

# SB3777



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3777

Introduced 2/14/2020, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-1200  
220 ILCS 5/21-401  
220 ILCS 5/21-1601

Amends the Public Utilities Act. Extends the repeal date of the Cable and Video Competition Law of 2007 from December 31, 2020 to December 31, 2025. Extends the expiration date of Illinois Commerce Commission authorizations to provide cable and video services from December 31, 2023 to December 31, 2028. Extends the repeal date of the Universal Telephone Service Protection Law of 1985 from December 31, 2020 to December 31, 2025. Effective immediately.

LRB101 15180 SPS 64336 b

A BILL FOR

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 5. The Public Utilities Act is amended by changing  
5 Section 13-1200 as follows:

6 (220 ILCS 5/13-1200)

7 (Section scheduled to be repealed on December 31, 2020)

8 Sec. 13-1200. Repealer. This Article is repealed December  
9 31, 2025 ~~2020~~.

10 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

11 Section 10. The Public Utilities Act is amended by changing  
12 Sections 21-401 and 21-1601 as follows:

13 (220 ILCS 5/21-401)

14 (Section scheduled to be repealed on December 31, 2020)

15 Sec. 21-401. Applications.

16 (a) (1) A person or entity seeking to provide cable service  
17 or video service pursuant to this Article shall not use the  
18 public rights-of-way for the installation or construction of  
19 facilities for the provision of cable service or video service  
20 or offer cable service or video service until it has obtained a  
21 State-issued authorization to offer or provide cable or video

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

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

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

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

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

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

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

25           (5) The location and telephone number of the  
26 applicant's principal place of business within this State

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

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

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

21 (8) For any entity that received State-issued  
22 authorization prior to this amendatory Act of the 98th  
23 General Assembly as a cable operator and that intends to  
24 proceed as a cable operator under this Article, the entity  
25 shall file a written affidavit with the Commission and  
26 shall serve a copy of the affidavit with any local units of

1 government affected by the authorization within 30 days  
2 after the effective date of this amendatory Act of the 98th  
3 General Assembly stating that the holder will be providing  
4 cable service under the State-issued authorization.

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

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

1 devices; complaint procedures and procedures for bill dispute  
2 resolution and a description of the rights and remedies  
3 available to consumers if the holder does not materially meet  
4 their customer service standards; and special services for  
5 customers with visual, hearing, or mobility disabilities.

6 (c)(1) The applicant may designate information that it  
7 submits in its application or subsequent reports as  
8 confidential or proprietary, provided that the applicant  
9 states the reasons the confidential designation is necessary.  
10 The Commission shall provide adequate protection for such  
11 information pursuant to Section 4-404 of this Act. If the  
12 Commission, a local unit of government, or any other party  
13 seeks public disclosure of information designated as  
14 confidential, the Commission shall consider the confidential  
15 designation in a proceeding under the Illinois Administrative  
16 Procedure Act, and the burden of proof to demonstrate that the  
17 designated information is confidential shall be upon the  
18 applicant. Designated information shall remain confidential  
19 pending the Commission's determination of whether the  
20 information is entitled to confidential treatment. Information  
21 designated as confidential shall be provided to local units of  
22 government for purposes of assessing compliance with this  
23 Article as permitted under a Protective Order issued by the  
24 Commission pursuant to the Commission's rules and to the  
25 Attorney General pursuant to Section 6.5 of the Attorney  
26 General Act (15 ILCS 205/6.5). Information designated as

1 confidential under this Section or determined to be  
2 confidential upon Commission review shall only be disclosed  
3 pursuant to a valid and enforceable subpoena or court order or  
4 as required by the Freedom of Information Act. Nothing herein  
5 shall delay the application approval timeframes set forth in  
6 this Article.

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

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

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



1 application and affidavit shall be considered complete and the  
2 service authorization issued upon the expiration of the 30th  
3 day.

4 (e) Any authorization issued by the Commission will expire  
5 on December 31, 2028 ~~2023~~ and shall contain or include all of  
6 the following:

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

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

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

26 (e-5) The Commission shall notify a local unit of

1 government within 3 business days of the grant of any  
2 authorization within a service area footprint if that  
3 authorization includes any part of the local unit of  
4 government's jurisdictional boundaries and state whether the  
5 holder will be providing video service or cable service under  
6 the authorization.

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

1 successor-in-interest, or the insolvency of the potential  
2 successor-in-interest. If a transfer is made when there are  
3 violations of this Article or of any federal, State, or local  
4 law, ordinance, rule, or regulation, the successor-in-interest  
5 shall be subject to 3 times the penalties provided for in this  
6 Article.

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

24 (h) The Commission's authority to administer this Article  
25 is limited to the powers and duties explicitly provided under  
26 this Article. Its authority under this Article does not include

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

11 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

12 (220 ILCS 5/21-1601)

13 (Section scheduled to be repealed on December 31, 2020)

14 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of  
15 this Article are repealed December 31, 2025 ~~2020~~.

16 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.