



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB2280

Introduced 2/26/2021, by Sen. Emil Jones, III

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-406 from Ch. 111 2/3, par. 13-406  
220 ILCS 5/13-1200  
220 ILCS 5/21-401  
220 ILCS 5/21-1601

Amends the Public Utilities Act. In a provision concerning abandonment of service, provides for the procedure through which a Small Electing Provider may choose to cease offering or providing a telecommunications service. Defines "Small Electing Provider" as an incumbent local exchange carrier that is an electing provider, and that, together with all of its incumbent local exchange carrier affiliates offering telecommunications services within the State of Illinois, has fewer than 40,000 subscriber access lines as of January 1, 2020. 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 13089 SPS 18432 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing  
5 Sections 13-406, 13-1200, 21-401, and 21-1601 as follows:

6 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

7 (Section scheduled to be repealed on December 31, 2021)

8 Sec. 13-406. Abandonment of service.

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

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

13 (b) A Small Electing Provider may choose to cease offering  
14 or providing a telecommunications service pursuant to either  
15 this Section or Section 13-406.1 of this Act in the same manner  
16 as a Large Electing Provider. A Small Electing Provider that  
17 elects to cease offering or providing a telecommunications  
18 service pursuant to Section 13-406.1 shall be subject to all  
19 of the provisions that apply to a Large Electing Provider  
20 under Section 13-406.1. In this subsection (b), "Small  
21 Electing Provider" means an incumbent local exchange carrier,  
22 as defined in Section 13-202.5 of this Act, that is an Electing  
23 Provider, as defined in Section 13-506.2 of this Act, and  
24 that, together with all of its incumbent local exchange  
25 carrier affiliates offering telecommunications services within  
26 the State of Illinois, has fewer than 40,000 subscriber access

1 lines as of January 1, 2020.

2 (Source: P.A. 100-20, eff. 7-1-17.)

3 (220 ILCS 5/13-1200)

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

5 Sec. 13-1200. Repealer. This Article is repealed December  
6 31, 2026 ~~2021~~.

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

8 (220 ILCS 5/21-401)

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

10 Sec. 21-401. Applications.

11 (a) (1) A person or entity seeking to provide cable service  
12 or video service pursuant to this Article shall not use the  
13 public rights-of-way for the installation or construction of  
14 facilities for the provision of cable service or video service  
15 or offer cable service or video service until it has obtained a  
16 State-issued authorization to offer or provide cable or video  
17 service under this Section, except as provided for in item (2)  
18 of this subsection (a). All cable or video providers offering  
19 or providing service in this State shall have authorization  
20 pursuant to either (i) the Cable and Video Competition Law of  
21 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
22 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
23 5-1095 of the Counties Code (55 ILCS 5/5-1095).

24 (2) Nothing in this Section shall prohibit a local unit of

1 government from granting a permit to a person or entity for the  
2 use of the public rights-of-way to install or construct  
3 facilities to provide cable service or video service, at its  
4 sole discretion. No unit of local government shall be liable  
5 for denial or delay of a permit prior to the issuance of a  
6 State-issued authorization.

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

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

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

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

19 (4) An exact description of the cable service or video  
20 service area where the cable service or video service will  
21 be offered during the term of the State-issued  
22 authorization. The service area shall be identified in  
23 terms of either (i) exchanges, as that term is defined in  
24 Section 13-206 of this Act; (ii) a collection of United  
25 States Census Bureau Block numbers (13 digit); (iii) if  
26 the area is smaller than the areas identified in either

1 (i) or (ii), by geographic information system digital  
2 boundaries meeting or exceeding national map accuracy  
3 standards; or (iv) local unit of government. The  
4 description shall include the number of low-income  
5 households within the service area or footprint. If an  
6 applicant is an incumbent cable operator, the incumbent  
7 cable operator and any successor-in-interest shall be  
8 obligated to provide access to cable services or video  
9 services within any local units of government at the same  
10 levels required by the local franchising authorities for  
11 the local unit of government on June 30, 2007 (the  
12 effective date of Public Act 95-9), and its application  
13 shall provide a description of an area no smaller than the  
14 service areas contained in its franchise or franchises  
15 within the jurisdiction of the local unit of government in  
16 which it seeks to offer cable or video service.

17 (5) The location and telephone number of the  
18 applicant's principal place of business within this State  
19 and the names of the applicant's principal executive  
20 officers who are responsible for communications concerning  
21 the application and the services to be offered pursuant to  
22 the application, the applicant's legal name, and any name  
23 or names under which the applicant does or will provide  
24 cable services or video services in this State.

25 (6) A certification that the applicant has  
26 concurrently delivered a copy of the application to all

1 local units of government that include all or any part of  
2 the service area identified in item (4) of this subsection  
3 (b) within such local unit of government's jurisdictional  
4 boundaries.

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

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

24 The application shall include adequate assurance that the  
25 applicant possesses the financial, managerial, legal, and  
26 technical qualifications necessary to construct and operate

1 the proposed system, to promptly repair any damage to the  
2 public right-of-way caused by the applicant, and to pay the  
3 cost of removal of its facilities. To accomplish these  
4 requirements, the applicant may, at the time the applicant  
5 seeks to use the public rights-of-way in that jurisdiction, be  
6 required by the State of Illinois or later be required by the  
7 local unit of government, or both, to post a bond, produce a  
8 certificate of insurance, or otherwise demonstrate its  
9 financial responsibility.

10 The application shall include the applicant's general  
11 standards related to customer service required by Section  
12 22-501 of this Act, which shall include, but not be limited to,  
13 installation, disconnection, service and repair obligations;  
14 appointment hours; employee ID requirements; customer service  
15 telephone numbers and hours; procedures for billing, charges,  
16 deposits, refunds, and credits; procedures for termination of  
17 service; notice of deletion of programming service and changes  
18 related to transmission of programming or changes or increases  
19 in rates; use and availability of parental control or lock-out  
20 devices; complaint procedures and procedures for bill dispute  
21 resolution and a description of the rights and remedies  
22 available to consumers if the holder does not materially meet  
23 their customer service standards; and special services for  
24 customers with visual, hearing, or mobility disabilities.

25 (c)(1) The applicant may designate information that it  
26 submits in its application or subsequent reports as



1 confidential or proprietary, provided that the applicant  
2 states the reasons the confidential designation is necessary.  
3 The Commission shall provide adequate protection for such  
4 information pursuant to Section 4-404 of this Act. If the  
5 Commission, a local unit of government, or any other party  
6 seeks public disclosure of information designated as  
7 confidential, the Commission shall consider the confidential  
8 designation in a proceeding under the Illinois Administrative  
9 Procedure Act, and the burden of proof to demonstrate that the  
10 designated information is confidential shall be upon the  
11 applicant. Designated information shall remain confidential  
12 pending the Commission's determination of whether the  
13 information is entitled to confidential treatment. Information  
14 designated as confidential shall be provided to local units of  
15 government for purposes of assessing compliance with this  
16 Article as permitted under a Protective Order issued by the  
17 Commission pursuant to the Commission's rules and to the  
18 Attorney General pursuant to Section 6.5 of the Attorney  
19 General Act (15 ILCS 205/6.5). Information designated as  
20 confidential under this Section or determined to be  
21 confidential upon Commission review shall only be disclosed  
22 pursuant to a valid and enforceable subpoena or court order or  
23 as required by the Freedom of Information Act. Nothing herein  
24 shall delay the application approval timeframes set forth in  
25 this Article.

26 (2) Information regarding the location of video services

1 that have been or are being offered to the public and aggregate  
2 information included in the reports required by this Article  
3 shall not be designated or treated as confidential.

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

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

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

26 (1) A grant of authority, including an authorization

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

10 (2) A grant of authority to use, occupy, and construct  
11 facilities in the public rights-of-way for the delivery of  
12 cable service or video service in the service area  
13 footprint, subject to the laws, ordinances, rules, or  
14 regulations of this State and local units of governments.

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

19 (e-5) The Commission shall notify a local unit of  
20 government within 3 business days of the grant of any  
21 authorization within a service area footprint if that  
22 authorization includes any part of the local unit of  
23 government's jurisdictional boundaries and state whether the  
24 holder will be providing video service or cable service under  
25 the authorization.

26 (f) The authorization issued pursuant to this Section by

1 the Commission may be transferred to any successor-in-interest  
2 to the applicant to which it is initially granted without  
3 further Commission action if the successor-in-interest (i)  
4 submits an application and the information required by  
5 subsection (b) of this Section for the successor-in-interest  
6 and (ii) is not in violation of this Article or of any federal,  
7 State, or local law, ordinance, rule, or regulation. A  
8 successor-in-interest shall file its application and notice of  
9 transfer with the Commission and the relevant local units of  
10 government no less than 15 business days prior to the  
11 completion of the transfer. The Commission is not required or  
12 authorized to act upon the notice of transfer; however, the  
13 transfer is not effective until the Commission approves the  
14 successor-in-interest's application. A local unit of  
15 government or the Attorney General may seek to bar a transfer  
16 of ownership by filing suit in a court of competent  
17 jurisdiction predicated on the existence of a material and  
18 continuing breach of this Article by the holder, a pattern of  
19 noncompliance with customer service standards by the potential  
20 successor-in-interest, or the insolvency of the potential  
21 successor-in-interest. If a transfer is made when there are  
22 violations of this Article or of any federal, State, or local  
23 law, ordinance, rule, or regulation, the successor-in-interest  
24 shall be subject to 3 times the penalties provided for in this  
25 Article.

26 (g) The authorization issued pursuant to this Section by

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

17 (h) The Commission's authority to administer this Article  
18 is limited to the powers and duties explicitly provided under  
19 this Article. Its authority under this Article does not  
20 include or limit the powers and duties that the Commission has  
21 under the other Articles of this Act, the Illinois  
22 Administrative Procedure Act, or any other law or regulation  
23 to conduct proceedings, other than as provided in subsection  
24 (c), or has to promulgate rules or regulations. The Commission  
25 shall not have the authority to limit or expand the  
26 obligations and requirements provided in this Section or to

1 regulate or control a person or entity to the extent that  
2 person or entity is providing cable service or video service,  
3 except as provided in this Article.

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

5 (220 ILCS 5/21-1601)

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

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

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.