

1 AMENDMENT TO SENATE BILL 553

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 553 on page 3,  
3 after line 21, by inserting the following:

4 "Section 50. The Public Utilities Act is amended by  
5 changing Section 13-301.3 as follows:

6 (220 ILCS 5/13-301.3)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-301.3. Digital Divide Elimination Infrastructure  
9 Program.

10 (a) The Digital Divide Elimination Infrastructure Fund  
11 is created as a special fund in the State treasury. All  
12 moneys in the Fund shall be used, subject to appropriation,  
13 by the Commission to fund the construction of facilities  
14 specified in Commission rules adopted under this Section. The  
15 Commission may accept private and public funds, including  
16 federal funds, for deposit into the Fund. Earnings  
17 attributable to moneys in the Fund shall be deposited into  
18 the Fund.

19 (b) The Commission shall adopt rules under which it will  
20 make grants out of funds appropriated from the Digital Divide  
21 Elimination Infrastructure Fund to eligible entities as  
22 specified in the rules for the construction of high-speed

1 data transmission facilities in eligible areas of the State.  
2 For purposes of determining whether an area is an eligible  
3 area, the Commission shall consider, among other things,  
4 whether (i) in such area, advanced telecommunications  
5 services, as defined in subsection (c) of Section 13-517 of  
6 this Act, are under-provided to residential or small business  
7 end users, either directly or indirectly through an Internet  
8 Service Provider, (ii) such area has a low population  
9 density, and (iii) such area has not yet developed a  
10 competitive market for advanced services. In addition, if an  
11 entity seeking a grant of funds from the Digital Divide  
12 Elimination Infrastructure Fund is an for-which-the incumbent  
13 local exchange carrier having the duty to serve such area,  
14 and the obligation to provide advanced services to such area  
15 pursuant to Section 13-517 of this Act, the entity shall  
16 demonstrate that it has sought and obtained an exemption from  
17 such obligation pursuant to subsection (b) of Section 13-517.  
18 Any entity seeking a grant of funds from the Digital Divide  
19 Elimination Infrastructure Fund shall demonstrate to the  
20 Commission that the grant shall be used for the construction  
21 of high-speed data transmission facilities in an eligible  
22 area and demonstrate that it satisfies all other  
23 requirements of the Commission's rules. The Commission shall  
24 determine the information that it deems necessary to award  
25 grants pursuant to this Section. based-upon-a-Commission  
26 finding-that-provision-of-such-advanced-services-to-customers  
27 in-such-area-is-either-unduly-economically-burdensome-or-will  
28 impose-a-significant-adverse--economic--impact--on--users--of  
29 telecommunications-services-generally.

30 (c) The rules of the Commission shall provide for the  
31 competitive selection of recipients of grant funds available  
32 from the Digital Divide Elimination Infrastructure Fund  
33 pursuant to the Illinois Procurement Code. Grants shall be  
34 awarded to bidders chosen on the basis of the criteria

1 established in such rules.

2 (d) All entities awarded grant moneys under this Section  
3 shall maintain all records required by Commission rule for  
4 the period of time specified in the rules. Such records shall  
5 be subject to audit by the Commission, by any auditor  
6 appointed by the State, or by any State officer authorized to  
7 conduct audits.

8 (Source: P.A. 92-22, eff. 6-30-01.)".