



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2078

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - Annazette Collins

SYNOPSIS AS INTRODUCED:

220 ILCS 5/10-106

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

Amends the Public Utilities Act. Makes a technical change in a Section concerning the issuance of subpoenas.

LRB095 01538 MJR 21540 b

1 AN ACT concerning regulation.

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. All subpoenas issued under the ~~the~~ terms of
8 this Act may be served by any person of full age. The fees of
9 witnesses for attendance and travel shall be the same as fees
10 of witnesses before the circuit courts of this State, such fees
11 to be paid when the witness is excused from further attendance,
12 when the witness is subpoenaed at the instance of the
13 Commission, or any commissioner or hearing examiner; and the
14 disbursements made in the payment of such fees shall be audited
15 and paid in the same manner as are other expenses of the
16 Commission. Whenever a subpoena is issued at the instance of a
17 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

1 when served with subpoena. A subpoena issued as aforesaid shall
2 be served in the same manner as a subpoena issued out of a
3 court.

4 Any person who shall be served with a subpoena to appear
5 and testify, or to produce books, papers, accounts or
6 documents, issued by the Commission or by any commissioner or
7 hearing examiner, in the course of an inquiry, investigation or
8 hearing conducted under any of the provisions of this Act, and
9 who refuse or neglect to appear, or to testify, or to produce
10 books, papers, accounts and documents relevant to said inquiry,
11 investigation or hearing as commanded in such subpoena, shall
12 be guilty of a Class A misdemeanor.

13 Any circuit court of this State, upon application of the
14 Commission, or a commissioner or hearing examiner, may, in its
15 discretion, compel the attendance of witnesses, the production
16 of books, papers, accounts and documents, and the giving of
17 testimony before the Commission, or before any such
18 commissioner or hearing examiner, by an attachment for contempt
19 or otherwise, in the same manner as production of evidence may
20 be compelled before the court.

21 The Commission or a commissioner or hearing examiner or any
22 party may in any investigation or hearing before the
23 Commission, cause the deposition of witnesses residing within
24 or without the State to be taken in the manner prescribed by
25 law for like depositions in civil actions in the courts of this
26 State and to that end may compel the attendance of witnesses

1 and the production of papers, books, accounts and documents.

2 The Commission may require, by order served on any public
3 utility in the manner provided herein for the service of
4 orders, the production within this State at such time and place
5 as it may designate, of any books, accounts, papers or
6 documents kept by any public utility operating within this
7 State in any office or place without this State, or, at its
8 option, verified copies in lieu thereof, so that an examination
9 thereof may be made by the Commission or under its direction.

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