

# SB0486



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0486

Introduced 2/23/2021, 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 dates of the Telecommunications Article and the Cable and Video Competition Article from December 31, 2021 to December 31, 2026. Provides that any cable service or video service authorization issued by the Illinois Commerce Commission will expire on December 31, 2029 (rather than December 31, 2024). Effective immediately.

LRB102 04104 SPS 14121 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 Sections 13-1200, 21-401, and 21-1601 as follows:

6 (220 ILCS 5/13-1200)

7 (Section scheduled to be repealed on December 31, 2021)

8 Sec. 13-1200. Repealer. This Article is repealed December  
9 31, 2026 ~~2021~~.

10 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

11 (220 ILCS 5/21-401)

12 (Section scheduled to be repealed on December 31, 2021)

13 Sec. 21-401. Applications.

14 (a) (1) A person or entity seeking to provide cable service  
15 or video service pursuant to this Article shall not use the  
16 public rights-of-way for the installation or construction of  
17 facilities for the provision of cable service or video service  
18 or offer cable service or video service until it has obtained a  
19 State-issued authorization to offer or provide cable or video  
20 service under this Section, except as provided for in item (2)  
21 of this subsection (a). All cable or video providers offering  
22 or providing service in this State shall have authorization

1 pursuant to either (i) the Cable and Video Competition Law of  
2 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
3 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
4 5-1095 of the Counties Code (55 ILCS 5/5-1095).

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

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

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

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

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

24 (4) An exact description of the cable service or video  
25 service area where the cable service or video service will  
26 be offered during the term of the State-issued

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

22 (5) The location and telephone number of the  
23 applicant's principal place of business within this State  
24 and the names of the applicant's principal executive  
25 officers who are responsible for communications concerning  
26 the application and the services to be offered pursuant to

1 the application, the applicant's legal name, and any name  
2 or names under which the applicant does or will provide  
3 cable services or video services in this State.

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

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

18 (8) For any entity that received State-issued  
19 authorization prior to this amendatory Act of the 98th  
20 General Assembly as a cable operator and that intends to  
21 proceed as a cable operator under this Article, the entity  
22 shall file a written affidavit with the Commission and  
23 shall serve a copy of the affidavit with any local units of  
24 government affected by the authorization within 30 days  
25 after the effective date of this amendatory Act of the  
26 98th General Assembly stating that the holder will be

1 providing cable service under the State-issued  
2 authorization.

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

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

1 available to consumers if the holder does not materially meet  
2 their customer service standards; and special services for  
3 customers with visual, hearing, or mobility disabilities.

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

1 pursuant to a valid and enforceable subpoena or court order or  
2 as required by the Freedom of Information Act. Nothing herein  
3 shall delay the application approval timeframes set forth in  
4 this Article.

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

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

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



1 the expiration of the 30th day.

2 (e) Any authorization issued by the Commission will expire  
3 on December 31, 2029 ~~2024~~ and shall contain or include all of  
4 the following:

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

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

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

24 (e-5) The Commission shall notify a local unit of  
25 government within 3 business days of the grant of any  
26 authorization within a service area footprint if that

1 authorization includes any part of the local unit of  
2 government's jurisdictional boundaries and state whether the  
3 holder will be providing video service or cable service under  
4 the authorization.

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

1 violations of this Article or of any federal, State, or local  
2 law, ordinance, rule, or regulation, the successor-in-interest  
3 shall be subject to 3 times the penalties provided for in this  
4 Article.

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

22 (h) The Commission's authority to administer this Article  
23 is limited to the powers and duties explicitly provided under  
24 this Article. Its authority under this Article does not  
25 include or limit the powers and duties that the Commission has  
26 under the other Articles of this Act, the Illinois

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

9 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

10 (220 ILCS 5/21-1601)

11 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of  
12 this Article are repealed December 31, 2026 ~~2021~~.

13 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.