

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, 13-301.1, 13-406, and 21-401 and by
9 adding 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11 (Section scheduled to be repealed on July 1, 2017)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; ~~and~~

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 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

20 (Section scheduled to be repealed on July 1, 2017)

21 Sec. 13-301.1. Universal Telephone Service Assistance
22 Program.

23 (a) The Commission shall by rule or regulation establish a
24 Universal Telephone Service Assistance Program for low income
25 residential customers. The program shall provide for a

1 reduction of access line charges, a reduction of connection
2 charges, or any other alternative assistance or program to
3 increase accessibility to telephone service and broadband
4 Internet access service that the Commission deems advisable
5 subject to the availability of funds for the program as
6 provided in subsections ~~subsection~~ (d) and (e). The Commission
7 shall establish eligibility requirements for benefits under
8 the program.

9 (b) The Commission shall adopt rules providing for enhanced
10 enrollment for eligible consumers to receive lifeline service.
11 Enhanced enrollment may include, but is not limited to, joint
12 marketing, joint application, or joint processing with the
13 Low-Income Home Energy Assistance Program, the Medicaid
14 Program, and the Food Stamp Program. The Department of Human
15 Services, the Department of Healthcare and Family Services, and
16 the Department of Commerce and Economic Opportunity, upon
17 request of the Commission, shall assist in the adoption and
18 implementation of those rules. The Commission and the
19 Department of Human Services, the Department of Healthcare and
20 Family Services, and the Department of Commerce and Economic
21 Opportunity may enter into memoranda of understanding
22 establishing the respective duties of the Commission and the
23 Departments in relation to enhanced enrollment.

24 (c) In this Section:7

25 "Lifeline ~~"lifeline~~ service" means a retail local
26 service offering described by 47 CFR ~~C.F.R.~~ Section

1 54.401(a), as amended.

2 (d) The Commission shall require by rule or regulation that
3 each telecommunications carrier providing local exchange
4 telecommunications services notify its customers that if the
5 customer wishes to participate in the funding of the Universal
6 Telephone Service Assistance Program he may do so by electing
7 to contribute, on a monthly basis, a fixed amount that will be
8 included in the customer's monthly bill. The customer may cease
9 contributing at any time upon providing notice to the
10 telecommunications carrier providing local exchange
11 telecommunications services. The notice shall state that any
12 contribution made will not reduce the customer's bill for
13 telecommunications services. Failure to remit the amount of
14 increased payment will reduce the contribution accordingly.
15 The Commission shall specify the monthly fixed amount or
16 amounts that customers wishing to contribute to the funding of
17 the Universal Telephone Service Assistance Program may choose
18 from in making their contributions. Every telecommunications
19 carrier providing local exchange telecommunications services
20 shall remit the amounts contributed in accordance with the
21 terms of the Universal Telephone Service Assistance Program.

22 (e) Amounts collected and remitted under subsection (d)
23 may, to the extent the Commission deems advisable, be used for
24 funding a program to be administered by the entity designated
25 by the Commission as administrator of the Universal Telephone
26 Service Assistance Program for educating and assisting

1 low-income residential customers with a transition to Internet
2 protocol-based networks and services. This program may
3 include, but need not be limited to, measures designed to
4 notify and educate residential customers regarding the
5 availability of alternative voice services with access to
6 9-1-1, access to and use of broadband Internet access service,
7 and pricing options.

8 (Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.)

9 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

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

11 Sec. 13-406. Abandonment of service. No telecommunications
12 carrier offering or providing noncompetitive
13 telecommunications service pursuant to a valid Certificate of
14 Service Authority or certificate of public convenience and
15 necessity shall discontinue or abandon such service once
16 initiated until and unless it shall demonstrate, and the
17 Commission finds, after notice and hearing, that such
18 discontinuance or abandonment will not deprive customers of any
19 necessary or essential telecommunications service or access
20 thereto and is not otherwise contrary to the public interest.
21 No telecommunications carrier offering or providing
22 competitive telecommunications service shall completely
23 discontinue or abandon such service to an identifiable class or
24 group of customers once initiated except upon 60 days notice to
25 the Commission and affected customers. The Commission may, upon

1 its own motion or upon complaint, investigate the proposed
2 discontinuance or abandonment of a competitive
3 telecommunications service and may, after notice and hearing,
4 prohibit such proposed discontinuance or abandonment if the
5 Commission finds that it would be contrary to the public
6 interest. If the Commission does not provide notice of a
7 hearing within 60 calendar days after the notification or holds
8 a hearing and fails to find that the proposed discontinuation
9 or abandonment would be contrary to the public interest, the
10 provider may discontinue or abandon such service after
11 providing at least 30 days notice to affected customers. This
12 Section does not apply to a Large Electing Provider proceeding
13 under Section 13-406.1.

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

15 (220 ILCS 5/13-406.1 new)

16 Sec. 13-406.1. Large Electing Provider transition to
17 IP-based networks and service.

18 (a) As used in this Section:

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

22 "Existing customer" means a residential customer of the
23 Large Electing Provider who is subscribing to a
24 telecommunications service on the date the Large Electing
25 Provider sends its notice under paragraph (1) of subsection (c)

1 of this Section of its intent to cease offering and providing
2 service. For purposes of this Section, a residential customer
3 of the Large Electing Provider whose service has been
4 temporarily suspended, but not finally terminated as of the
5 date that the Large Electing Provider sends such notice, shall
6 be deemed to be an "existing customer".

7 "Large Electing Provider" means an Electing Provider, as
8 defined in Section 13-506.2 of this Act, that reported in its
9 annual competition report for the year 2016 filed with the
10 Commission under Section 13-407 of this Act and 83 Ill. Adm.
11 Code 793 that it provided at least 700,000 access lines to end
12 users.

13 "New customer" means a residential customer who is not
14 subscribing to a telecommunications service provided by the
15 Large Electing Provider on the date the Large Electing Provider
16 sends its notice under paragraph (1) of subsection (c) of this
17 Section of its intent to cease offering and providing such
18 service.

19 "Provider" includes every corporation, company,
20 association, firm, partnership, and individual and their
21 lessees, trustees, or receivers appointed by any court that
22 sell or offer to sell an alternative voice service.

23 "Reliable access to 9-1-1" means access to 9-1-1 that
24 complies with the applicable rules, regulations, and
25 guidelines established by the Federal Communications
26 Commission and the applicable provisions of the Emergency

1 Telephone System Act and implementing rules.

2 "Willing provider" means a provider that voluntarily
3 participates in the request for service process.

4 (b) Beginning June 30, 2017, a Large Electing Provider may,
5 to the extent permitted by and consistent with federal law,
6 including, as applicable, approval by the Federal
7 Communications Commission of the discontinuance of the
8 interstate-access component of a telecommunications service,
9 cease to offer and provide a telecommunications service to an
10 identifiable class or group of customers, other than voice
11 telecommunications service to residential customers, upon 60
12 days' notice to the Commission and affected customers.

13 (c) Beginning June 30, 2017, a Large Electing Provider may,
14 to the extent permitted by and consistent with federal law,
15 cease to offer and provide voice telecommunications service to
16 an identifiable class or group of residential customers, which,
17 for the purposes of this subsection (c), shall be referred to
18 as "requested service", subject to compliance with the
19 following requirements:

20 (1) No less than 255 days prior to providing notice to
21 the Federal Communications Commission of its intent to
22 discontinue the interstate-access component of the
23 requested service, the Large Electing Provider shall:

24 (A) file a notice of the proposed cessation of the
25 requested service with the Commission; and

26 (B) provide notice of the proposed cessation of the

1 requested service to each of the Large Electing
2 Provider's existing customers within the affected
3 geographic area by first-class mail separate from
4 customer bills. If the customer has elected to receive
5 electronic billing, the notice shall be sent
6 electronically and by first-class mail separate from
7 customer bills. The notice provided under this
8 subparagraph (B) must describe the requested service,
9 identify the earliest date on which the Large Electing
10 Provider intends to cease offering or providing the
11 telecommunications service, provide a telephone number
12 by which the existing customer may contact a service
13 representative of the Large Electing Provider, and
14 provide a telephone number by which the existing
15 customer may contact the Commission's Consumer
16 Services Division. The notice shall also include the
17 following statement:

18 "If you do not believe that an alternative
19 voice service including reliable access to 9-1-1
20 is available to you, from either [name of Large
21 Electing Provider] or another provider of wired or
22 wireless voice service where you live, you have the
23 right to request the Illinois Commerce Commission
24 to investigate the availability of alternative
25 voice service including reliable access to 9-1-1.
26 To do so, you must submit such a request in either

1 writing or by signing and returning a copy of this
2 notice, no later than (insert date), 60 days after
3 the date of the notice to the following address:
4 Chief Clerk of the Illinois Commerce Commission
5 527 East Capitol Avenue
6 Springfield, Illinois 62706

7 You must include in your request a reference to
8 the notice you received from [Large Electing
9 Provider's name] and the date of notice.".

10 Thirty days following the date of notice, the Large
11 Electing Provider shall provide each customer to which
12 the notice was sent a follow-up notice containing the
13 same information and reminding customers of the
14 deadline for requesting the Commission to investigate
15 alternative voice service with access to 9-1-1.

16 (2) After June 30, 2017, and only in a geographic area
17 for which a Large Electing Provider has provided notice of
18 proposed cessation of the requested service to existing
19 customers under paragraph (1) of this subsection (c), an
20 existing customer of that provider may, within 60 days
21 after issuance of such notice, request the Commission to
22 investigate the availability of alternative voice service
23 including reliable access to 9-1-1 to that customer. For
24 the purposes of this paragraph (2), existing customers who
25 make such a request are referred to as "requesting existing
26 customers". The Large Electing Provider may cease to offer

1 or provide the requested service to existing customers who
2 do not make a request for investigation beginning 30 days
3 after issuance of the notice required by paragraph (5) of
4 this subsection (c).

5 (A) In response to all requests and investigations
6 under this paragraph (2), the Commission shall conduct
7 a single investigation to be commenced 75 days after
8 the receipt of notice under paragraph (1) of this
9 subsection (c), and completed within 135 days after
10 commencement. The Commission shall, within 135 days
11 after commencement of the investigation, make one of
12 the findings described in subdivisions (i) and (ii) of
13 this subparagraph (A) for each requesting existing
14 customer.

15 (i) If, as a result of the investigation, the
16 Commission finds that service from at least one
17 provider offering alternative voice service
18 including reliable access to 9-1-1 through any
19 technology or medium is available to one or more
20 requesting existing customers, the Commission
21 shall declare by order that, with respect to each
22 requesting existing customer for which such a
23 finding is made, the Large Electing Provider may
24 cease to offer or provide the requested service
25 beginning 30 days after the issuance of the notice
26 required by paragraph (5) of this subsection (c).

1 (ii) If, as a result of the investigation, the
2 Commission finds that service from at least one
3 provider offering alternative voice service,
4 including reliable access to 9-1-1, through any
5 technology or medium is not available to one or
6 more requesting existing customers, the Commission
7 shall declare by order that an emergency exists
8 with respect to each requesting existing customer
9 for which such a finding is made.

10 (B) If the Commission declares an emergency under
11 subdivision (ii) of subparagraph (A) of this paragraph
12 (2) with respect to one or more requesting existing
13 customers, the Commission shall conduct a request for
14 service process to identify a willing provider of
15 alternative voice service including reliable access to
16 9-1-1. A provider shall not be required to participate
17 in the request for service process. The willing
18 provider may utilize any form of technology that is
19 capable of providing alternative voice service
20 including reliable access to 9-1-1, including, without
21 limitation, Voice over Internet Protocol services and
22 wireless services. The Commission shall, within 45
23 days after the issuance of an order finding that an
24 emergency exists, make one of the determinations
25 described in subdivisions (i) and (ii) of this
26 subparagraph (B) for each requesting existing customer

1 for which an emergency has been declared.

2 (i) If the Commission determines that another
3 provider is willing and capable of providing
4 alternative voice service including reliable
5 access to 9-1-1 to one or more requesting existing
6 customers for which an emergency has been
7 declared, the Commission shall declare by order
8 that, with respect to each requesting existing
9 customer for which such a determination is made,
10 the Large Electing Provider may cease to offer or
11 provide the requested service beginning 30 days
12 after the issuance of the notice required by
13 paragraph (5) of this Section.

14 (ii) If the Commission determines that for one
15 or more of the requesting existing customers for
16 which an emergency has been declared there is no
17 other provider willing and capable of providing
18 alternative voice service including reliable
19 access to 9-1-1, the Commission shall issue an
20 order requiring the Large Electing Provider to
21 provide alternative voice service including
22 reliable access to 9-1-1 to each such requesting
23 existing customer utilizing any form of technology
24 capable of providing alternative voice service
25 including reliable access to 9-1-1, including,
26 without limitation, continuation of the requested

1 service, Voice over Internet Protocol services,
2 and wireless services, until another willing
3 provider is available. A Large Electing Provider
4 may fulfill the requirement through an affiliate
5 or another provider. The Large Electing Provider
6 may request that such an order be rescinded upon a
7 showing that an alternative voice service
8 including reliable access to 9-1-1 has become
9 available to the requesting existing customer from
10 another provider.

11 (3) If the Commission receives no requests for
12 investigation from any existing customer under paragraph
13 (2) of this subsection (c) within 60 days after issuance of
14 the notice under paragraph (1) of this subsection (c), the
15 Commission shall provide written notice to the Large
16 Electing Provider of that fact no later than 75 days after
17 receipt of notice under paragraph (1) of this subsection
18 (c). Notwithstanding any provision of this subsection (c)
19 to the contrary, if no existing customer requests an
20 investigation under paragraph (2) of this subsection (c),
21 the Large Electing Provider may immediately provide the
22 notice to the Federal Communications Commission as
23 described in paragraph (4) of this subsection (c).

24 (4) At the same time that it provides notice to the
25 Federal Communications Commission of its intent to
26 discontinue the interstate-access component of the

1 requested service, the Large Electing Provider shall:

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

4 (B) provide a notice of proposal to cease to offer
5 and provide the requested service to existing
6 customers and new customers receiving the service at
7 the time of the notice within each affected geographic
8 area, with the notice made by first-class mail or
9 within customer bills delivered by mail or equivalent
10 means of notice, including electronic means if the
11 customer has elected to receive electronic billing.
12 The notice provided under this subparagraph (B) must
13 include a brief description of the requested service,
14 the date on which the Large Electing Provider intends
15 to cease offering or providing the telecommunications
16 service, and a statement as required by 47 CFR 63.71
17 that describes the process by which the customer may
18 submit comments to the Federal Communications
19 Commission.

20 (5) Upon approval by the Federal Communications
21 Commission of its request to discontinue the
22 interstate-access component of the requested service and
23 subject to the requirements of any order issued by the
24 Commission under subdivision (ii) of subparagraph (B) of
25 paragraph (2) of this subsection (c), the Large Electing
26 Provider may immediately cease to offer the requested

1 service to all customers not receiving the service on the
2 date of the Federal Communications Commission's approval
3 and may cease to offer and provide the requested service to
4 all customers receiving the service at the time of the
5 Federal Communications Commission's approval upon 30 days'
6 notice to the Commission and affected customers. Notice to
7 affected customers under this paragraph (5) shall be
8 provided by first-class mail separate from customer bills.
9 The notice provided under this paragraph (5) must describe
10 the requested service, identify the date on which the Large
11 Electing Provider intends to cease offering or providing
12 the telecommunications service, and provide a telephone
13 number by which the existing customer may contact a service
14 representative of the Large Electing Provider.

15 (6) The notices provided for in paragraph (1) of this
16 subsection (c) are not required as a prerequisite for the
17 Large Electing Provider to cease to offer or provide a
18 telecommunications service in a geographic area where
19 there are no residential customers taking service from the
20 Large Electing Provider on the date that the Large Electing
21 Provider files notice to the Federal Communications
22 Commission of its intent to discontinue the
23 interstate-access component of the requested service in
24 such a geographic area.

25 (7) For a period of 45 days following the date of a
26 notice issued pursuant to paragraph (5) of this Section,

1 any existing customer (i) who is located in the affected
2 geographic area subject to that notice; (ii) who was
3 receiving the requested service as of the date of the
4 Federal Communications Commission's approval of the Large
5 Electing Provider's request to discontinue the
6 interstate-access component of the requested service;
7 (iii) who did not make a timely request for investigation
8 pursuant to paragraph (2) of this Section; and (iv) whose
9 service will be or has been discontinued pursuant to
10 paragraph (5), may request assistance from the Large
11 Electing Provider in identifying providers of alternative
12 voice service including reliable access to 9-1-1. Within 15
13 days of the request, the Large Electing Provider shall
14 provide the customer with a list of alternative voice
15 service providers.

16 (8) Notwithstanding any other provision of this Act,
17 except as expressly authorized by this subsection (c), the
18 Commission may not, upon its own motion or upon complaint,
19 investigate, suspend, disapprove, condition, or otherwise
20 regulate the cessation of a telecommunications service to
21 an identifiable class or group of customers once initiated
22 by a Large Electing Provider under subsection (b) or this
23 subsection (c).

24 (220 ILCS 5/21-401)

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

1 Sec. 21-401. Applications.

2 (a) (1) A person or entity seeking to provide cable service
3 or video service pursuant to this Article shall not use the
4 public rights-of-way for the installation or construction of
5 facilities for the provision of cable service or video service
6 or offer cable service or video service until it has obtained a
7 State-issued authorization to offer or provide cable or video
8 service under this Section, except as provided for in item (2)
9 of this subsection (a). All cable or video providers offering
10 or providing service in this State shall have authorization
11 pursuant to either (i) the Cable and Video Competition Law of
12 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
13 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
14 5-1095 of the Counties Code (55 ILCS 5/5-1095).

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

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

26 (1) That the applicant has filed or will timely file

1 with the Federal Communications Commission all forms
2 required by that agency in advance of offering cable
3 service or video service in this State.

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

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

8 (4) An exact description of the cable service or video
9 service area where the cable service or video service will
10 be offered during the term of the State-issued
11 authorization. The service area shall be identified in
12 terms of either (i) exchanges, as that term is defined in
13 Section 13-206 of this Act; (ii) a collection of United
14 States Census Bureau Block numbers (13 digit); (iii) if the
15 area is smaller than the areas identified in either (i) or
16 (ii), by geographic information system digital boundaries
17 meeting or exceeding national map accuracy standards; or
18 (iv) local unit of government. The description shall
19 include the number of low-income households within the
20 service area or footprint. If an applicant is an incumbent
21 cable operator, the incumbent cable operator and any
22 successor-in-interest shall be obligated to provide access
23 to cable services or video services within any local units
24 of government at the same levels required by the local
25 franchising authorities for the local unit of government on
26 June 30, 2007 (the effective date of Public Act 95-9), and

1 its application shall provide a description of an area no
2 smaller than the service areas contained in its franchise
3 or franchises within the jurisdiction of the local unit of
4 government in which it seeks to offer cable or video
5 service.

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

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

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

1 video services.

2 (8) For any entity that received State-issued
3 authorization prior to this amendatory Act of the 98th
4 General Assembly as a cable operator and that intends to
5 proceed as a cable operator under this Article, the entity
6 shall file a written affidavit with the Commission and
7 shall serve a copy of the affidavit with any local units of
8 government affected by the authorization within 30 days
9 after the effective date of this amendatory Act of the 98th
10 General Assembly stating that the holder will be providing
11 cable service under the State-issued authorization.

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

24 The application shall include the applicant's general
25 standards related to customer service required by Section
26 22-501 of this Act, which shall include, but not be limited to,

1 installation, disconnection, service and repair obligations;
2 appointment hours; employee ID requirements; customer service
3 telephone numbers and hours; procedures for billing, charges,
4 deposits, refunds, and credits; procedures for termination of
5 service; notice of deletion of programming service and changes
6 related to transmission of programming or changes or increases
7 in rates; use and availability of parental control or lock-out
8 devices; complaint procedures and procedures for bill dispute
9 resolution and a description of the rights and remedies
10 available to consumers if the holder does not materially meet
11 their customer service standards; and special services for
12 customers with visual, hearing, or mobility disabilities.

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

1 information is entitled to confidential treatment. Information
2 designated as confidential shall be provided to local units of
3 government for purposes of assessing compliance with this
4 Article as permitted under a Protective Order issued by the
5 Commission pursuant to the Commission's rules and to the
6 Attorney General pursuant to Section 6.5 of the Attorney
7 General Act (15 ILCS 205/6.5). Information designated as
8 confidential under this Section or determined to be
9 confidential upon Commission review shall only be disclosed
10 pursuant to a valid and enforceable subpoena or court order or
11 as required by the Freedom of Information Act. Nothing herein
12 shall delay the application approval timeframes set forth in
13 this Article.

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

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

21 (2) The Commission shall notify an applicant for a cable
22 service or video service authorization whether the applicant's
23 application and affidavit are complete on or before the 15th
24 business day after the applicant submits the application. If
25 the application and affidavit are not complete, the Commission
26 shall state in its notice all of the reasons the application or

1 affidavit are incomplete, and the applicant shall resubmit a
2 complete application. The Commission shall have 30 days after
3 submission by the applicant of a complete application and
4 affidavit to issue the service authorization. If the Commission
5 does not notify the applicant regarding the completeness of the
6 application and affidavit or issue the service authorization
7 within the time periods required under this subsection, the
8 application and affidavit shall be considered complete and the
9 service authorization issued upon the expiration of the 30th
10 day.

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

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

24 (2) A grant of authority to use, occupy, and construct
25 facilities in the public rights-of-way for the delivery of
26 cable service or video service in the service area

1 footprint, subject to the laws, ordinances, rules, or
2 regulations of this State and local units of governments.

3 (3) A statement that the grant of authority is subject
4 to lawful operation of the cable service or video service
5 by the applicant, its affiliated entities, or its
6 successors-in-interest.

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

14 (f) The authorization issued pursuant to this Section by
15 the Commission may be transferred to any successor-in-interest
16 to the applicant to which it is initially granted without
17 further Commission action if the successor-in-interest (i)
18 submits an application and the information required by
19 subsection (b) of this Section for the successor-in-interest
20 and (ii) is not in violation of this Article or of any federal,
21 State, or local law, ordinance, rule, or regulation. A
22 successor-in-interest shall file its application and notice of
23 transfer with the Commission and the relevant local units of
24 government no less than 15 business days prior to the
25 completion of the transfer. The Commission is not required or
26 authorized to act upon the notice of transfer; however, the

1 transfer is not effective until the Commission approves the
2 successor-in-interest's application. A local unit of
3 government or the Attorney General may seek to bar a transfer
4 of ownership by filing suit in a court of competent
5 jurisdiction predicated on the existence of a material and
6 continuing breach of this Article by the holder, a pattern of
7 noncompliance with customer service standards by the potential
8 successor-in-interest, or the insolvency of the potential
9 successor-in-interest. If a transfer is made when there are
10 violations of this Article or of any federal, State, or local
11 law, ordinance, rule, or regulation, the successor-in-interest
12 shall be subject to 3 times the penalties provided for in this
13 Article.

14 (g) The authorization issued pursuant to this Section by
15 the Commission may be terminated, or its cable service or video
16 service area footprint may be modified, by the cable service
17 provider or video service provider by submitting notice to the
18 Commission and to the relevant local unit of government
19 containing a description of the change on the same terms as the
20 initial description pursuant to item (4) of subsection (b) of
21 this Section. The Commission is not required or authorized to
22 act upon that notice. It shall be a violation of this Article
23 for a holder to discriminate against potential residential
24 subscribers because of the race or income of the residents in
25 the local area in which the group resides by terminating or
26 modifying its cable service or video service area footprint. It

1 shall be a violation of this Article for a holder to terminate
2 or modify its cable service or video service area footprint if
3 it leaves an area with no cable service or video service from
4 any provider.

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

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

20 (220 ILCS 5/13-1200 rep.)

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

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

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