



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

220 ILCS 5/10-106

from Ch. 111 2/3, par. 10-106

Amends the Public Utilities Act. Adds a caption to a Section concerning the issuance of subpoenas.

LRB093 17306 AMC 42972 b

1 AN ACT concerning public utilities.

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 10-106 as follows:

6 (220 ILCS 5/10-106) (from Ch. 111 2/3, par. 10-106)

7 Sec. 10-106. Subpoenas. All subpoenas issued under the
8 terms of this Act may be served by any person of full age. The
9 fees of witnesses for attendance and travel shall be the same
10 as fees of witnesses before the circuit courts of this State,
11 such fees to be paid when the witness is excused from further
12 attendance, when the witness is subpoenaed at the instance of
13 the Commission, or any commissioner or hearing examiner; and
14 the disbursements made in the payment of such fees shall be
15 audited and paid in the same manner as are other expenses of
16 the Commission. Whenever a subpoena is issued at the instance
17 of a complainant, respondent, or other party to any proceeding
18 before the Commission, the Commission may require that the cost
19 of service thereof and the fee of the witness shall be borne by
20 the party at whose instance the witness is summoned, and the
21 Commission shall have power, in its discretion, to require a
22 deposit to cover the cost of such service and witness fees and
23 the payment of the legal witness fee and mileage to the witness
24 when served with subpoena. A subpoena issued as aforesaid shall
25 be served in the same manner as a subpoena issued out of a
26 court.

27 Any person who shall be served with a subpoena to appear
28 and testify, or to produce books, papers, accounts or
29 documents, issued by the Commission or by any commissioner or
30 hearing examiner, in the course of an inquiry, investigation or
31 hearing conducted under any of the provisions of this Act, and
32 who refuse or neglect to appear, or to testify, or to produce

1 books, papers, accounts and documents relevant to said inquiry,
2 investigation or hearing as commanded in such subpoena, shall
3 be guilty of a Class A misdemeanor.

4 Any circuit court of this State, upon application of the
5 Commission, or a commissioner or hearing examiner, may, in its
6 discretion, compel the attendance of witnesses, the production
7 of books, papers, accounts and documents, and the giving of
8 testimony before the Commission, or before any such
9 commissioner or hearing examiner, by an attachment for contempt
10 or otherwise, in the same manner as production of evidence may
11 be compelled before the court.

12 The Commission or a commissioner or hearing examiner or any
13 party may in any investigation or hearing before the
14 Commission, cause the deposition of witnesses residing within
15 or without the State to be taken in the manner prescribed by
16 law for like depositions in civil actions in the courts of this
17 State and to that end may compel the attendance of witnesses
18 and the production of papers, books, accounts and documents.

19 The Commission may require, by order served on any public
20 utility in the manner provided herein for the service of
21 orders, the production within this State at such time and place
22 as it may designate, of any books, accounts, papers or
23 documents kept by any public utility operating within this
24 State in any office or place without this State, or, at its
25 option, verified copies in lieu thereof, so that an examination
26 thereof may be made by the Commission or under its direction.

27 (Source: P.A. 84-617.)