



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

33 (c) The rules of the Commission shall provide for the  
34 competitive selection of recipients of grant funds available

1 from the Digital Divide Elimination Infrastructure Fund  
2 pursuant to the Illinois Procurement Code. Grants shall be  
3 awarded to bidders chosen on the basis of the criteria  
4 established in such rules.

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

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