



Rep. Patrick J Verschoore

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09500HB2074ham001

LRB095 01542 MJR 50133 a

1 AMENDMENT TO HOUSE BILL 2074

2 AMENDMENT NO. _____. Amend House Bill 2074 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding
5 Sections 16-128.5 and 16-128.7 and by changing Section 21-1101
6 as follows:

7 (220 ILCS 5/16-128.5 new)

8 Sec. 16-128.5. Mandatory overtime by utility employees.

9 (a) A utility that has telecommunications access lines in
10 this State must maintain staffing levels, as they existed on
11 January 1, 2005, for employees who maintain and repair all
12 types of telecommunications access facilities, including cable
13 and auxiliary equipment.

14 (b) A utility that has telecommunications access lines in
15 this State shall not require mandatory overtime if staffing
16 levels fall below levels specified in subsection (a) of this

1 Section, except in the case of catastrophic events, such as a
2 natural disaster or emergency situation declared by the State.

3 (c) If a utility that has telecommunications access lines
4 in this State believes an emergency exists and must require
5 mandatory overtime, then the utility must provide written
6 notice to the Commission within 5 days after requiring the
7 mandatory overtime detailing (i) the reason for the mandatory
8 overtime, (ii) the number of employees required work overtime,
9 and (iii) the projected length of the time that overtime work
10 is necessary. The utility must also file notice with the
11 Commission within 5 days after completing mandatory overtime.

12 (d) If a utility that has telecommunications access lines
13 in this State violates this Section by either failing to file
14 notice with the Commission or by failing to comply with
15 subsection (a) of this Section and requires mandatory overtime
16 without necessity, then the company must pay a \$10,000 fine to
17 the Commission for each employee that worked mandatory overtime
18 in violation of this Section.

19 (220 ILCS 5/16-128.7 new)

20 Sec. 16-128.7. Employee meetings; employer's opinion
21 prohibited.

22 (a) For purposes of this Section:

23 "Employee" means any person engaged in service to an
24 employer authorized to do business in this State under this
25 Act.

1 "Employer" means a person engaged in business in the State
2 under this Act that has at least 150 employees.

3 "Labor organization" means any organization that exists
4 for the purpose, in whole or in part, of collective bargaining
5 or of dealing with employers concerning grievances, terms or
6 conditions of employment, or of other mutual aid or protection
7 in connection with employment.

8 (b) An employer shall not mandate an employee to attend a
9 meeting the primary purpose of which is to communicate the
10 employer's opinion concerning labor organizations.

11 (220 ILCS 5/21-1101)

12 (Section scheduled to be repealed on October 1, 2013)

13 Sec. 21-1101. Requirements to provide video services.

14 (a) The holder of a State-issued authorization shall not
15 deny access to cable service or video service to any potential
16 residential subscribers because of the race or income of the
17 residents in the local area in which the potential subscribers
18 reside.

19 (b) (1) If the holder is using telecommunications
20 facilities to provide cable or video service and has 1,000,000
21 or less telecommunications access lines in this State, but more
22 than 300,000 telecommunications access lines in this State, the
23 holder shall provide: ~~(1) Provide~~ access to its cable or video
24 service to a number of households equal to at least 25% of its
25 telecommunications access lines in this State within 3 years

1 after the date a holder receives a State-issued authorization
2 from the Commission and to a number not less than 35% of these
3 households within 5 years after the date a holder receives a
4 State-issued authorization from the Commission; provided,~~7~~
5 ~~however,~~ that the holder of a State-issued authorization is not
6 required to meet the 35% requirement in this paragraph (1)
7 ~~subsection~~ until 2 years after at least 15% of the households
8 with access to the holder's video service subscribe to the
9 service for 6 consecutive months. The holder's obligation to
10 provide such access in the State shall be distributed, as the
11 holder determines, within 3 ~~three~~ different designated market
12 areas.

13 (2) Within 3 years after the date a holder receives a
14 State-issued authorization from the Commission, at least
15 30% of the total households with access to the holder's
16 cable or video service shall be low-income.

17 Within each designated market area identified in
18 paragraph (1) of this subsection (b) ~~(b) (1)~~, the holder's
19 obligation to offer service to low-income households shall
20 be measured by each exchange, as that term is defined in
21 Section 13-206 of this ~~the Public Utilities~~ Act, in which
22 the holder chooses to provide cable or video service. The
23 holder is under no obligation to serve or provide access to
24 an entire exchange; however, in addition to the statewide
25 obligation to provide low-income access provided by this
26 Section, in each exchange in which the holder chooses to

1 provide cable or video service, the holder shall provide
2 access to a percentage of low-income households that is at
3 least equal to the percentage of the total low-income
4 households within that exchange.

5 (3) The number of telecommunication access lines in
6 this Section shall be based on the number of access lines
7 that exist as of June 30, 2007 (the effective date of
8 Public Act 95-9) ~~this amendatory Act of the 95th General~~
9 ~~Assembly.~~

10 A holder of a State-issued authorization shall provide the
11 Commission with a service area footprint, as defined in
12 subsection (j) of Section 21-201 of this Article, or a list of
13 municipalities included in the service area footprint within 60
14 days after receiving authorization or 60 days after the
15 effective date of this amendatory Act of the 95th General
16 Assembly. The information shall be provided to the public. If a
17 holder of a State-issued authorization deems the footprint to
18 be proprietary information or refuses to disclose a footprint
19 or list of municipalities, then the holder shall provide access
20 to its cable or video service to a number of households equal
21 to at least 50% of the households in the holder's
22 telecommunications service area in the State within 3 years
23 after the date a holder receives a State-issued authorization
24 from the Commission and to a number not less than 65% of these
25 households within 5 years after the date a holder receives a
26 State-issued authorization from the Commission; provided,

1 however, that the holder of a State-issued authorization is not
2 required to meet the 65% requirement in subsection (c) of this
3 Section until 2 years after at least 15% of the households with
4 access to the holder's video service subscribe to the service
5 for 6 consecutive months.

6 (c) (1) If the holder of a State-issued authorization is
7 using telecommunications facilities to provide cable or video
8 service and has more than 1,000,000 telecommunications access
9 lines in this State, the holder shall provide: ~~(1) (A) Provide~~
10 access to its cable or video service to a number of households
11 equal to at least 35% of the households in the holder's
12 telecommunications service area in the State within 3 years
13 after the date a holder receives a State-issued authorization
14 from the Commission and to a number not less than 50% of these
15 households within 5 years after the date a holder receives a
16 State-issued authorization from the Commission; ~~provided,~~
17 ~~however,~~ that the holder of a State-issued authorization is not
18 required to meet the 50% requirement in this paragraph (1)
19 ~~subsection~~ until 2 years after at least 15% of the households
20 with access to the holder's video service subscribe to the
21 service for 6 consecutive months.

22 The holder's obligation to provide such access in the State
23 shall be distributed, as the holder determines, within 3 ~~three~~
24 designated market areas, one in each of the northeastern,
25 central, and southwestern portions of the holder's
26 telecommunications service area in the State. The designated

1 market area for the northeastern portion shall consist of 2 ~~two~~
2 separate and distinct reporting areas: (i) a city with more
3 than 1,000,000 inhabitants, and (ii) all other local units of
4 government on a combined basis within such designated market
5 area in which it offers video service. A holder of a
6 State-issued authorization shall provide the Commission with a
7 service area footprint, as defined in subsection (j) of Section
8 21-201 of this Article, or a list of municipalities included in
9 the service area footprint within 60 days after receiving
10 authorization or 60 days after the effective date of this
11 amendatory Act of the 95th General Assembly. The information
12 shall be provided to the public. If a holder of a State-issued
13 authorization deems the footprint to be proprietary
14 information or refuses to disclose a footprint or list of
15 municipalities, then the holder shall provide access to its
16 cable or video service to a number of households equal to at
17 least 50% of the households in the holder's telecommunications
18 service area in the State within 3 years after the date a
19 holder receives a State-issued authorization from the
20 Commission and to a number not less than 65% of these
21 households within 5 years after the date a holder receives a
22 State-issued authorization from the Commission; provided,
23 however, that the holder of a State-issued authorization is not
24 required to meet the 65% requirement in this subsection (c)
25 until 2 years after at least 15% of the households with access
26 to the holder's video service subscribe to the service for 6

1 consecutive months.

2 ~~(B)~~ If any state, in which a holder subject to this
3 subsection (c) or one of its affiliates provides or seeks to
4 provide cable or video service, adopts a law permitting
5 state-issued authorization or statewide franchises to provide
6 cable or video service that requires a cable or video provider
7 to offer service to more than 35% of the households in the
8 cable or video provider's service area in that state within 3
9 years, holders subject to this subsection (c) shall provide
10 service in this State to the same percentage of households
11 within 3 years of adoption of such law in that state.

12 Furthermore, if any state, in which a holder subject to
13 this subsection (c) or one of its affiliates provides or seeks
14 to provide cable or video service, adopts a law requiring a
15 holder of a state-issued authorization or statewide franchises
16 to offer cable or video service to more than 35% of its
17 households if less than 15% of the households with access to
18 the holder's video service subscribe to the service for 6
19 consecutive months, then as a precondition to further
20 build-out, holders subject to this subsection (c) shall be
21 subject to the same percentage of service subscription in
22 meeting its obligation to provide service to 50% of the
23 households in this State.

24 (2) Within 3 years after the date a holder receives a
25 State-issued authorization from the Commission, at least
26 30% of the total households with access to the holder's

1 cable or video service shall be low-income.

2 Within each designated market area listed in paragraph
3 (1) of this subsection (c) ~~(e)(1)~~, the holder's obligation
4 to offer service to low-income households shall be measured
5 by each exchange, as that term is defined in Section 13-206
6 of this ~~the Public Utilities~~ Act in which the holder
7 chooses to provide cable or video service. The holder is
8 under no obligation to serve or provide access to an entire
9 exchange; however, in addition to the statewide obligation
10 to provide low-income access provided by this Section, in
11 each exchange in which the holder chooses to provide cable
12 or video service, the holder shall provide access to a
13 percentage of low-income households that is at least equal
14 to the percentage of the total low-income households within
15 that exchange.

16 (d) (1) All other holders shall only provide access to one
17 or more exchanges, as that term is defined in Section 13-206 of
18 this ~~the Public Utilities~~ Act, or to local units of government
19 and shall provide access to their cable or video service to a
20 number of households equal to 35% of the households in the
21 exchange or local unit of government within 3 years after the
22 date a holder receives a State-issued authorization from the
23 Commission and to a number not less than 50% of these
24 households within 5 years after the date a holder receives a
25 State-issued authorization from the Commission, provided,
26 ~~however,~~ that if the holder is an incumbent cable operator or

1 any successor-in-interest company, it shall be obligated to
2 provide access to cable or video services within the
3 jurisdiction of a local unit of government at the same levels
4 required by the local franchising authorities for that local
5 unit of government on June 30, 2007 (the effective date of
6 Public Act 95-9) ~~this amendatory Act of the 95th General~~
7 ~~Assembly.~~

8 (2) Within 3 years after the date a holder receives a
9 State-issued authorization from the Commission, at least
10 30% of the total households with access to the holder's
11 cable or video service shall be low-income.

12 Within each designated exchange, as that term is
13 defined in Section 13-206 of this ~~the Public Utilities Act,~~
14 or local unit of government listed in paragraph (1) of this
15 subsection (d) ~~(d)(1)~~, the holder's obligation to offer
16 service to low-income households shall be measured by each
17 exchange or local unit of government in which the holder
18 chooses to provide cable or video service. Except as
19 provided in paragraph (1) of this subsection (d) ~~(d)(1)~~,
20 the holder is under no obligation to serve or provide
21 access to an entire exchange or local unit of government;
22 however, in addition to the statewide obligation to provide
23 low-income access provided by this Section, in each
24 exchange or local unit of government in which the holder
25 chooses to provide cable or video service, the holder shall
26 provide access to a percentage of low-income households

1 that is at least equal to the percentage of the total
2 low-income households within that exchange or local unit of
3 government.

4 A holder of a State-issued authorization shall provide the
5 Commission with a service area footprint, as defined in
6 subsection (j) of Section 21-201 of this Article, or a list of
7 municipalities included in the service area footprint within 60
8 days after receiving authorization or 60 days after the
9 effective date of this amendatory Act of the 95th General
10 Assembly. The information shall be provided to the public. If a
11 holder of a State-issued authorization deems the footprint to
12 be proprietary information or refuses to disclose a footprint
13 or list of municipalities, then the holder shall provide access
14 to its cable or video service to a number of households equal
15 to at least 50% of the households in the holder's
16 telecommunications service area in the State within 3 years
17 after the date a holder receives a State-issued authorization
18 from the Commission and to a number not less than 65% of these
19 households within 5 years after the date a holder receives a
20 State-issued authorization from the Commission; provided,
21 however, that the holder of a State-issued authorization is not
22 required to meet the 65% requirement in subsection (c) of this
23 Section until 2 years after at least 15% of the households with
24 access to the holder's video service subscribe to the service
25 for 6 consecutive months.

26 (e) A holder subject to subsection (c) of this Section

1 ~~21-1101(e)~~ shall provide wireline broadband service, defined
2 as wireline service, capable of supporting, in at least one
3 direction, a speed in excess of 200 kilobits per second (kbps),
4 to the network demarcation point at the subscriber's premises,
5 to a number of households equal to 90% of the households in the
6 holder's telecommunications service area by December 31, 2008,
7 or shall pay within 30 days of December 31, 2008 a sum of
8 \$15,000,000 to the Digital Divide Elimination Infrastructure
9 Fund established pursuant to Section 13-301.3 ~~of Article XIII~~
10 of this Act, or any successor fund established by the General
11 Assembly. In that event the holder is required to make a
12 payment pursuant to this subsection (e), the holder shall have
13 no further accounting for this payment, which shall be used in
14 any part of the State for the purposes established in the
15 Digital Divide Elimination Infrastructure Fund or for
16 broadband deployment.

17 (f) The holder of a State-issued authorization may satisfy
18 the requirements of subsections (b), (c), and (d) of this
19 Section through the use of any technology, which shall not
20 include direct-to-home satellite service, that offers service,
21 functionality, and content that, ~~which~~ is demonstrably similar
22 to that provided through the holder's video service system.

23 (g) In any investigation into or complaint alleging that
24 the holder of a State-issued authorization has failed to meet
25 the requirements of this Section, the following factors may be
26 considered in justification or mitigation or as justification

1 for an extension of time to meet the requirements of
2 subsections (b), (c), and (d) of this Section:

3 (1) The inability to obtain access to public and
4 private rights-of-way under reasonable terms and
5 conditions.

6 (2) Barriers to competition arising from existing
7 exclusive service arrangements in developments or
8 buildings.

9 (3) The inability to access developments or buildings
10 using reasonable technical solutions under commercially
11 reasonable terms and conditions.

12 (4) Natural disasters.

13 (5) Other factors beyond the control of the holder.

14 (h) If the holder relies on the factors identified in
15 subsection (g) of this Section in response to an investigation
16 or complaint, the holder shall demonstrate the following:

17 (1) what substantial effort the holder of a
18 State-issued authorization has taken to meet the
19 requirements of subsection ~~subsections~~ (a), (b), and (c) of
20 this Section;

21 (2) which portions of subsection (g) of this Section
22 apply; and

23 (3) the number of days it has been delayed or the
24 requirements it cannot perform as a consequence of
25 subsection (g) of this Section.

26 (i) The factors in subsection (g) of this Section may be

1 considered by the Attorney General or by a court of competent
2 jurisdiction in determining whether the holder is in violation
3 of this Article.

4 (j) Every holder of a State-issued authorization, no later
5 than April 1, 2009, and annually no later than April 1
6 thereafter, shall report to the Commission for each of the
7 service areas as described in subsections (b), (c), and (d) of
8 this Section in which it provides access to its video service
9 in the State, the following information:

10 (1) Cable service and video service information:

11 (A) The number of households in the holder's
12 telecommunications service area within each designated
13 market area as described in subsections (b) and (c) of
14 this Section or exchange or local unit of government as
15 described in subsection (d) of this Section in which it
16 offers video service.

17 (B) The number of households in the holder's
18 telecommunications service area within each designated
19 market area as described in subsections (b) and (c) of
20 this Section or exchange or local unit of government as
21 described in subsection (d) of this Section that are
22 offered access to video service by the holder.

23 (C) The number of households in the holder's
24 telecommunications service area in the State.

25 (D) The number of households in the holder's
26 telecommunications service area in the State that are

1 offered access to video service by the holder.

2 (2) Low-income household information:

3 (A) The number of low-income households in the
4 holder's telecommunications service area within each
5 designated market area as described in subsections (b)
6 and (c) of this Section, as further identified in terms
7 of exchanges, or exchange or local unit of government
8 as described in subsection (d) of this Section, in
9 which it offers video service.

10 (B) The number of low-income households in the
11 holder's telecommunications service area within each
12 designated market area as described in subsections (b)
13 and (c) of this Section, as further identified in terms
14 of exchanges, or exchange or local unit of government
15 as described in subsection (d) of this Section in the
16 State, that are offered access to video service by the
17 holder.

18 (C) The number of low-income households in the
19 holder's telecommunications service area in the State.

20 (D) The number of low-income households in the
21 holder's telecommunications service area in the State
22 that are offered access to video service by the holder.

23 (k) The Commission, within 30 days of receiving the first
24 report from holders under this Section, and annually no later
25 than July 1 thereafter, shall submit to the General Assembly a
26 report that includes, based on year-end data, the information

1 submitted by holders pursuant to subdivisions (1) and (2) of
2 subsection (j) ~~subsections (j)(1) and (j)(2)~~ of this Section.
3 The Commission shall make this report available to any member
4 of the public or any local unit of government upon request. All
5 information submitted to the Commission and designated by
6 holders as confidential and proprietary shall be subject to the
7 disclosure provisions in subsection (c) of Section 21-401 of
8 this Act ~~21-401(e)~~. No individually identifiable customer
9 information shall be subject to public disclosure.

10 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."