



## 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 17307 AMC 42973 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.)