers to Internet Protocol-based networks and service. Provides that beginning July 1, 2017, a Large Electing Provider may cease to offer and provide a telecommunications service to an identifiable class or group of customers, other than voice telecommunications service to residential customers, upon 60 days' notice to the Commission and affected customers. Provides that beginning July 1, 2017, a Large Electing Provider, may cease to offer and provide voice telecommunications service to an identifiable class or group of residential customers subject to compliance with specified requirements. Repeals language that provides for the repeal of the Telecommunications Article of the Public Utilities Act on July 1, 2017. Removes the December 31, 2020 expiration date for an Illinois Commerce Commission-issued authorization to offer or provide cable or video service. Repeals language that provides for the repeal of specified Sections of the Cable and Video Competition Article of the Illinois Public Utilities Act on July 1, 2017. Defines terms and makes other changes. Effective immediately.

LRB100 08310 RJF 18414 b

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 1. This Act may be referred to as the 2017
5 High-speed Internet Investment and Telecommunications
6 Modernization Act for Job Creation and Public Safety.

7 Section 5. The Public Utilities Act is amended by changing
8 Sections 13-102, 13-103, 13-406, and 21-401 and by adding
9 Section 13-406.1 as follows:

10 (220 ILCS 5/13-102) (from Ch. 111 2/3, par. 13-102)

11 (Section scheduled to be repealed on July 1, 2017)

12 Sec. 13-102. Findings. With respect to telecommunications
13 services, as herein defined, the General Assembly finds that:

14 (a) universally available and widely affordable
15 telecommunications services are essential to the health,
16 welfare and prosperity of all Illinois citizens;

17 (b) federal regulatory and judicial rulings in the 1980s
18 caused a restructuring of the telecommunications industry and
19 opened some aspects of the industry to competitive entry,
20 thereby necessitating revision of State telecommunications
21 regulatory policies and practices;

22 (c) revisions in telecommunications regulatory policies

1 and practices in Illinois beginning in the mid-1980s brought
2 the benefits of competition to consumers in many
3 telecommunications markets, but not in local exchange
4 telecommunications service markets;

5 (d) the federal Telecommunications Act of 1996 established
6 the goal of opening all telecommunications service markets to
7 competition and accords to the states the responsibility to
8 establish and enforce policies necessary to attain that goal;

9 (e) it is in the immediate interest of the People of the
10 State of Illinois for the State to exercise its rights within
11 the new framework of federal telecommunications policy to
12 ensure that the economic benefits of competition in all
13 telecommunications service markets are realized as effectively
14 as possible;

15 (f) the competitive offering of all telecommunications
16 services will increase innovation and efficiency in the
17 provision of telecommunications services and may lead to
18 reduced prices for consumers, increased investment in
19 communications infrastructure, the creation of new jobs, and
20 the attraction of new businesses to Illinois; ~~and~~

21 (g) protection of the public interest requires changes in
22 the regulation of telecommunications carriers and services to
23 ensure, to the maximum feasible extent, the reasonable and
24 timely development of effective competition in all
25 telecommunications service markets; ~~;~~

26 (h) Illinois residents rely on today's modern wired and

1 wireless Internet Protocol (IP) networks and services to
2 improve their lives by connecting them to school and college
3 degrees, work and job opportunities, family and friends,
4 information, and entertainment, as well as emergency
5 responders and public safety officials; Illinois businesses
6 rely on these modern IP networks and services to compete in a
7 global marketplace by expanding their customer base, managing
8 inventory and operations more efficiently, and offering
9 customers specialized and personalized products and services;
10 without question, Illinois residents and our State's economy
11 rely profoundly on the modern wired and wireless IP networks
12 and services in our State;

13 (i) the transition from 20th century traditional circuit
14 switched and other legacy telephone services to modern 21st
15 century next generation Internet Protocol (IP) services is
16 taking place at an extraordinary pace as Illinois consumers are
17 upgrading to home communications service using IP technology,
18 including high speed Internet, Voice over Internet Protocol,
19 and wireless service;

20 (j) this rapid transition to IP-based communications has
21 dramatically transformed the way people communicate and has
22 provided significant benefits to consumers in the form of
23 innovative functionalities resulting from the seamless
24 convergence of voice, video, and text, benefits realized by the
25 General Assembly when it chose to transition its own
26 telecommunications system to an all IP communications network

1 in 2016;

2 (k) the benefits of the transition to IP-based networks and
3 services were also recognized by the General Assembly in 2015
4 through the enactment of legislation requiring that every 9-1-1
5 emergency system in Illinois provide Next Generation 9-1-1
6 service by July 1, 2020 and requiring that the Next Generation
7 9-1-1 network must be an IP-based platform; and

8 (l) completing the transition to all IP-based networks and
9 technologies is in the public interest because it will promote
10 continued innovation, consumer benefits, increased
11 efficiencies, and increased investment in IP-based networks
12 and services.

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

14 (220 ILCS 5/13-103) (from Ch. 111 2/3, par. 13-103)

15 (Section scheduled to be repealed on July 1, 2017)

16 Sec. 13-103. Policy. Consistent with its findings, the
17 General Assembly declares that it is the policy of the State of
18 Illinois that:

19 (a) telecommunications services should be available to all
20 Illinois citizens at just, reasonable, and affordable rates and
21 that such services should be provided as widely and
22 economically as possible in sufficient variety, quality,
23 quantity and reliability to satisfy the public interest;

24 (b) consistent with the protection of consumers of
25 telecommunications services and the furtherance of other

1 public interest goals, competition in all telecommunications
2 service markets should be pursued as a substitute for
3 regulation in determining the variety, quality and price of
4 telecommunications services and that the economic burdens of
5 regulation should be reduced to the extent possible consistent
6 with the furtherance of market competition and protection of
7 the public interest;

8 (c) all necessary and appropriate modifications to State
9 regulation of telecommunications carriers and services should
10 be implemented without unnecessary disruption to the
11 telecommunications infrastructure system or to consumers of
12 telecommunications services and that it is necessary and
13 appropriate to establish rules to encourage and ensure orderly
14 transitions in the development of markets for all
15 telecommunications services;

16 (d) the consumers of telecommunications services and
17 facilities provided by persons or companies subject to
18 regulation pursuant to this Act and Article should be required
19 to pay only reasonable and non-discriminatory rates or charges
20 and that in no case should rates or charges for non-competitive
21 telecommunications services include any portion of the cost of
22 providing competitive telecommunications services, as defined
23 in Section 13-209, or the cost of any nonregulated activities;

24 (e) the regulatory policies and procedures provided in this
25 Article are established in recognition of the changing nature
26 of the telecommunications industry and therefore should be

1 subject to systematic legislative review to ensure that the
2 public benefits intended to result from such policies and
3 procedures are fully realized; ~~and~~

4 (f) development of and prudent investment in advanced
5 telecommunications services and networks that foster economic
6 development of the State should be encouraged through the
7 implementation and enforcement of policies that promote
8 effective and sustained competition in all telecommunications
9 service markets; ~~and-~~

10 (g) completion of the transition to modern IP-based
11 networks should be encouraged through relief from the outdated
12 regulations that require continued investment in legacy
13 circuit switched networks from which Illinois consumers have
14 largely transitioned, while at the same time ensuring that
15 consumers have access to available alternative services that
16 provide quality voice service and access to emergency
17 communications.

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

19 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

20 (Section scheduled to be repealed on July 1, 2017)

21 Sec. 13-406. Abandonment of service. No telecommunications
22 carrier offering or providing noncompetitive
23 telecommunications service pursuant to a valid Certificate of
24 Service Authority or certificate of public convenience and
25 necessity shall discontinue or abandon such service once

1 initiated until and unless it shall demonstrate, and the
2 Commission finds, after notice and hearing, that such
3 discontinuance or abandonment will not deprive customers of any
4 necessary or essential telecommunications service or access
5 thereto and is not otherwise contrary to the public interest.
6 No telecommunications carrier offering or providing
7 competitive telecommunications service shall completely
8 discontinue or abandon such service to an identifiable class or
9 group of customers once initiated except upon 60 days notice to
10 the Commission and affected customers. The Commission may, upon
11 its own motion or upon complaint, investigate the proposed
12 discontinuance or abandonment of a competitive
13 telecommunications service and may, after notice and hearing,
14 prohibit such proposed discontinuance or abandonment if the
15 Commission finds that it would be contrary to the public
16 interest. If the Commission does not provide notice of a
17 hearing within 60 calendar days after the notification or holds
18 a hearing and fails to find that the proposed discontinuation
19 or abandonment would be contrary to the public interest, the
20 provider may discontinue or abandon such service after
21 providing at least 30 days notice to affected customers. This
22 Section does not apply to a Large Electing Provider proceeding
23 under Section 13-406.1.

24 (Source: P.A. 96-927, eff. 6-15-10.)

25 (220 ILCS 5/13-406.1 new)

1 Sec. 13-406.1. Large Electing Provider transition to
2 IP-based networks and service.

3 (a) Consistent with the findings of paragraphs (h) through
4 (l) of Section 13-102, which recognize the benefits of the
5 transition from 20th century traditional circuit switched and
6 other legacy telephone networks and services to modern 21st
7 century next generation Internet Protocol-based (IP-based)
8 networks and services, the General Assembly enacts this Section
9 as a means of furthering the policy goals of paragraph (g) of
10 Section 13-103, by providing relief from outdated regulations
11 that require continued investment in legacy circuit switched
12 networks from which Illinois consumers have largely
13 transitioned, while at the same time ensuring access to quality
14 alternative voice service and emergency communications.

15 (b) As used in this Section:

16 "Alternative voice service" means service that includes
17 all of the applicable functionalities for voice telephony
18 services described in 47 CFR 54.101(a).

19 "Existing customer" means a residential customer of the
20 Large Electing Provider who is subscribing to a
21 telecommunications service at the customer's residence on the
22 date the Large Electing Provider sends its second notice under
23 paragraph (3) of subsection (d) of this Section of its intent
24 to cease offering and providing such service.

25 "Large Electing Provider" means an Electing Provider, as
26 defined in Section 13-506.2, that reported in its annual

1 competition report for the year 2016 filed with the Commission
2 pursuant to Section 13-407 and 83 Ill. Adm. Code 793 that it
3 provided at least 700,000 access lines to end users.

4 "New customer" means a residential customer who is not
5 subscribing to a telecommunications service provided by the
6 Large Electing Provider at the customer's residence on the date
7 the Large Electing Provider sends its second notice under
8 paragraph (3) of subsection (d) of this Section of its intent
9 to cease offering and providing such service.

10 "Reliable access to 9-1-1" means access to 9-1-1 that
11 complies with the applicable rules, regulations, and
12 guidelines established by the Federal Communications
13 Commission.

14 "Willing provider" means a provider that voluntarily
15 participates in the request for service process.

16 (c) Beginning July 1, 2017, a Large Electing Provider may,
17 to the extent permitted by and consistent with federal law,
18 cease to offer and provide a telecommunications service to an
19 identifiable class or group of customers, other than voice
20 telecommunications service to residential customers, upon 60
21 days' notice to the Commission and affected customers.

22 (d) Beginning July 1, 2017, a Large Electing Provider, may,
23 to the extent permitted by and consistent with federal law,
24 cease to offer and provide voice telecommunications service to
25 an identifiable class or group of residential customers, for
26 the purposes of this subsection referred to as "requested

1 service", subject to compliance with the following
2 requirements:

3 (1) At the same time that it gives notice to the
4 Federal Communications Commission of its intent to
5 discontinue the interstate-access component of the
6 requested service, the Large Electing Provider shall:

7 (A) file a notice of proposal to cease to offer and
8 provide the requested service with the Commission; and

9 (B) provide a notice of proposal to cease to offer
10 and provide the requested service to each of the Large
11 Electing Provider's customers within each affected
12 local exchange, with the notice made by first-class
13 mail or within customer bills delivered by mail or
14 equivalent means of notice, including electronic means
15 if the customer has elected electronic billing.

16 (2) Upon approval by the Federal Communications
17 Commission of its request to discontinue the
18 interstate-access component of the requested service, the
19 Large Electing Provider may cease to offer and provide the
20 requested service to new customers immediately upon the
21 filing of a notice with the Commission pursuant to
22 subparagraph (A) of paragraph (3) of this subsection.

23 (3) Upon approval of by the Federal Communications
24 Commission of its request to discontinue the
25 interstate-access component of the requested service, the
26 Large Electing Provider shall, at least 90 days before

1 ceasing to offer or provide such service to an existing
2 customer, do the following:

3 (A) file a notice of the cessation of the requested
4 service with the Commission; and

5 (B) provide notice of the cessation of the
6 requested service to each of the Large Electing
7 Provider's existing customers within the local
8 exchange by first-class mail or within customer bills
9 delivered by mail or equivalent means of notice,
10 including electronic means if the customer has elected
11 electronic billing. The notice provided under this
12 subparagraph must identify the date on which the Large
13 Electing Provider intends to cease offering or
14 providing the telecommunications service and provide a
15 telephone number by which the existing customer may
16 contact a service representative of the Large Electing
17 Provider.

18 (4) After July 1, 2017, and only in an area for which a
19 Large Electing Provider has given notice of cessation of
20 the requested service to existing customers under
21 paragraph (3) of this subsection, an existing customer of
22 that provider may, within 60 days after issuance of such
23 notice, request the Commission to investigate the
24 availability of alternative voice service with reliable
25 access to 9-1-1 to that customer. For the purposes of this
26 paragraph, existing customers who make such a request are

1 referred to as "requesting existing customers".

2 (A) In response to all requests under this
3 paragraph (4), the Commission shall conduct a single
4 investigation to be commenced 75 days after receipt of
5 notice under paragraph (3) of this subsection and
6 completed within 90 days after commencement.

7 (i) If, as a result of the investigation, the
8 Commission finds that service from at least one
9 provider offering alternative voice service with
10 reliable access to 9-1-1 through any technology or
11 medium is available to one or more requesting
12 existing customers, the Commission shall declare
13 by order that, with respect to the requesting
14 existing customers for which such finding is made,
15 the Large Electing Provider may cease to offer or
16 provide the requested service.

17 (ii) If, as a result of the investigation, the
18 Commission finds that service from at least one
19 provider offering alternative voice service with
20 reliable access to 9-1-1 through any technology or
21 medium is not available to one or more requesting
22 existing customers, the Commission may declare by
23 order that an emergency exists with respect to the
24 requesting existing customers for which such
25 finding is made.

26 (iii) If, within 90 days after commencement of

1 the investigation, the Commission does not issue
2 an order as described in subdivision (i) or (ii) of
3 this subparagraph (A) with respect to one or more
4 requesting existing customers, the Commission
5 shall be deemed to have found that at least one
6 provider offering alternative voice service with
7 reliable access to 9-1-1 through any technology or
8 medium is available to such requesting existing
9 customers and the Large Electing Provider may
10 cease to offer or provide service to such
11 requesting existing customers.

12 (B) If the Commission declares an emergency under
13 subdivision (ii) of subparagraph (A) of this paragraph
14 (4) with respect to one or more requesting existing
15 customers, the Commission shall conduct a request for
16 service process to identify a willing provider of
17 alternative voice service with reliable access to
18 9-1-1 to such requesting existing customers. A
19 provider shall not be required to participate in the
20 request for service process. The willing provider may
21 utilize any form of technology that is capable of
22 providing alternative voice service with reliable
23 access to 9-1-1, including, without limitation, Voice
24 over Internet Protocol services and wireless services.

25 (i) If the Commission, within 90 days after the
26 issuance of the order finding that an emergency

1 exists, determines that another provider is
2 willing and capable of providing alternative voice
3 service with reliable access to 9-1-1 to those
4 requesting existing customers for which an
5 emergency has been declared, the Commission shall
6 declare by order that, with respect to the
7 requesting existing customers for which such
8 finding is made, the Large Electing Provider may
9 cease to offer or provide the requested service.

10 (ii) If the Commission, within 90 days after
11 the issuance of the order finding that an emergency
12 exists, determines that no other provider is
13 willing and capable of providing alternative voice
14 service with reliable access to 9-1-1 to those
15 requesting existing customers for which an
16 emergency has been declared, the Commission may
17 issue an order requiring the Large Electing
18 Provider to provide alternative voice service with
19 reliable access to 9-1-1 to such requesting
20 existing customers utilizing any form of
21 technology capable of providing alternative voice
22 service with reliable access to 9-1-1, including,
23 without limitation, Voice over Internet Protocol
24 services and wireless services, until another
25 willing provider is available. A Large Electing
26 Provider may fulfill the requirement through an

1 affiliate or another provider.

2 (iii) If, within 90 days after the issuance of
3 the order finding that an emergency exists, the
4 Commission does not issue an order as described in
5 either subdivision (i) or subdivision (ii) of this
6 subparagraph with respect to one or more
7 requesting existing customers for which an
8 emergency has been declared, the Commission shall
9 be deemed to have found that at least one provider
10 offering alternative voice service with reliable
11 access to 9-1-1 through any technology or medium is
12 available to such requesting existing customers
13 and the Large Electing Provider may cease to offer
14 or provide service to such requesting existing
15 customers.

16 (C) Subject to the provisions of subdivision (iii)
17 of subparagraph (A) and subdivision (iii) of
18 subparagraph (B), the Large Electing Provider shall
19 not cease to offer or provide the requested service to
20 (i) any requesting existing customer prior to the
21 completion of the investigation under subparagraph (A)
22 of paragraph (4) of this subsection; or (ii) any
23 requesting existing customer for which an emergency
24 has been declared prior to completion of the request
25 for service process under subparagraph (B) of
26 paragraph (4) of this subsection. A request by an

1 existing customer for an investigation and any related
2 investigation or proceeding related to a request for
3 service under paragraph (4) of this subsection shall
4 not, however, prevent the Large Electing Provider from
5 ceasing to offer or provide the requested service to
6 existing customers other than requesting existing
7 customers in accordance the provisions of paragraph
8 (3) of this subsection during the pendency of the
9 investigation or proceeding related to request for
10 service.

11 (5) Notwithstanding any other provision of this Act,
12 and except as expressly authorized by this subsection, the
13 Commission may not, upon its own motion or upon complaint,
14 investigate, suspend, disapprove, condition, or otherwise
15 regulate the cessation of a telecommunications service to
16 an identifiable class or group of customers once initiated
17 by a Large Electing Provider pursuant to subsection (c) or
18 this subsection.

19 (220 ILCS 5/21-401)

20 (Section scheduled to be repealed on July 1, 2017)

21 Sec. 21-401. Applications.

22 (a) (1) A person or entity seeking to provide cable service
23 or video service pursuant to this Article shall not use the
24 public rights-of-way for the installation or construction of
25 facilities for the provision of cable service or video service

1 or offer cable service or video service until it has obtained a
2 State-issued authorization to offer or provide cable or video
3 service under this Section, except as provided for in item (2)
4 of this subsection (a). All cable or video providers offering
5 or providing service in this State shall have authorization
6 pursuant to either (i) the Cable and Video Competition Law of
7 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
8 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
9 5-1095 of the Counties Code (55 ILCS 5/5-1095).

10 (2) Nothing in this Section shall prohibit a local unit of
11 government from granting a permit to a person or entity for the
12 use of the public rights-of-way to install or construct
13 facilities to provide cable service or video service, at its
14 sole discretion. No unit of local government shall be liable
15 for denial or delay of a permit prior to the issuance of a
16 State-issued authorization.

17 (b) The application to the Commission for State-issued
18 authorization shall contain a completed affidavit submitted by
19 the applicant and signed by an officer or general partner of
20 the applicant affirming all of the following:

21 (1) That the applicant has filed or will timely file
22 with the Federal Communications Commission all forms
23 required by that agency in advance of offering cable
24 service or video service in this State.

25 (2) That the applicant agrees to comply with all
26 applicable federal and State statutes and regulations.

1 (3) That the applicant agrees to comply with all
2 applicable local unit of government regulations.

3 (4) An exact description of the cable service or video
4 service area where the cable service or video service will
5 be offered during the term of the State-issued
6 authorization. The service area shall be identified in
7 terms of either (i) exchanges, as that term is defined in
8 Section 13-206 of this Act; (ii) a collection of United
9 States Census Bureau Block numbers (13 digit); (iii) if the
10 area is smaller than the areas identified in either (i) or
11 (ii), by geographic information system digital boundaries
12 meeting or exceeding national map accuracy standards; or
13 (iv) local unit of government. The description shall
14 include the number of low-income households within the
15 service area or footprint. If an applicant is an incumbent
16 cable operator, the incumbent cable operator and any
17 successor-in-interest shall be obligated to provide access
18 to cable services or video services within any local units
19 of government at the same levels required by the local
20 franchising authorities for the local unit of government on
21 June 30, 2007 (the effective date of Public Act 95-9), and
22 its application shall provide a description of an area no
23 smaller than the service areas contained in its franchise
24 or franchises within the jurisdiction of the local unit of
25 government in which it seeks to offer cable or video
26 service.

1 (5) The location and telephone number of the
2 applicant's principal place of business within this State
3 and the names of the applicant's principal executive
4 officers who are responsible for communications concerning
5 the application and the services to be offered pursuant to
6 the application, the applicant's legal name, and any name
7 or names under which the applicant does or will provide
8 cable services or video services in this State.

9 (6) A certification that the applicant has
10 concurrently delivered a copy of the application to all
11 local units of government that include all or any part of
12 the service area identified in item (4) of this subsection
13 (b) within such local unit of government's jurisdictional
14 boundaries.

15 (7) The expected date that cable service or video
16 service will be initially offered in the area identified in
17 item (4) of this subsection (b). In the event that a holder
18 does not offer cable services or video services within 3
19 months after the expected date, it shall amend its
20 application and update the expected date service will be
21 offered and explain the delay in offering cable services or
22 video services.

23 (8) For any entity that received State-issued
24 authorization prior to this amendatory Act of the 98th
25 General Assembly as a cable operator and that intends to
26 proceed as a cable operator under this Article, the entity

1 shall file a written affidavit with the Commission and
2 shall serve a copy of the affidavit with any local units of
3 government affected by the authorization within 30 days
4 after the effective date of this amendatory Act of the 98th
5 General Assembly stating that the holder will be providing
6 cable service under the State-issued authorization.

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

19 The application shall include the applicant's general
20 standards related to customer service required by Section
21 22-501 of this Act, which shall include, but not be limited to,
22 installation, disconnection, service and repair obligations;
23 appointment hours; employee ID requirements; customer service
24 telephone numbers and hours; procedures for billing, charges,
25 deposits, refunds, and credits; procedures for termination of
26 service; notice of deletion of programming service and changes

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

8 (c)(1) The applicant may designate information that it
9 submits in its application or subsequent reports as
10 confidential or proprietary, provided that the applicant
11 states the reasons the confidential designation is necessary.
12 The Commission shall provide adequate protection for such
13 information pursuant to Section 4-404 of this Act. If the
14 Commission, a local unit of government, or any other party
15 seeks public disclosure of information designated as
16 confidential, the Commission shall consider the confidential
17 designation in a proceeding under the Illinois Administrative
18 Procedure Act, and the burden of proof to demonstrate that the
19 designated information is confidential shall be upon the
20 applicant. Designated information shall remain confidential
21 pending the Commission's determination of whether the
22 information is entitled to confidential treatment. Information
23 designated as confidential shall be provided to local units of
24 government for purposes of assessing compliance with this
25 Article as permitted under a Protective Order issued by the
26 Commission pursuant to the Commission's rules and to the

1 Attorney General pursuant to Section 6.5 of the Attorney
2 General Act (15 ILCS 205/6.5). Information designated as
3 confidential under this Section or determined to be
4 confidential upon Commission review shall only be disclosed
5 pursuant to a valid and enforceable subpoena or court order or
6 as required by the Freedom of Information Act. Nothing herein
7 shall delay the application approval timeframes set forth in
8 this Article.

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

13 (d)(1) The Commission shall post all applications it
14 receives under this Article on its web site within 5 business
15 days.

16 (2) The Commission shall notify an applicant for a cable
17 service or video service authorization whether the applicant's
18 application and affidavit are complete on or before the 15th
19 business day after the applicant submits the application. If
20 the application and affidavit are not complete, the Commission
21 shall state in its notice all of the reasons the application or
22 affidavit are incomplete, and the applicant shall resubmit a
23 complete application. The Commission shall have 30 days after
24 submission by the applicant of a complete application and
25 affidavit to issue the service authorization. If the Commission
26 does not notify the applicant regarding the completeness of the

1 application and affidavit or issue the service authorization
2 within the time periods required under this subsection, the
3 application and affidavit shall be considered complete and the
4 service authorization issued upon the expiration of the 30th
5 day.

6 (e) Any authorization issued by the Commission ~~will expire~~
7 ~~on December 31, 2020 and~~ shall contain or include all of the
8 following:

9 (1) A grant of authority, including an authorization
10 issued prior to this amendatory Act of the 98th General
11 Assembly, to provide cable service or video service in the
12 service area footprint as requested in the application,
13 subject to the provisions of this Article in existence on
14 the date the grant of authority was issued, and any
15 modifications to this Article enacted at any time prior to
16 the date in Section 21-1601 of this Act, and to the laws of
17 the State and the ordinances, rules, and regulations of the
18 local units of government.

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

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

1 successors-in-interest.

2 (e-5) The Commission shall notify a local unit of
3 government within 3 business days of the grant of any
4 authorization within a service area footprint if that
5 authorization includes any part of the local unit of
6 government's jurisdictional boundaries and state whether the
7 holder will be providing video service or cable service under
8 the authorization.

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

1 continuing breach of this Article by the holder, a pattern of
2 noncompliance with customer service standards by the potential
3 successor-in-interest, or the insolvency of the potential
4 successor-in-interest. If a transfer is made when there are
5 violations of this Article or of any federal, State, or local
6 law, ordinance, rule, or regulation, the successor-in-interest
7 shall be subject to 3 times the penalties provided for in this
8 Article.

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

26 (h) The Commission's authority to administer this Article

1 is limited to the powers and duties explicitly provided under
2 this Article. Its authority under this Article does not include
3 or limit the powers and duties that the Commission has under
4 the other Articles of this Act, the Illinois Administrative
5 Procedure Act, or any other law or regulation to conduct
6 proceedings, other than as provided in subsection (c), or has
7 to promulgate rules or regulations. The Commission shall not
8 have the authority to limit or expand the obligations and
9 requirements provided in this Section or to regulate or control
10 a person or entity to the extent that person or entity is
11 providing cable service or video service, except as provided in
12 this Article.

13 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14; 99-6,
14 eff. 6-29-15.)

15 (220 ILCS 5/13-1200 rep.)

16 (220 ILCS 5/21-1601 rep.)

17 Section 10. The Public Utilities Act is amended by
18 repealing Sections 13-1200 and 21-1601.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.