



Sen. Bill Cunningham

Filed: 5/22/2017

10000SB1381sam001

LRB100 08310 RJF 26814 a

1 AMENDMENT TO SENATE BILL 1381

2 AMENDMENT NO. _____. Amend Senate Bill 1381 as follows:

3 on page 1, line 8, after "13-103,", by inserting "13-301.1,";
4 and

5 on page 6, immediately below line 18, by inserting the
6 following:

7 "(220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)
8 (Section scheduled to be repealed on July 1, 2017)

9 Sec. 13-301.1. Universal Telephone Service Assistance
10 Program.

11 (a) The Commission shall by rule or regulation establish a
12 Universal Telephone Service Assistance Program for low income
13 residential customers. The program shall provide for a
14 reduction of access line charges, a reduction of connection
15 charges, or any other alternative assistance or program to

1 increase accessibility to telephone service and broadband
2 Internet access service that the Commission deems advisable
3 subject to the availability of funds for the program as
4 provided in subsections ~~subsection~~ (d) and (e). The Commission
5 shall establish eligibility requirements for benefits under
6 the program.

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

22 (c) In this Section:7

23 "Lifeline ~~"lifeline~~ service" means a retail local
24 service offering described by 47 CFR ~~C.F.R.~~ ~~Section~~
25 54.401(a), as amended.

26 (d) The Commission shall require by rule or regulation that

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

20 (e) Amounts collected and remitted under subsection (d)
21 may, to the extent the Commission deems advisable, be used for
22 funding a program to be administered by the entity designated
23 by the Commission as administrator of the Universal Telephone
24 Service Assistance Program for educating and assisting
25 low-income residential customers with a transition to Internet
26 protocol-based networks and services. This program may

1 include, but need not be limited to, measures designed to
2 notify and educate residential customers regarding the
3 availability of alternative voice services with access to
4 9-1-1, access to and use of broadband Internet access service,
5 and pricing options.

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

8 by replacing line 25 on page 7 through line 18 on page 16 with
9 the following:

10 "(220 ILCS 5/13-406.1 new)

11 Sec. 13-406.1. Large Electing Provider transition to
12 IP-based networks and service.

13 (a) As used in this Section:

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

17 "Existing customer" means a residential customer of the
18 Large Electing Provider who is subscribing to a
19 telecommunications service on the date the Large Electing
20 Provider sends its notice under paragraph (1) of subsection (c)
21 of this Section of its intent to cease offering and providing
22 service. For purposes of this Section, a residential customer
23 of the Large Electing Provider whose service has been
24 temporarily suspended, but not finally terminated as of the

1 date that the Large Electing Provider sends such notice, shall
2 be deemed to be an "existing customer".

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

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

15 "Provider" includes every corporation, company,
16 association, firm, partnership, and individual and their
17 lessees, trustees, or receivers appointed by any court that
18 sell or offer to sell an alternative voice service.

19 "Reliable access to 9-1-1" means access to 9-1-1 that
20 complies with the applicable rules, regulations, and
21 guidelines established by the Federal Communications
22 Commission and the applicable provisions of the Emergency
23 Telephone System Act and implementing rules.

24 "Willing provider" means a provider that voluntarily
25 participates in the request for service process.

26 (b) Beginning June 30, 2017, a Large Electing Provider may,

1 to the extent permitted by and consistent with federal law,
2 including, as applicable, approval by the Federal
3 Communications Commission of the discontinuance of the
4 interstate-access component of a telecommunications service,
5 cease to offer and provide a telecommunications service to an
6 identifiable class or group of customers, other than voice
7 telecommunications service to residential customers, upon 60
8 days' notice to the Commission and affected customers.

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

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

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

22 (B) provide notice of the proposed cessation of the
23 requested service to each of the Large Electing
24 Provider's existing customers within the affected
25 geographic area by first-class mail separate from
26 customer bills. If the customer has elected to receive

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

14 "If you do not believe that an alternative
15 voice service including reliable access to 9-1-1
16 is available to you, from either [name of Large
17 Electing Provider] or another provider of wired or
18 wireless voice service where you live, you have the
19 right to request the Illinois Commerce Commission
20 to investigate the availability of alternative
21 voice service including reliable access to 9-1-1.
22 To do so, you must submit such a request in either
23 writing or by signing and returning a copy of this
24 notice, no later than (insert date), 60 days after
25 the date of the notice to the following address:
26 Chief Clerk of the Illinois Commerce Commission

1 527 East Capitol Avenue

2 Springfield, Illinois 62706

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

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

12 (2) After June 30, 2017, and only in a geographic area
13 for which a Large Electing Provider has provided notice of
14 proposed cessation of the requested service to existing
15 customers under paragraph (1) of this subsection (c), an
16 existing customer of that provider may, within 60 days
17 after issuance of such notice, request the Commission to
18 investigate the availability of alternative voice service
19 including reliable access to 9-1-1 to that customer. For
20 the purposes of this paragraph (2), existing customers who
21 make such a request are referred to as "requesting existing
22 customers". The Large Electing Provider may cease to offer
23 or provide the requested service to existing customers who
24 do not make a request for investigation beginning 30 days
25 after issuance of the notice required by paragraph (5) of
26 this subsection (c).

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

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

23 (ii) If, as a result of the investigation, the
24 Commission finds that service from at least one
25 provider offering alternative voice service,
26 including reliable access to 9-1-1, through any

1 technology or medium is not available to one or
2 more requesting existing customers, the Commission
3 shall declare by order that an emergency exists
4 with respect to each requesting existing customer
5 for which such a finding is made.

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

24 (i) If the Commission determines that another
25 provider is willing and capable of providing
26 alternative voice service including reliable

1 access to 9-1-1 to one or more requesting existing
2 customers for which an emergency has been
3 declared, the Commission shall declare by order
4 that, with respect to each requesting existing
5 customer for which such a determination is made,
6 the Large Electing Provider may cease to offer or
7 provide the requested service beginning 30 days
8 after the issuance of the notice required by
9 paragraph (5) of this Section.

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

1 or another provider. The Large Electing Provider
2 may request that such an order be rescinded upon a
3 showing that an alternative voice service
4 including reliable access to 9-1-1 has become
5 available to the requesting existing customer from
6 another provider.

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

20 (4) At the same time that it provides notice to the
21 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 proposal to cease to offer and
25 provide the requested service with the Commission; and

26 (B) provide a notice of proposal to cease to offer

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

16 (5) Upon approval by the Federal Communications
17 Commission of its request to discontinue the
18 interstate-access component of the requested service and
19 subject to the requirements of any order issued by the
20 Commission under subdivision (ii) of subparagraph (B) of
21 paragraph (2) of this subsection (c), the Large Electing
22 Provider may immediately cease to offer the requested
23 service to all customers not receiving the service on the
24 date of the Federal Communications Commission's approval
25 and may cease to offer and provide the requested service to
26 all customers receiving the service at the time of the

1 Federal Communications Commission's approval upon 30 days'
2 notice to the Commission and affected customers. Notice to
3 affected customers under this paragraph (5) shall be
4 provided by first-class mail separate from customer bills.
5 The notice provided under this paragraph (5) must describe
6 the requested service, identify the date on which the Large
7 Electing Provider intends to cease offering or providing
8 the telecommunications service, and provide a telephone
9 number by which the existing customer may contact a service
10 representative of the Large Electing Provider.

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

21 (7) For a period of 45 days following the date of a
22 notice issued pursuant to paragraph (5) of this Section,
23 any existing customer (i) who is located in the affected
24 geographic area subject to that notice; (ii) who was
25 receiving the requested service as of the date of the
26 Federal Communications Commission's approval of the Large

1 Electing Provider's request to discontinue the
2 interstate-access component of the requested service;
3 (iii) who did not make a timely request for investigation
4 pursuant to paragraph (2) of this Section; and (iv) whose
5 service will be or has been discontinued pursuant paragraph
6 (5), may request assistance from the Large Electing
7 Provider in identifying providers of alternative voice
8 service including reliable access to 9-1-1. Within 15 days
9 of the request, the Large Electing Provider shall provide
10 the customer with a list of alternative voice service
11 providers.

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