

1 AN ACT concerning telecommunications.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE 5.

5 Section 5-1. Short title. This Article may be cited as the
6 Broadband Access on Passenger Rail Law.

7 Section 5-5. Definitions. As used in this Article:

8 "Department" means the Department of Transportation.

9 "Passenger rail systems" includes all passenger rail
10 systems maintained by the National Passenger Railroad
11 Corporation in Illinois and those passenger rail systems under
12 the jurisdiction of the Commuter Rail Board as established in
13 Section 3B.08 of the Regional Transportation Authority Act.

14 Section 5-10. Broadband Access on Passenger Rail Plan. The
15 Department shall deliver to the Governor and General Assembly a
16 plan for ensuring high speed data transmission services on all
17 passenger rail systems in Illinois at fair and reasonable
18 prices no later than December 31, 2007. The plan shall include
19 recommendations for acquiring necessary rights of way,
20 installation of necessary infrastructure, operation of high
21 speed data transmission services, and funding sources.

1 ARTICLE 10.

2 Section 10-90. The Public Utilities Act is amended by
3 changing Sections 13-505.4, 13-701, and 13-1200 as follows:

4 (220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4)

5 (Section scheduled to be repealed on July 1, 2007)

6 Sec. 13-505.4. Provision of noncompetitive services.

7 (a) A telecommunications carrier that offers or provides a
8 noncompetitive service, service element, feature, or
9 functionality on a separate, stand-alone basis to any customer
10 shall provide that service, service element, feature, or
11 functionality pursuant to tariff to all persons, including all
12 telecommunications carriers and competitors, in accordance
13 with the provisions of this Article.

14 (b) A telecommunications carrier that offers or provides a
15 noncompetitive service, service element, feature, or
16 functionality to any customer as part of an offering of
17 competitive services pursuant to tariff or contract shall
18 publicly disclose the offering or provisioning of the
19 noncompetitive service, service element, feature, or
20 functionality by filing with the Commission information that
21 generally describes the offering or provisioning and that shows
22 the rates, terms, and conditions of the noncompetitive service,
23 service element, feature, or functionality. The information

1 shall be filed with the Commission concurrently with the filing
2 of the tariff or not more than 10 days following the customer's
3 acceptance of the offering in a contract.

4 (c) A telecommunications carrier that is not subject to
5 regulation under an alternative regulation plan pursuant to
6 Section 13-506.1 of this Act may reduce the rate or charge for
7 a noncompetitive service, service element, feature, or
8 functionality offered to customers on a separate, stand-alone
9 basis or as part of a bundled service offering by filing with
10 the Commission a tariff that shows the reduced rate or charge
11 and all applicable terms and conditions of the noncompetitive
12 service, service element, feature, or functionality or bundled
13 offering. The reduction of rates or charges shall be permitted
14 upon the filing of the proposed rate, charge, classification,
15 tariff, or bundled offering. The total price of a bundled
16 offering shall not attribute any portion of the charge to
17 services subject to the jurisdiction of the Commission and
18 shall not be binding on the Commission in any proceeding under
19 Article IX of this Act to set the revenue requirement or to set
20 just and reasonable rates for services subject to the
21 jurisdiction of the Commission. Prices for bundles shall not be
22 subject to Section 13-505.1 of this Act. For purposes of this
23 subsection (c), a bundle is a group of services offered
24 together for a fixed price where at least one of the services
25 is an interLATA service as that term is defined in 47 U.S.C.
26 153(21), a cable service or a video service, a community

1 antenna television service, a satellite broadcast service, a
2 public mobile service as defined in Section 13-214 of this Act,
3 or an advanced telecommunications service as "advanced
4 telecommunications services" is defined in Section 13-517 of
5 this Act.

6 (Source: P.A. 87-856.)

7 (220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)

8 (Section scheduled to be repealed on July 1, 2007)

9 Sec. 13-701. (a) Notwithstanding any other provision of
10 this Act to the contrary, the Commission has no power to
11 supervise or control any telephone cooperative as respects
12 assessment schedules or local service rates made or charged by
13 such a cooperative on a nondiscriminatory basis. In addition,
14 the Commission has no power to inquire into, or require the
15 submission of, the terms, conditions or agreements by or under
16 which telephone cooperatives are financed. A telephone
17 cooperative shall file with the Commission either a copy of the
18 annual financial report required by the Rural Electrification
19 Administration, or the annual financial report required of
20 other public utilities.

21 Sections 13-712 and 13-713 of this Act do not apply to
22 telephone cooperatives.

23 (Source: P.A. 84-1063.)

24 (220 ILCS 5/13-1200)

1 (Section scheduled to be repealed on July 1, 2007)
2 Sec. 13-1200. Repealer. This Article is repealed July 1,
3 2009 ~~2007~~.
4 (Source: P.A. 94-76, eff. 6-24-05.)

5 ARTICLE 15.

6 Section 15-5. The Public Utilities Act is amended by adding
7 the heading of Article XXI and Sections 21-100, 21-101,
8 21-101.1, 21-201, 21-301, 21-401, 21-601, 21-701, 21-801,
9 21-901, 21-1001, 21-1101, 21-1201, 21-1301, 21-1401, 21-1501,
10 and 21-1601 as follows:

11 (220 ILCS 5/Art. XXI heading new)

12 ARTICLE XXI. CABLE AND VIDEO COMPETITION

13 (220 ILCS 5/21-100 new)

14 Sec. 21-100. Short title. This Article may be cited as the
15 Cable and Video Competition Law of 2007.

16 (220 ILCS 5/21-101 new)

17 Sec. 21-101. Findings. With respect to cable and video
18 competition, the General Assembly finds that:

19 (a) The economy in the State of Illinois will be enhanced
20 by investment in new communications, cable services and video
21 services infrastructure, including broadband facilities, fiber

1 optic, and Internet protocol technologies.

2 (b) Cable services and video services bring important daily
3 benefits to Illinois consumers by providing news, education,
4 and entertainment.

5 (c) Competitive cable service and video service providers
6 are capable of providing new video programming services and
7 competition to Illinois consumers and of decreasing the prices
8 for video programming services paid by Illinois consumers.

9 (d) Although there has been some competitive entry into the
10 facilities-based video programming market since current
11 franchising requirements in this State were enacted, further
12 entry by facilities-based providers could benefit consumers,
13 provided cable and video services are equitably available to
14 all Illinois consumers at reasonable prices.

15 (e) The provision of competitive cable services and video
16 services is a matter of statewide concern that extends beyond
17 the boundaries of individual local units of government.
18 Notwithstanding the foregoing, public rights-of-way are
19 limited resources over which the municipality has a custodial
20 duty to ensure that they are used, repaired and maintained in a
21 manner that best serves the public interest.

22 (f) The State authorization process and uniform standards
23 and procedures in this Article are intended to enable rapid and
24 widespread entry by competitive providers which will bring to
25 Illinois consumers the benefits of video competition including
26 providing consumers with more choice, lower prices, higher

1 speed and more advanced Internet access, more diverse and
2 varied news, public information, education, and entertainment
3 programming, and will bring to this State and its local units
4 of government the benefits of new infrastructure investment,
5 job growth, and innovation in broadband and Internet protocol
6 technologies and deployment.

7 (g) Providing an incumbent cable or video service provider
8 with the option to secure a State-issued authorization through
9 the termination of existing cable franchises between incumbent
10 cable and video service providers and any local franchising
11 authority, is part of the new regulatory framework established
12 by this Article. This Article is intended to best ensure equal
13 treatment and parity among providers and technologies.

14 (220 ILCS 5/21-101.1 new)

15 Sec. 21-101.1. Applicability. The provisions of this
16 amendatory Act of the 95th Illinois General Assembly shall
17 apply only to a holder of a cable service or video service
18 authorization issued by the Commission pursuant to this Article
19 XXI of the Public Utilities Act, and shall not apply to any
20 person or entity that provides cable television services under
21 a cable television franchise issued by any municipality or
22 county pursuant to Section 11-42-11 of the Illinois Municipal
23 Code (65 ILCS 5/11-42-11) or Section 5-1095 of the Counties
24 Code (55 ILCS 5/5-1095), unless specifically provided for
25 herein. A local unit of government that has an existing

1 agreement for the provision of video services with a company or
2 entity that uses its telecommunications facilities to provide
3 video service as of May 30, 2007 may continue to operate under
4 that agreement or may, at its discretion, terminate the
5 existing agreement and require the video provider to obtain a
6 State-issued authorization under this Article.

7 (220 ILCS 5/21-201 new)

8 Sec. 21-201. Definitions. As used in this Article:

9 (a) "Access" means that the cable or video provider is
10 capable of providing cable services or video services at the
11 household address using any technology, other than
12 direct-to-home satellite service, which provides two-way
13 broadband Internet capability and video programming, content,
14 and functionality, regardless of whether any customer has
15 ordered service or whether the owner or landlord or other
16 responsible person has granted access to the household. If more
17 than one technology is used, the technologies shall provide
18 similar two-way broadband Internet accessibility and similar
19 video programming.

20 (b) "Basic cable or video service" means any cable or video
21 service offering or tier which includes the retransmission of
22 local television broadcast signals.

23 (c) "Broadband service" means a high speed service
24 connection to the public Internet capable of supporting, in at
25 least one direction, a speed in excess of 200 kilobits per

1 second (kbps) to the network demarcation point at the
2 subscriber's premises.

3 (d) "Cable operator" means that term as defined in 47
4 U.S.C. 522(5).

5 (e) "Cable service" means that term as defined in 47 U.S.C.
6 522(6).

7 (f) "Cable system" means that term as defined in 47 U.S.C.
8 522(7).

9 (g) "Commission" means the Illinois Commerce Commission.

10 (h) "Competitive cable service or video service provider"
11 means a person or entity that is providing or seeks to provide
12 cable service or video service in an area where there is at
13 least one incumbent cable operator.

14 (i) "Designated Market Area" means a designated market
15 area, as determined by Nielsen Media Research and published in
16 the 1999-2000 Nielsen Station Index Directory and Nielsen
17 Station Index United States Television Household Estimates or
18 any successor publication. For any designated market area that
19 crosses State lines, only households in the portion of the
20 designated market area that is located within the holder's
21 telecommunications service area in the State where access to
22 video service will be offered shall be considered.

23 (j) "Footprint" means the geographic area designated by the
24 cable service or video service provider as the geographic area
25 in which it will offer cable services or video services during
26 the period of its State-issued authorization. Each footprint

1 shall be identified in terms of either (i) exchanges, as that
2 term is defined in Section 13-206 of the Public Utilities Act;
3 (ii) a collection of United States Census Bureau Block numbers
4 (13 digit); (iii) if the area is smaller than the areas
5 identified in either (i) or (ii), by geographic information
6 system digital boundaries meeting or exceeding national map
7 accuracy standards; or (iv) local units of government.

8 (k) "Holder" means a person or entity that has received
9 authorization to offer or provide cable or video service from
10 the Commission pursuant to Section 21-401 of this Article.

11 (l) "Household" means a house, an apartment, a mobile home,
12 a group of rooms, or a single room that is intended for
13 occupancy as separate living quarters. Separate living
14 quarters are those in which the occupants live and eat
15 separately from any other persons in the building and which
16 have direct access from the outside of the building or through
17 a common hall. This definition is consistent with the United
18 States Census Bureau, as that definition may be amended
19 thereafter.

20 (m) "Incumbent cable operator" means a person or entity
21 that provided cable services or video services in a particular
22 area under a franchise agreement with a local unit of
23 government pursuant to Section 11-42-11 of the Illinois
24 Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the
25 Counties Code (55 ILCS 5/5-1095) on January 1, 2007.

26 (n) "Local franchising authority" means the local unit of

1 government that has or requires a franchise with a cable
2 operator, a provider of cable services or a provider of video
3 services to construct or operate a cable or video system or to
4 offer cable services or video services under Section 11-42-11
5 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section
6 5-1095 of the Counties Code (55 ILCS 5/5-1095).

7 (o) "Local unit of government" means a city, village,
8 incorporated town, or a county.

9 (p) "Low-income household" means those residential
10 households located within the holder's existing telephone
11 service area where the average annual household income is less
12 than \$35,000 based on the United States Census Bureau estimates
13 adjusted annually to reflect rates of change and distribution.

14 (q) "Public rights-of-way" means the areas on, below, or
15 above a public roadway, highway, street, public sidewalk,
16 alley, waterway, or utility easements dedicated for compatible
17 uses.

18 (r) "Service" means the provision of "cable service" or
19 "video service" to subscribers and the interaction of
20 subscribers with the person or entity that has received
21 authorization to offer or provide cable or video service from
22 the Commission pursuant to Section 21-401 of this Article.

23 (s) "Service provider fee" means the amount paid under
24 Section 21-801 of this Article by the holder to a municipality,
25 or in the case of an unincorporated service area to a county,
26 for service areas within its territorial jurisdiction, but

1 under no circumstances shall the service provider fee be paid
2 to more than one local unit of government for the same portion
3 of the holder's service area.

4 (t) "Telecommunications service area" means the area
5 designated by the Commission as the area in which a
6 telecommunications company was obligated to provide
7 non-competitive local telephone service as of February 8, 1996
8 as incorporated into Section 13-202.5 of Article XIII of the
9 Public Utilities Act.

10 (u) "Video programming" means that term as defined in 47
11 U.S.C. 522(20).

12 (v) "Video service" means video programming and subscriber
13 interaction, if any, that is required for the selection or use
14 of such video programming services, and which is provided
15 through wireline facilities located at least in part in the
16 public rights-of-way without regard to delivery technology,
17 including Internet protocol technology. This definition does
18 not include any video programming provided by a commercial
19 mobile service provider defined in 47 U.S.C. 332(d) or any
20 video programming provided solely as part of, and via, service
21 that enables users to access content, information, electronic
22 mail, or other services offered over the public Internet.

23 (220 ILCS 5/21-301 new)

24 Sec. 21-301. Eligibility.

25 (a) A person or entity seeking to provide cable service or

1 video service in this State after the effective date of this
2 amendatory Act of the 95th General Assembly shall either (1)
3 obtain a State-issued authorization pursuant to Section 401 of
4 the Cable and Video Competition Act (220 ILCS 5/21-401); (2)
5 obtain authorization pursuant to Section 11-42-11 of the
6 Illinois Municipal Code (65 ILCS 5/11-42-11); or (3) obtain
7 authorization pursuant to Section 5-1095 of the Counties Code
8 (55 ILCS 5/5-1095).

9 (b) An incumbent cable operator shall be eligible to apply
10 for a State-issued authorization as provided in subsection (c).
11 Upon expiration of its current franchise agreement, an
12 incumbent cable operator may obtain State authorization from
13 the Commission pursuant to this Article or may pursue a
14 franchise renewal with the appropriate local franchise
15 authority under State and federal law. An incumbent cable
16 operator and any successor-in-interest that receives a
17 State-issued authorization shall be obligated to provide
18 access to cable services or video services within any local
19 unit of government at the same levels required by the local
20 franchising authorities for the local unit of government on the
21 effective date of this amendatory Act of the 95th General
22 Assembly.

23 (c) (1) An incumbent cable operator may elect to terminate
24 its agreement with the local franchising authority and obtain a
25 State-issued authorization by providing written notice to the
26 Commission and the affected local franchising authority and any

1 entity authorized by that franchising authority to manage
2 public, education, and government access at least 180 days
3 prior to its filing an application for a State-issued
4 authorization. The existing agreement shall be terminated on
5 the date that the Commission issues the State-issued
6 authorization.

7 (2) An incumbent cable operator that elects to terminate an
8 existing agreement with a local franchising authority under
9 this Section is responsible for remitting to the affected local
10 franchising authority and any entity designated by that local
11 franchising authority to manage public, education, and
12 government access before the 46th day after the date the
13 agreement is terminated any accrued but unpaid fees due under
14 the terminated agreement. If that incumbent cable operator has
15 credit remaining from prepaid franchise fees, such amount of
16 the remaining credit may be deducted from any future fees the
17 incumbent cable operator must pay to the local franchising
18 authority pursuant to Section 21-801(b) of this Article.

19 (3) An incumbent cable operator that elects to terminate an
20 existing agreement with a local franchising authority under
21 this Section shall pay the affected local franchising authority
22 and any entity designated by that franchising authority to
23 manage public, education, and government access, at the time
24 that they would have been due, all monetary payments for
25 public, education, or government access that would have been
26 due during the remaining term of the agreement had it not been

1 terminated as provided in this paragraph. All payments made by
2 an incumbent cable operator pursuant to the previous sentence
3 of this paragraph may be credited against the fees that that
4 operator owes under Section 21-801(d) (1) of this Article.

5 (d) For purposes of this Article, the Commission shall be
6 the franchising authority for cable service or video service
7 providers that apply for and obtain a State-issued
8 authorization under this Article with regard to the footprint
9 covered by such authorization. Notwithstanding any other
10 provision of this Article, holders using telecommunications
11 facilities to provide cable service or video service are not
12 obligated to provide that service outside the holder's
13 telecommunications service area.

14 (e) Any person or entity that applies for and obtains a
15 State-issued authorization under this Article shall not be
16 subject to Section 11-42-11 of the Illinois Municipal Code (65
17 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55
18 ILCS 5/5-1095), except as provided in this Article. Except as
19 provided under this Article, neither the Commission nor any
20 local unit of government may require a person or entity that
21 has applied for and obtained a State-issued authorization to
22 obtain a separate franchise or pay any franchise fee on cable
23 service or video service.

24 (220 ILCS 5/21-401 new)

25 Sec. 21-401. Applications.

1 (a) (1) A person or entity seeking to provide cable service
2 or video service pursuant to this Article shall not use the
3 public rights-of-way for the installation or construction of
4 facilities for the provision of cable service or video service
5 or offer cable service or video service until it has obtained a
6 State-issued authorization to offer or provide cable or video
7 service under Section 401 of this Article, except as provided
8 for in subsection (a) (2). All cable or video providers offering
9 or providing service in this State shall have authorization
10 pursuant to either (i) the Cable and Video Competition Law of
11 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
12 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
13 5-1095 of the Counties Code (55 ILCS 5/5-1095).

14 (2) Nothing in this Section shall prohibit a local unit of
15 government from granting a permit to a person or entity for the
16 use of the public rights-of-way to install or construct
17 facilities to provide cable service or video service, at its
18 sole discretion. No unit of local government shall be liable
19 for denial or delay of a permit prior to the issuance of a
20 State-issued authorization.

21 (b) The application to the Commission for State-issued
22 authorization shall contain a completed affidavit submitted by
23 the applicant and signed by an officer or general partner of
24 the applicant affirming all of the following:

25 (1) That the applicant has filed or will timely file
26 with the Federal Communications Commission all forms

1 required by that agency in advance of offering cable
2 service or video service in this State;

3 (2) That the applicant agrees to comply with all
4 applicable federal and State statutes and regulations;

5 (3) That the applicant agrees to comply with all
6 applicable local unit of government regulations;

7 (4) An exact description of the cable service or video
8 service area where the cable service or video service will
9 be offered during the term of the State-issued
10 authorization. The service area shall be identified in
11 terms of either (i) exchanges, as that term is defined in
12 Section 13-206 of the Public Utilities Act; (ii) a
13 collection of United States Census Bureau Block numbers (13
14 digit); (iii) if the area is smaller than the areas
15 identified in either (i) or (ii), by geographic information
16 system digital boundaries meeting or exceeding national
17 map accuracy standards; or (iv) local unit of government.

18 The description shall include the number of low-income
19 households within the service area or footprint. If an
20 applicant is a an incumbent cable operator, the incumbent
21 cable operator and any successor-in-interest shall be
22 obligated to provide access to cable services or video
23 services within any local units of government at the same
24 levels required by the local franchising authorities for
25 the local unit of government on the effective date of this
26 amendatory Act of the 95th General Assembly and its

1 application shall provide a description of an area no
2 smaller than the service areas contained in its
3 franchise(s) within the jurisdiction of the local unit of
4 government in which it seeks to offer cable or video
5 service;

6 (5) The location and telephone number of the
7 applicant's principal place of business within this State
8 and the names of the applicant's principal executive
9 officers who are responsible for communications concerning
10 the application and the services to be offered pursuant to
11 the application, the applicant's legal name and any name or
12 names under which the applicant does or will provide cable
13 services or video services in this State;

14 (6) A certification that the applicant has
15 concurrently delivered a copy of the application to all
16 local units of government that include all or any part of
17 the service area identified in subsection (b)(4) within
18 such local unit of government's jurisdictional boundaries;

19 (7) The expected date that cable service or video
20 service will be initially offered in the area identified in
21 subsection (b)(4). In the event that a holder does not
22 offer cable services or video services within three months
23 after the expected date, it shall amend its application and
24 update the expected date service will be offered and
25 explain the delay in offering cable services or video
26 services;

1 (8) The application shall include adequate assurance
2 that the applicant possesses the financial, managerial,
3 legal, and technical qualifications necessary to construct
4 and operate the proposed system, and to promptly repair any
5 damage to the public right-of-way caused by the applicant,
6 and to pay the cost of removal of its facilities. To
7 accomplish these requirements, the applicant may, at the
8 time the applicant seeks to use the public rights-of-way in
9 that jurisdiction, be required by the State of Illinois
10 and/or later be required by the local unit of government to
11 post a bond, produce a certificate of insurance, or
12 otherwise demonstrate its financial responsibility; and

13 (9) The application shall include the applicant's
14 general standards related to customer service required by
15 220 ILCS 5/70-501, which shall include, but not be limited
16 to, installation, disconnection, service and repair
17 obligations; appointment hours, employee ID requirements;
18 customer service telephone numbers and hours; procedures
19 for billing, charges, deposits, refunds, and credits;
20 procedures for termination of service; notice of deletion
21 of programming service, changes related to transmission of
22 programming or changes or increases in rates; use and
23 availability of parental control or lock-out devices;
24 complaint procedures and procedures for bill dispute
25 resolution, and a description of the rights and remedies
26 available to consumers if the holder does not materially

1 meet their customer service standards; and special
2 services for customers with visual, hearing or mobility
3 disabilities.

4 (c)(1) The applicant may designate information that it
5 submits in its application or subsequent reports as
6 confidential or proprietary, provided that the applicant
7 states the reasons the confidential designation is necessary.
8 The Commission shall provide adequate protection for such
9 information pursuant to Section 5/4-404 of the Public Utilities
10 Act. If the Commission, a local unit of government, or any
11 other party seeks public disclosure of information designated
12 as confidential, the Commission shall consider the
13 confidential designation in a proceeding under the
14 Administrative Procedures Act, and the burden of proof to
15 demonstrate that the designated information is confidential
16 shall be upon the applicant. Designated information shall
17 remain confidential pending the Commission's determination of
18 whether the information is entitled to confidential treatment.
19 Information designated as confidential shall be provided to
20 local units of government for purposes of assessing compliance
21 with this Article as permitted under a Protective Order issued
22 by the Commission pursuant to the Commission's rules and to the
23 Attorney General pursuant to Section 6.5 of the Attorney
24 General Act, 15 ILCS 205/6.5. Information designated as
25 confidential under this Section or determined to be
26 confidential upon Commission review shall only be disclosed

1 pursuant to a valid and enforceable subpoena or court order or
2 as required by the Freedom of Information Act. Nothing herein
3 shall delay the application approval timeframes set forth in
4 this Article.

5 (2) Information regarding the location of video services
6 that have been or are being offered to the public and aggregate
7 information included in the reports required by this Article
8 shall not be designated or treated as confidential.

9 (d)(1) The Commission shall post all applications it
10 receives under this Article on its web site within five (5)
11 business days.

12 (2) The Commission shall notify an applicant for a cable
13 service or video service authorization whether the applicant's
14 application and affidavit are complete on or before the 15th
15 business day after the applicant submits the application. If
16 the application and affidavit are not complete, the Commission
17 shall state in its notice all of the reasons the application or
18 affidavit are incomplete, and the applicant shall resubmit a
19 complete application. The Commission shall have 30 days after
20 submission by the applicant of a complete application and
21 affidavit to issue the service authorization. If the Commission
22 does not notify the applicant regarding the completeness of the
23 application and affidavit or issue the service authorization
24 within the time periods required under this subsection, the
25 application and affidavit shall be considered complete and the
26 service authorization issued upon the expiration of the 30th

1 day.

2 (e) The authorization issued by the Commission will expire
3 on the date listed in Section 21-1601 and shall contain or
4 include all of the following:

5 (1) A grant of authority to provide cable service or
6 video service in the service area footprint as requested in
7 the application, subject to the laws of the State and the
8 ordinances, rules and regulations of the local units of
9 government.

10 (2) A grant of authority to use, occupy, and construct
11 facilities in the public rights-of-way for the delivery of
12 cable service or video service in the service area
13 footprint, subject to the laws, ordinances, rules or
14 regulations of this State and local units of governments.

15 (3) A statement that the grant of authority is subject
16 to lawful operation of the cable service or video service
17 by the applicant, its affiliated entities or its
18 successors-in-interest.

19 (4) The Commission shall notify a local unit of
20 government within three (3) business days of the grant of
21 any authorization within a service area footprint if that
22 authorization includes any part of the local unit of
23 government's jurisdictional boundaries.

24 (f) The authorization issued pursuant to Section 401 of
25 this Article by the Commission may be transferred to any
26 successor-in-interest to the applicant to which it is initially

1 granted without further Commission action if the
2 successor-in-interest (i) submits an application and the
3 information required by Section 21-401(b) for the
4 successor-in-interest and (ii) is not in violation of this
5 Article or of any federal, State, or local law, ordinance, rule
6 or regulation. A successor-in-interest shall file its
7 application and notice of transfer with the Commission and the
8 relevant local units of government no less than fifteen (15)
9 business days prior to the completion of the transfer. The
10 Commission is not required or authorized to act upon the notice
11 of transfer; however, the transfer is not effective until the
12 Commission approves the successor-in-interest's application. A
13 local unit of government or the Attorney General may seek to
14 bar a transfer of ownership by filing suit in a court of
15 competent jurisdiction predicated on the existence of a
16 material and continuing breach of this Article by the holder, a
17 pattern of noncompliance with customer service standards by the
18 potential successor-in-interest, or the insolvency of the
19 potential successor-in-interest. If a transfer is made when
20 there are violations of this Article or of any federal, State,
21 or local law, ordinance, rule or regulation, the
22 successor-in-interest shall be subject to three times the
23 penalties provided for in this Article.

24 (g) The authorization issued pursuant to Section 21-401 of
25 this Article by the Commission may be terminated, or its cable
26 service or video service area footprint may be modified, by the

1 cable service provider or video service provider by submitting
2 notice to the Commission and to the relevant local unit of
3 government containing a description of the change on the same
4 terms as the initial description pursuant to Section
5 21-401(b)(4). The Commission is not required or authorized to
6 act upon that notice. It shall be a violation of this Article
7 for a holder to discriminate against potential residential
8 subscribers because of the race or income of the residents in
9 the local area in which the group resides by terminating or
10 modifying its cable service or video service area footprint. It
11 shall be a violation of this Article for a holder to terminate
12 or modify its cable service or video service area footprint if
13 it leaves an area with no cable service or video service from
14 any provider.

15 (h) The Commission's authority to administer this Article
16 is limited to the powers and duties explicitly provided under
17 this Article. Its authority under this Article does not include
18 or limit the powers and duties that the Commission has under
19 the other Articles of the Public Utilities Act, the Illinois
20 Administrative Procedure Act (5 ILCS 100/) or any other law or
21 regulation to conduct proceedings other than as provided in
22 subsection (c) above, or to promulgate rules or regulations.
23 The Commission shall not have the authority to limit or expand
24 the obligations and requirements provided in this Section, or
25 to regulate or control a person or entity to the extent that
26 person or entity is providing cable service or video service

1 except as provided in this Article.

2 (220 ILCS 5/21-601 new)

3 Sec. 21-601. Public, education, and government access. For
4 the purposes of this Section, "programming" means content
5 produced or provided by any person, group, governmental agency,
6 or noncommercial public or private agency or organization.

7 (a) Not later than 90 days after a request by the local
8 unit of government or its designee that has received notice
9 under Section 21-801(a) of this Article, the holder shall (i)
10 designate the same amount of capacity on its network to provide
11 for public, education, and government access use, as the
12 incumbent cable operator is required to designate under its
13 franchise terms in effect with a local unit of government on
14 January 1, 2007; and (ii) retransmit to its subscribers the
15 same number of public, education, and government access
16 channels as the incumbent cable operator was retransmitting to
17 subscribers on January 1, 2007.

18 (b) If the local unit of government produces or maintains
19 the public education or government programming in a manner or
20 form that is compatible with the holder's network, it shall
21 transmit such programming to the holder in that form provided
22 that form will permit the holder to satisfy the requirements of
23 Section 21-601(c). If the local unit of government does not
24 produce or maintain such programming in that manner or form,
25 then the holder shall be responsible for any changes in the

1 form of the transmission necessary to make public, education,
2 and government programming compatible with the technology or
3 protocol used by the holder to deliver services. The holder
4 shall receive programming from the local unit of government (or
5 the local unit of government's public, education, and
6 government programming providers) and transmit that public,
7 education, and government programming directly to the holder's
8 subscribers within the local unit of government's jurisdiction
9 at no cost to the local unit of government or the public,
10 education, and government programming providers. If the holder
11 is required to change the form of the transmission, the local
12 unit of government or its designee shall provide reasonable
13 access to the holder to allow the holder to transmit the
14 public, education, and government programming in an economical
15 manner subject to the requirements of Section 21-601(c).

16 (c) The holder shall provide to subscribers public,
17 education and government access channel capacity at equivalent
18 visual and audio quality and equivalent functionality, from the
19 viewing perspective of the subscriber, to that of commercial
20 channels carried on the holder's basic cable or video service
21 offerings or tiers without the need for any equipment other
22 than the equipment necessary to receive the holder's basic
23 cable or video service offerings or tiers.

24 (d) The holder and an incumbent cable operator shall
25 negotiate in good faith to interconnect their networks, if
26 needed, for the purpose of providing public, education, and

1 government programming. Interconnection may be accomplished by
2 direct cable, microwave link, satellite, or other reasonable
3 method of connection. The holder and the incumbent cable
4 operator shall provide interconnection of the public,
5 education, and government channels on reasonable terms and
6 conditions and may not withhold the interconnection. If a
7 holder and an incumbent cable operator cannot reach a mutually
8 acceptable interconnection agreement, the local unit of
9 government may require the incumbent cable operator to allow
10 the holder to interconnect its network with the incumbent cable
11 operator's network at a technically feasible point on their
12 networks. If no technically feasible point for interconnection
13 is available, the holder and an incumbent cable operator shall
14 each make an interconnection available to the public,
15 education, and government channel originators at their local
16 origination points and shall provide the facilities necessary
17 for the interconnection. The cost of any interconnection shall
18 be borne by the holder unless otherwise agreed to by the
19 parties. The interconnection required by this subsection shall
20 be completed within the 90-day deadline set forth in subsection
21 (a).

22 (e) The public, education, and government channels shall be
23 for the exclusive use of the local unit of government or its
24 designee to provide public, education, and government
25 programming. The public, education, and government channels
26 shall be used only for noncommercial purposes. However,

1 advertising, underwriting, or sponsorship recognition may be
2 carried on the channels for the purpose of funding public,
3 education, and government access related activities.

4 (f) Public, education and government channels shall all be
5 carried on the holder's basic cable or video service offerings
6 or tiers. To the extent feasible, the public, education and
7 government channels shall not be separated numerically from
8 other channels carried on the holder's basic cable or video
9 service offerings or tiers, and the channel numbers for the
10 public, education and government channels shall be the same
11 channel numbers used by the incumbent cable operator unless
12 prohibited by federal law. After the initial designation of
13 public, education and government channel numbers, the channel
14 numbers shall not be changed without the agreement of the local
15 unit of government or the entity to which the local unit of
16 government has assigned responsibility for managing public,
17 education and government access channels unless the change is
18 required by federal law. Each channel shall be capable of
19 carrying a National Television System Committee (NTSC)
20 television signal.

21 (g) The holder shall provide a listing of public, education
22 and government channels on channel cards and menus provided to
23 subscribers in a manner equivalent to other channels if the
24 holder uses such cards and menus. Further, the holder shall
25 provide a listing of public, education, and government
26 programming on its electronic program guide if such a guide is

1 utilized by the holder. It is the public, education and
2 government entity's responsibility to provide the holder or its
3 designated agent, as determined by the holder, with program
4 schedules and information in a timely manner.

5 (h) If less than three public, education, and government
6 channels are provided within the local unit of government as of
7 January 1, 2007, a local unit of government whose jurisdiction
8 lies within the authorized service area of the holder may
9 initially request the holder to designate sufficient capacity
10 for up to three public, education, and government channels. A
11 local unit of government or its designee that seeks to add
12 additional capacity shall give the holder a written
13 notification specifying the number of additional channels to be
14 used, specifying the number of channels in actual use, and
15 verifying that the additional channels requested will be put
16 into actual use.

17 (i) The holder shall, within 90 days of a request by the
18 local unit of government or its designated public, education,
19 or government access entity, provide sufficient capacity for an
20 additional channel for public, education, and government
21 access when the programming on a given access channel exceeds
22 40 hours per week as measured on a quarterly basis. The
23 additional channel shall not be used for any purpose other than
24 for carrying additional public, education, or government
25 access programming.

26 (j) The public, education, and government access

1 programmer is solely responsible for the content that it
2 provides over designated public, education, or government
3 channels. A holder shall not exercise any editorial control
4 over any programming on any channel designed for public,
5 education, or government use or on any other channel required
6 by law or a binding agreement with the local unit of
7 government.

8 (k) A holder shall not be subject to any civil or criminal
9 liability for any program carried on any channel designated for
10 public, education, or government use.

11 (l) A court of competent jurisdiction shall have exclusive
12 jurisdiction to enforce any requirement under this Section or
13 resolve any dispute regarding the requirements set forth in
14 this Section, and no provider of cable service or video service
15 may be barred from providing service or be required to
16 terminate service as a result of that dispute or enforcement
17 action.

18 (220 ILCS 5/21-701 new)

19 Sec. 21-701. Emergency alert system. The holder shall
20 comply with all applicable requirements of the Federal
21 Communications Commission involving the distribution and
22 notification of federal, State, and local emergency messages
23 over the emergency alert system applicable to cable operators.
24 The holder will provide a requesting local unit of government
25 with sufficient information regarding how to submit, via

1 telephone or web listing, a local emergency alert for
2 distribution over its cable or video network. To the extent
3 that a local unit of government requires incumbent cable
4 operators to provide emergency alert system messages or
5 services in excess of the requirements of this Section, the
6 holder shall comply with any such additional requirements
7 within the jurisdiction of the local franchising authority. The
8 holder may provide a local emergency alert to an area larger
9 than the boundaries of the local unit of government issuing the
10 emergency alert.

11 (220 ILCS 5/21-801 new)

12 Sec. 21-801. Applicable fees payable to the local unit of
13 government.

14 (a) Prior to offering cable service or video service in a
15 local unit of government's jurisdiction, a holder shall notify
16 the local unit of government. The notice shall be given to the
17 local unit of government at least 10 days before the holder
18 begins to offer cable service or video service within the
19 boundaries of that local unit of government.

20 (b) In any local unit of government in which a holder
21 offers cable service or video service on a commercial basis,
22 the holder shall be liable for and pay the service provider fee
23 to the local unit of government. The local unit of government
24 shall adopt an ordinance imposing such a fee. The holder's
25 liability for the fee shall commence on the first day of the

1 calendar month that is at least 30 days after the holder
2 receives such ordinance. The ordinance shall be sent by mail,
3 postage prepaid, to the address listed on the holder's
4 application provided to the local unit of government pursuant
5 to Section 21-401(b)(6). The fee authorized by this Section
6 shall be 5% of gross revenues or the same as the fee paid to the
7 local unit of government by any incumbent cable operator
8 providing cable service. The payment of the service provider
9 fee shall be due on a quarterly basis, 45 days after the close
10 of the calendar quarter. If mailed, the fee is considered paid
11 on the date it is postmarked. Except as provided in this
12 Article, the local unit of government may not demand any
13 additional fees or charges from the holder and may not demand
14 the use of any other calculation method other than allowed
15 under this Article.

16 (c) For purposes of this Article, "gross revenues" means
17 all consideration of any kind or nature, including, without
18 limitation, cash, credits, property, and in-kind contributions
19 received by the holder for the operation of a cable or video
20 system to provide cable service or video service within the
21 holder's cable service or video service area within the local
22 unit of government's jurisdiction.

23 (1) Gross revenues shall include the following:

24 (i) Recurring charges for cable service or video
25 service.

26 (ii) Event-based charges for cable service or

1 video service, including, but not limited to,
2 pay-per-view and video-on-demand charges.

3 (iii) Rental of set top boxes and other cable
4 service or video service equipment.

5 (iv) Service charges related to the provision of
6 cable service or video service, including but not
7 limited to activation, installation, and repair
8 charges.

9 (v) Administrative charges related to the
10 provision of cable service or video service, including
11 but not limited to service order and service
12 termination charges.

13 (vi) Late payment fees or charges, insufficient
14 funds check charges, and other charges assessed to
15 recover the costs of collecting delinquent payments.

16 (vii) A pro rata portion of all revenue derived by
17 the holder or its affiliates pursuant to compensation
18 arrangements for advertising or for promotion or
19 exhibition of any products or services derived from the
20 operation of the holder's network to provide cable
21 service or video service within the local unit of
22 government's jurisdiction. The allocation shall be
23 based on the number of subscribers in the local unit of
24 government divided by the total number of subscribers
25 in relation to the relevant regional or national
26 compensation arrangement.

1 (viii) Compensation received by the holder that is
2 derived from the operation of the holder's network to
3 provide cable service or video service with respect to
4 commissions that are received by the holder as
5 compensation for promotion or exhibition of any
6 products or services on the holder's network, such as a
7 "home shopping" or similar channel, subject to
8 subsection (b) (ix).

9 (ix) In the case of a cable service or video
10 service that is bundled or integrated functionally
11 with other services, capabilities, or applications,
12 the portion of the holder's revenue attributable to the
13 other services, capabilities, or applications shall be
14 included in gross revenue unless the holder can
15 reasonably identify the division or exclusion of the
16 revenue from its books and records that are kept in the
17 regular course of business.

18 (x) The service provider fee permitted by Section
19 21-801(b) of this Article.

20 (2) Gross revenues do not include any of the following:

21 (i) Revenues not actually received, even if
22 billed, such as bad debt, subject to Section
23 21-801(c) (1) (vi).

24 (ii) Refunds, discounts, or other price
25 adjustments that reduce the amount of gross revenues
26 received by the holder of the State-issued

1 authorization to the extent the refund, rebate,
2 credit, or discount is attributable to cable service or
3 video service.

4 (iii) Regardless of whether the services are
5 bundled, packaged, or functionally integrated with
6 cable service or video service, any revenues received
7 from services not classified as cable service or video
8 service, including, without limitation, revenue
9 received from telecommunications services, information
10 services, or the provision of directory or Internet
11 advertising, including yellow pages, white pages,
12 banner advertisement, and electronic publishing or any
13 other revenues attributed by the holder to noncable
14 service or nonvideo service in accordance with the
15 holder's books and records and records kept in the
16 regular course of business and any applicable laws,
17 rules, regulations, standards, or orders.

18 (iv) The sale of cable services or video services
19 for resale in which the purchaser is required to
20 collect the service provider fee from the purchaser's
21 subscribers to the extent the purchaser certifies in
22 writing that it will resell the service within the
23 local unit of government's jurisdiction and pay the fee
24 permitted by Section 21-801(b) with respect to the
25 service.

26 (v) Any tax or fee of general applicability imposed

1 upon the subscribers or the transaction by a city,
2 State, federal, or any other governmental entity and
3 collected by the holder of the State-issued
4 authorization and required to be remitted to the taxing
5 entity, including sales and use taxes.

6 (vi) Security deposits collected from subscribers.

7 (vii) Amounts paid by subscribers to "home
8 shopping" or similar vendors for merchandise sold
9 through any home shopping channel offered as part of
10 the cable service or video service.

11 (3) Revenue of an affiliate of a holder shall be
12 included in the calculation of gross revenues to the extent
13 the treatment of the revenue as revenue of the affiliate
14 rather than the holder has the effect of evading the
15 payment of the fee permitted by Section 21-801(b) of this
16 Article which would otherwise be paid by the cable service
17 or video service.

18 (d) (1) The holder shall pay to the local unit of government
19 or the entity designated by that local unit of government to
20 manage public, education and government access, upon request as
21 support for public, education, and government access, a fee
22 equal to no less than (i) 1% of gross revenues; or (ii) if
23 greater, the percentage of gross revenues that incumbent cable
24 operators pay to the local unit of government or its designee
25 for public, education, and government access support in the
26 local unit of government's jurisdiction. For purposes of

1 subparagraph (d)(1)(ii) above, the percentage of gross
2 revenues that all incumbent cable operators pay shall be equal
3 to the annual sum of the payments that incumbent cable
4 operators in the service area are obligated to pay by
5 franchises and agreements or by contracts with the local
6 government designee for public, education and government
7 access in effect on January 1, 2007, including the total of any
8 lump sum payments required to be made over the term of each
9 franchise or agreement divided by the number of years of the
10 applicable term, divided by the annual sum of such incumbent
11 cable operator(s)'s gross revenues during the immediately
12 prior calendar year. The sum of payments includes any payments
13 that an incumbent cable operator is required to pay pursuant to
14 Section 21-301(c)(3) of this Article.

15 (2) A local unit of government may require all holders of a
16 State-issued authorization and all cable operators franchised
17 by that local unit of government on the effective date hereof
18 in the franchise area to provide to the local unit of
19 government, or to the entity designated by that local unit of
20 government to manage public, education and government access,
21 information sufficient to calculate the public, education and
22 government access equivalent fee and any credits under
23 subsection (d)(1).

24 (3) The fee shall be due on a quarterly basis and paid 45
25 days after the close of the calendar quarter. Each payment
26 shall include a statement explaining the basis for the

1 calculation of the fee. If mailed, the fee is considered paid
2 on the date it is postmarked. The liability of the holder for
3 payment of the fee under this subsection shall commence on the
4 same date as the payment of the service provider fee pursuant
5 to subsection (b) of this Section.

6 (e) The holder may identify and collect the amount of the
7 service provider fee as a separate line item on the regular
8 bill of each subscriber.

9 (f) The holder may identify and collect the amount of the
10 public, education, and government programming support fee as a
11 separate line item on the regular bill of each subscriber.

12 (g) All determinations and computations under this Section
13 shall be made pursuant to the definition of gross revenues set
14 forth in this Section, and shall be made pursuant to generally
15 accepted accounting principles.

16 (h) Nothing contained in this Article shall be construed to
17 exempt a holder from any tax that is or may later be imposed by
18 the local unit of government, including any tax that is or may
19 later be required to be paid by or through the holder with
20 respect to cable service or video service. A State-issued
21 authorization shall not affect any requirement of the holder
22 with respect to payment of the local unit of government's
23 simplified municipal telecommunications tax or any other tax as
24 it applies to any telephone service provided by the holder. A
25 State-issued authorization shall not affect any requirement of
26 the holder with respect to payment of the local unit of

1 government's 911 or E911 fees, taxes or charges.

2 (220 ILCS 5/21-901 new)

3 Sec. 21-901. Audits.

4 (a) Upon receiving notice under Section 21-401(e)(4) that a
5 holder has received State-issued authorization under this
6 Article, a local unit of government shall notify the holder of
7 the requirements it imposes on other cable service or video
8 service providers in its jurisdiction to submit to an audit of
9 its books and records. The holder shall comply with the same
10 requirements the local unit of government imposes on other
11 cable service or video service providers in its jurisdiction to
12 audit the holder's books and records and to recompute any
13 amounts determined to be payable under the requirements of the
14 local unit of government. If all local franchises between the
15 local unit of government and a cable operator terminate, the
16 audit requirements shall be those adopted by the local
17 government pursuant to the Local Government Taxpayers' Bill of
18 Rights, 50 ILCS 45. No acceptance of amounts remitted should be
19 construed as an accord that the amounts are correct.

20 (b) Any additional amount due after an audit shall be paid
21 within 30 days after the local unit of government's submission
22 of an invoice for the sum.

23 (220 ILCS 5/21-1001 new)

24 Sec. 21-1001. Local unit of government authority.

1 (a) The holder of a State-issued authorization shall comply
2 with all the applicable construction and technical standards
3 and right-of-way occupancy standards set forth in a local unit
4 of government's code of ordinances relating to the use of
5 public rights-of-way, pole attachments, permit obligations,
6 indemnification, performance bonds, penalties or liquidated
7 damages. The applicable requirements for a holder that is using
8 its existing telecommunications network or constructing a
9 telecommunications network shall be the same requirements that
10 the local unit of government imposes on telecommunications
11 providers in its jurisdiction. The applicable requirements for
12 a holder that is using or constructing a cable system shall be
13 the same requirements the local unit of government imposes on
14 other cable operators in its jurisdiction.

15 (b) A local unit of government shall allow the holder to
16 install, construct, operate, maintain, and remove a cable
17 service, video service, or telecommunications network within a
18 public right-of-way and shall provide the holder with open,
19 comparable, nondiscriminatory, and competitively neutral
20 access to the public right-of-way on the same terms applicable
21 to other cable service or video service providers or cable
22 operators in its jurisdiction. Notwithstanding any other
23 provisions of law, if a local unit of government is permitted
24 by law to require the holder of a State authorization to seek a
25 permit to install, construct, operate, maintain or remove its
26 cable service, video service, or telecommunications network

1 within a public right-of-way, those permits shall be deemed
2 granted within 45 days after being submitted, if not otherwise
3 acted upon by the local unit of government, provided the holder
4 complies with the requirements applicable to the holder in its
5 jurisdiction.

6 (c) A local unit of government may impose reasonable terms,
7 but it may not discriminate against the holder with respect to
8 any of the following:

9 (1) The authorization or placement of a cable service,
10 video service, or telecommunications network or equipment
11 in public rights-of-way.

12 (2) Access to a building.

13 (3) A local unit of government utility pole attachment.

14 (d) If a local unit of government imposes a permit fee on
15 incumbent cable operators, it may impose a permit fee on the
16 holder only to the extent it imposes such a fee on incumbent
17 cable operators. In all other cases, these fees may not exceed
18 the actual, direct costs incurred by the local unit of
19 government for issuing the relevant permit. In no event may a
20 fee under this Section be levied if the holder already has paid
21 a permit fee of any kind in connection with the same activity
22 that would otherwise be covered by the permit fee under this
23 Section provided no additional equipment, work, function or
24 other burden is added to the existing activity for which the
25 permit was issued.

26 (e) Nothing in this Article shall affect the rights that

1 any holder has under Section 4 of the Telephone Line Right of
2 Way Act (220 ILCS 65/4).

3 (f) In addition to the other requirements in this Section,
4 if the holder installs, upgrades, constructs, operates,
5 maintains, and removes facilities or equipment within a public
6 right-of-way to provide cable service or video service, it
7 shall comply with the following:

8 (1) The holder must locate its equipment in the
9 right-of-way as to cause only minimum interference with the
10 use of streets, alleys and other public ways and places,
11 and to cause only minimum impact upon, and interference
12 with the rights and reasonable convenience of property
13 owners who adjoin any of the said streets, alleys or other
14 public ways. No fixtures shall be placed in any public ways
15 in such a manner to interfere with the usual travel on such
16 public ways. Nor shall such fixtures or equipment limit the
17 visibility of vehicular and/or pedestrian traffic.

18 (2) The holder shall comply with a local unit of
19 government's reasonable requests to place equipment on
20 public property where possible, and promptly comply with
21 local unit of government direction with respect to the
22 location and screening of equipment and facilities. In
23 constructing or upgrading its cable or video network in the
24 right-of-way, the holder shall use the smallest suitable
25 equipment enclosures and power pedestals and cabinets then
26 in use by the holder for the application.

1 (3) The holder's construction practices shall be in
2 accordance with all applicable sections of the
3 Occupational Safety and Health Act of 1970, as amended, as
4 well as all applicable State laws, including the Illinois
5 Administrative Code, and local codes where applicable, as
6 adopted by the local unit of government. All installation
7 of electronic equipment shall be of a permanent nature,
8 durable and, where applicable, installed in accordance
9 with the provisions of the National Electrical Safety Code
10 of the National Bureau of Standards and National Electrical
11 Code of the National Board of Fire Underwriters.

12 (4) The holder shall not interfere with the local unit
13 of government's performance of public works. Nothing in the
14 State-issued authorization shall be in preference or
15 hindrance to the right of the local unit of government to
16 perform or carry on any public works or public improvements
17 of any kind. The holder expressly agrees that it shall, at
18 its own expense, protect, support, temporarily disconnect,
19 relocate in the same street or other public place, or
20 remove from such street or other public place, any of the
21 network, system, facilities or equipment when required to
22 do so by the local unit of government, because of necessary
23 public health, safety and welfare improvements. In the
24 event a holder and other users, including incumbent cable
25 operators or utilities, of a public right-of-way are
26 required to relocate and compensation is paid to the users

1 of such public right-of-way, such parties shall be treated
2 equally with respect to such compensation.

3 (5) The holder shall comply with all local units of
4 government inspection requirements. The making of
5 post-construction, subsequent and/or periodic inspections
6 or the failure to do so shall not operate to relieve the
7 holder of any responsibility, obligation or liability.

8 (6) The holder shall maintain insurance or provide
9 evidence of self insurance as required by an applicable
10 ordinance of the local unit of government.

11 (7) The holder shall reimburse all reasonable
12 make-ready expenses, including aerial and underground
13 installation expenses requested by the holder to the local
14 unit of government within thirty (30) days of billing to
15 the holder provided that such charges shall be at the same
16 rates as charges to others for the same or similar
17 services.

18 (8) The holder shall indemnify and hold harmless the
19 local unit of government and all boards, officers,
20 employees and representatives thereof from all claims,
21 demands, causes of action, liability, judgments, costs and
22 expenses or losses for injury or death to persons or damage
23 to property owned by, and Worker's Compensation claims
24 against any parties indemnified herein, arising out of,
25 caused by, or as a result of the holder's construction,
26 lines, cable, erection, maintenance, use or presence of, or

1 removal of any poles, wires, conduit, appurtenances
2 thereto, or equipment or attachments thereto. The holder,
3 however, shall not indemnify the local unit of government
4 for any liabilities, damages, cost and expense resulting
5 from the willful misconduct or negligence of the local unit
6 of government, its officers, employees and agents. The
7 obligations imposed pursuant to this Section by a local
8 unit of government shall be competitively neutral.

9 (9) The holder, upon request, shall provide the local
10 unit of government with information describing the
11 location of the cable service or video service facilities
12 and equipment located in the unit of local government's
13 rights-of-way pursuant to its State-issued authorization.
14 If designated by the holder as confidential, such
15 information provided pursuant to this subsection shall be
16 exempt from inspection and copying under the Illinois
17 Freedom of Information Act, 5 ILCS 140/1 et seq., pursuant
18 to the exemption provided for under 5 ILCS 140/7(1)(mm) and
19 any other present or future exemptions applicable to such
20 information and shall not be disclosed by the unit of local
21 government to any third party without the written consent
22 of the holder.

23 (220 ILCS 5/21-1101 new)

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

25 (a) The holder of a State-issued authorization shall not

1 deny access to cable service or video service to any potential
2 residential subscribers because of the race or income of the
3 residents in the local area in which the potential subscribers
4 reside.

5 (b) If the holder is using telecommunications facilities to
6 provide cable or video service and has 1,000,000 or less
7 telecommunications access lines in this State, but more than
8 300,000 telecommunications access lines in this State, the
9 holder shall:

10 (1) Provide access to its cable or video service to a
11 number of households equal to at least 25% of its
12 telecommunications access lines in this State within 3
13 years after the date a holder receives a State-issued
14 authorization from the Commission and to a number not less
15 than 35% of these households within 5 years after the date
16 a holder receives a State-issued authorization from the
17 Commission; provided, however, that the holder of a
18 State-issued authorization is not required to meet the 35%
19 requirement in this subsection until 2 years after at least
20 15% of the households with access to the holder's video
21 service subscribe to the 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
24 three different designated market areas.

25 (2) Within 3 years after the date a holder receives a
26 State-issued authorization from the Commission at least

1 30% of the total households with access to the holder's
2 cable or video service shall be low-income.

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

17 (3) The number of telecommunication access lines in
18 this Section shall be based on the number of access lines
19 that exist as of the effective date of this amendatory Act
20 of the 95th General Assembly.

21 (c) If the holder of a State-issued authorization is using
22 telecommunications facilities to provide cable or video
23 service and has more than 1,000,000 telecommunications access
24 lines in this State, the holder shall:

25 (1) (A) Provide access to its cable or video service to a
26 number of households equal to at least 35% of the households in

1 the holder's telecommunications service area in the State
2 within 3 years after the date a holder receives a State-issued
3 authorization from the Commission and to a number not less than
4 50% of these households within 5 years after the date a holder
5 receives a State-issued authorization from the Commission;
6 provided, however, that the holder of a State-issued
7 authorization is not required to meet the 50% requirement in
8 this subsection until 2 years after at least 15% of the
9 households with access to the holder's video service subscribe
10 to the service for 6 consecutive months.

11 The holder's obligation to provide such access in the State
12 shall be distributed, as the holder determines, within three
13 designated market areas, one in each of the northeastern,
14 central and southwestern portions of the holder's
15 telecommunications service area in the State. The designated
16 market area for the northeastern portion shall consist of two
17 separate and distinct reporting areas: i) a city with more than
18 1,000,000 inhabitants, and ii) all other local units of
19 government on a combined basis within such designated market
20 area in which it offers video service.

21 (B) If any state, in which a holder subject to this
22 subsection (c) or one of its affiliates provides or seeks to
23 provide cable or video service, adopts a law permitting
24 state-issued authorization or statewide franchises to provide
25 cable or video service that requires a cable or video provider
26 to offer service to more than 35% of the households in the

1 cable or video provider's service area in that state within 3
2 years, holders subject to this subsection (c) shall provide
3 service in this State to the same percentage of households
4 within 3 years of adoption of such law in that state.

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

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

21 Within each designated market area listed in subsection
22 (c) (1), the holder's obligation to offer service to low-income
23 households shall be measured by each exchange, as that term is
24 defined in Section 13-206 of the Public Utilities Act in which
25 the holder chooses to provide cable or video service. The
26 holder is under no obligation to serve or provide access to an

1 entire exchange; however, in addition to the statewide
2 obligation to provide low-income access provided by this
3 Section, in each exchange in which the holder chooses to
4 provide cable or video service, the holder shall provide access
5 to a percentage of low-income households that is at least equal
6 to the percentage of the total low-income households within
7 that exchange.

8 (d) (1) All other holders shall only provide access to one
9 or more exchanges, as that term is defined in Section 13-206 of
10 the Public Utilities Act, or to local units of government and
11 shall provide access to their cable or video service to a
12 number of households equal to 35% of the households in the
13 exchange or local unit of government within 3 years after the
14 date a holder receives a State-issued authorization from the
15 Commission and to a number not less than 50% of these
16 households within 5 years after the date a holder receives a
17 State-issued authorization from the Commission, provided,
18 however, that if the holder is an incumbent cable operator or
19 any successor-in-interest company, it shall be obligated to
20 provide access to cable or video services within the
21 jurisdiction of a local unit of government at the same levels
22 required by the local franchising authorities for that local
23 unit of government on the effective date of this amendatory Act
24 of the 95th General Assembly.

25 (2) Within 3 years after the date a holder receives a
26 State-issued authorization from the Commission, at least 30% of

1 the total households with access to the holder's cable or video
2 service shall be low-income.

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

19 (e) A holder subject to Section 21-1101(c) shall provide
20 wireline broadband service, defined as wireline service
21 capable of supporting, in at least one direction, a speed in
22 excess of 200 kilobits per second (kbps), to the network
23 demarcation point at the subscriber's premises, to a number of
24 households equal to 90% of the households in the holder's
25 telecommunications service area by December 31, 2008, or shall
26 pay within 30 days of December 31, 2008 a sum of \$15,000,000 to

1 the Digital Divide Elimination Infrastructure Fund established
2 pursuant to Section 13-301.3 of Article XIII of this Act, or
3 any successor fund established by the General Assembly. In that
4 event the holder is required to make a payment pursuant to this
5 subsection, the holder shall have no further accounting for
6 this payment, which shall be used in any part of the State for
7 the purposes established in the Digital Divide Elimination
8 Infrastructure Fund or for broadband deployment.

9 (f) The holder of a State-issued authorization may satisfy
10 the requirements of subsections (b), (c) and (d) of this
11 Section through the use of any technology, which shall not
12 include direct-to-home satellite service, that offers service,
13 functionality, and content, which is demonstrably similar to
14 that provided through the holder's video service system.

15 (g) In any investigation into or complaint alleging that
16 the holder of a State-issued authorization has failed to meet
17 the requirements of this Section, the following factors may be
18 considered in justification or mitigation or as justification
19 for an extension of time to meet the requirements of
20 subsections (b), (c) and (d) of this Section:

21 (1) The inability to obtain access to public and
22 private rights-of-way under reasonable terms and
23 conditions.

24 (2) Barriers to competition arising from existing
25 exclusive service arrangements in developments or
26 buildings.

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

4 (4) Natural disasters.

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

6 (h) If the holder relies on the factors identified in
7 subsection (g) in response to an investigation or complaint,
8 the holder shall demonstrate:

9 (1) what substantial effort the holder of a
10 State-issued authorization has taken to meet the
11 requirements of subsections (a), (b) or (c) of this
12 Section;

13 (2) which portions of subsection (g) of this Section
14 apply; and

15 (3) the number of days it has been delayed or the
16 requirements it cannot perform as a consequence of
17 subsection (g) of this Section.

18 (i) The factors in subsection (g) may be considered by the
19 Attorney General or by a court of competent jurisdiction in
20 determining whether the holder is in violation of this Article.

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

1 (1) Cable Service and Video Service Information:

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

8 (B) The number of households in the holder's
9 telecommunications service area within each designated
10 market area as described in subsections (b) and (c) of
11 this Section or exchange or local unit of government as
12 described in subsection (d) of this Section that are
13 offered access to video service by the holder.

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

16 (D) The number of households in the holder's
17 telecommunications service area in the State that are
18 offered access to video service by the holder.

19 (2) Low-Income Household Information:

20 (A) The number of low-income households in the
21 holder's telecommunications service area within each
22 designated market area as described in subsections (b)
23 and (c) of this Section, as further identified in terms
24 of exchanges, or exchange or local unit of government
25 as described in subsection (d) of this Section, in
26 which it offers video service.

1 (B) The number of low-income households in the
2 holder's telecommunications service area within each
3 designated market area as described in subsections (b)
4 and (c) of this Section, as further identified in terms
5 of exchanges, or exchange or local unit of government
6 as described in subsection (d) of this Section in the
7 State, that are offered access to video service by the
8 holder.

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

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

14 (k) The Commission, within 30 days of receiving the first
15 report from holders under this Section, and annually no later
16 than July 1 thereafter, shall submit to the General Assembly a
17 report that includes, based on year-end data, the information
18 submitted by holders pursuant to subsections (j)(1) and (j)(2)
19 of this Section. The Commission shall make this report
20 available to any member of the public or any local unit of
21 government upon request. All information submitted to the
22 Commission and designated by holders as confidential and
23 proprietary shall be subject to the disclosure provisions in
24 Section 21-401(c). No individually identifiable customer
25 information shall be subject to public disclosure.

1 (220 ILCS 5/21-1201 new)

2 Sec. 21-1201. Multiple-unit dwellings-Interference with
3 Holder Prohibited.

4 (a) Neither the owner of any multiple-unit residential
5 dwelling nor an agent or representative shall unreasonably
6 interfere with the right of any tenant or lawful resident
7 thereof to receive cable service or video service installation
8 or maintenance from a holder of a State-issued authorization;
9 provided, however, the owner, agent or representative may
10 require just and reasonable compensation from the holder for
11 its access to and use of such property to provide installation,
12 operation, maintenance, or removal of such cable service or
13 video service.

14 (b) Neither the owner of any multiple-unit residential
15 dwelling nor an agent or representative shall ask, demand or
16 receive any additional payment, service or gratuity in any form
17 from any tenant or lawful resident thereof as a condition for
18 permitting or cooperating with the installation of a cable
19 service or video service to the dwelling unit occupied by a
20 tenant or resident requesting such service.

21 (c) Neither the owner of any multiple-unit residential
22 dwelling nor an agent or representative shall penalize, charge
23 or surcharge a tenant or resident, or forfeit or threaten to
24 forfeit any right of such tenant or resident, or discriminate
25 in any way against such tenant or resident who requests or
26 receives cable service or video service from a holder.

1 (d) Nothing in this Section shall prohibit the owner of any
2 multiple-unit residential dwelling nor an agent or
3 representative from requiring that a holder's facilities
4 conform to reasonable conditions necessary to protect safety,
5 functioning, appearance, and value of premises or the
6 convenience and safety of persons or property.

7 (e) The owner of any multiple-unit residential dwelling or
8 an agent or representative may require a holder to agree to
9 indemnify the owner, or his agents or representatives, for
10 damages or from liability for damages caused by the
11 installation, operation, maintenance or removal of cable
12 service or video service facilities.

13 (220 ILCS 5/21-1301 new)

14 Sec. 21-1301. Enforcement, Penalties.

15 (a) The Attorney General is responsible for administering
16 and ensuring holders' compliance with this Article, provided
17 that nothing in this Article shall deprive local units of
18 government of the right to enforce applicable rights and
19 obligations.

20 (b) The Attorney General may conduct an investigation
21 regarding possible violations by holders of this Article
22 including, without limitation, the issuance of subpoenas to:

23 (1) require the holder to file a statement or report or
24 to answer interrogatories in writing as to all information
25 relevant to the alleged violations;

1 (2) examine, under oath, any person who possesses
2 knowledge or information related to the alleged
3 violations; and

4 (3) examine any record, book, document, account, or
5 paper related to the alleged violation.

6 (c) If the Attorney General determines that there is a
7 reason to believe that a holder has violated or is about to
8 violate this Article, the Attorney General may bring an action
9 in a court of competent jurisdiction in the name of the People
10 of the State against the holder to obtain temporary,
11 preliminary, or permanent injunctive relief and civil
12 penalties for any act, policy, or practice by the holder that
13 violates this Article.

14 (d) If a court orders a holder to make payments to the
15 Attorney General and the payments are to be used for the
16 operations of the Office of the Attorney General or if a holder
17 agrees to make payments to the Attorney General for the
18 operations of the Office of the Attorney General as part of an
19 Assurance of Voluntary Compliance, then the moneys paid under
20 any of the conditions described in this subsection shall be
21 deposited into the Attorney General Court Ordered and Voluntary
22 Compliance Payment Projects Fund. Moneys in the Fund shall be
23 used, subject to appropriation, for the performance of any
24 function pertaining to the exercise of the duties to the
25 Attorney General including, but not limited to, enforcement of
26 any law of this State and conducting public education programs;

1 however, any moneys in the Fund that are required by the court
2 to be used for a particular purpose shall be used for that
3 purpose.

4 (e) In an action against a holder brought pursuant to this
5 Article, the Attorney General may seek the assessment of one or
6 more of the following civil monetary penalties in any action
7 filed under this Article where the holder violates this Article
8 and does not remedy the violation within 30 days of notice by
9 the Attorney General:

10 (1) Any holder that violates or fails to comply with
11 any of the provisions of this Article or of its
12 State-issued authorization shall be subject to a civil
13 penalty of up to \$30,000 for each and every offense, or
14 .00825% of the holder's gross revenues, as defined in
15 Section 21-801, whichever is greater. Every violation of
16 the provisions of this Article by a holder is a separate
17 and distinct offense, provided, however, that if the same
18 act or omission violates more than one provision of this
19 Article, only one penalty or cumulative penalty may be
20 imposed for such act or omission. In case of a continuing
21 violation, each day's continuance thereof shall be a
22 separate and distinct offense, provided, however, that the
23 cumulative penalty for any continuing violation shall not
24 exceed \$500,000 per year, and provided further that these
25 limits shall not apply where the violation was intentional
26 and either (i) created substantial risk to the safety of

1 the cable service or video service provider's employees or
2 customers or the public or (ii) was intended to cause
3 economic benefits to accrue to the violator.

4 (2) The holder's State-issued authorization may be
5 suspended or revoked if the holder fails to comply with the
6 provisions of this Article after a reasonable time to
7 achieve compliance has passed.

8 (3) If the holder is in violation of Section 21-1101,
9 in addition to any other remedies provided by law, a fine
10 not to exceed 3% of the holder's total monthly gross
11 revenue as that term is defined in this Article, shall be
12 imposed for each month from the date of violation until the
13 date that compliance is achieved.

14 (4) Nothing in this Section shall limit or affect the
15 powers of the Attorney General to enforce the provisions of
16 the Cable and Video Customer Protection Law, 220 ILCS
17 5/70-501 new, or the Consumer Fraud and Deceptive Business
18 Practices Act, 815 ILCS 505.

19 (220 ILCS 5/21-1401 new)

20 Sec. 21-1401. Home rule.

21 (a) The provisions of this Article are a limitation of home
22 rule powers under subsection (i) of Section 6 of Article VII of
23 the Illinois Constitution.

24 (b) Nothing in this Article shall be construed to limit or
25 deny a home rule unit's power to tax as set forth in Section 6

1 of Article VII of the Illinois Constitution.

2 (220 ILCS 5/21-1501 new)

3 Sec. 21-1501. Except as otherwise provided in this Article,
4 this Article shall be enforced only by a court of competent
5 jurisdiction.

6 (220 ILCS 5/21-1601 new)

7 Sec. 21-1601. Repealer. This Article is repealed October 1,
8 2013.

9 Section 15-7. The Illinois Administrative Procedure Act is
10 amended by changing Section 1-5 as follows:

11 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

12 Sec. 1-5. Applicability.

13 (a) This Act applies to every agency as defined in this
14 Act. Beginning January 1, 1978, in case of conflict between the
15 provisions of this Act and the Act creating or conferring power
16 on an agency, this Act shall control. If, however, an agency
17 (or its predecessor in the case of an agency that has been
18 consolidated or reorganized) has existing procedures on July 1,
19 1977, specifically for contested cases or licensing, those
20 existing provisions control, except that this exception
21 respecting contested cases and licensing does not apply if the
22 Act creating or conferring power on the agency adopts by

1 express reference the provisions of this Act. Where the Act
2 creating or conferring power on an agency establishes
3 administrative procedures not covered by this Act, those
4 procedures shall remain in effect.

5 (b) The provisions of this Act do not apply to (i)
6 preliminary hearings, investigations, or practices where no
7 final determinations affecting State funding are made by the
8 State Board of Education, (ii) legal opinions issued under
9 Section 2-3.7 of the School Code, (iii) as to State colleges
10 and universities, their disciplinary and grievance
11 proceedings, academic irregularity and capricious grading
12 proceedings, and admission standards and procedures, and (iv)
13 the class specifications for positions and individual position
14 descriptions prepared and maintained under the Personnel Code.
15 Those class specifications shall, however, be made reasonably
16 available to the public for inspection and copying. The
17 provisions of this Act do not apply to hearings under Section
18 20 of the Uniform Disposition of Unclaimed Property Act.

19 (c) Section 5-35 of this Act relating to procedures for
20 rulemaking does not apply to the following:

21 (1) Rules adopted by the Pollution Control Board that,
22 in accordance with Section 7.2 of the Environmental
23 Protection Act, are identical in substance to federal
24 regulations or amendments to those regulations
25 implementing the following: Sections 3001, 3002, 3003,
26 3004, 3005, and 9003 of the Solid Waste Disposal Act;

1 Section 105 of the Comprehensive Environmental Response,
2 Compensation, and Liability Act of 1980; Sections 307(b),
3 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
4 Water Pollution Control Act; and Sections 1412(b),
5 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
6 Water Act.

7 (2) Rules adopted by the Pollution Control Board that
8 establish or amend standards for the emission of
9 hydrocarbons and carbon monoxide from gasoline powered
10 motor vehicles subject to inspection under Section 13A-105
11 of the Vehicle Emissions Inspection Law and rules adopted
12 under Section 13B-20 of the Vehicle Emissions Inspection
13 Law of 1995.

14 (3) Procedural rules adopted by the Pollution Control
15 Board governing requests for exceptions under Section 14.2
16 of the Environmental Protection Act.

17 (4) The Pollution Control Board's grant, pursuant to an
18 adjudicatory determination, of an adjusted standard for
19 persons who can justify an adjustment consistent with
20 subsection (a) of Section 27 of the Environmental
21 Protection Act.

22 (5) Rules adopted by the Pollution Control Board that
23 are identical in substance to the regulations adopted by
24 the Office of the State Fire Marshal under clause (ii) of
25 paragraph (b) of subsection (3) of Section 2 of the
26 Gasoline Storage Act.

1 (d) Pay rates established under Section 8a of the Personnel
2 Code shall be amended or repealed pursuant to the process set
3 forth in Section 5-50 within 30 days after it becomes necessary
4 to do so due to a conflict between the rates and the terms of a
5 collective bargaining agreement covering the compensation of
6 an employee subject to that Code.

7 (e) Section 10-45 of this Act shall not apply to any
8 hearing, proceeding, or investigation conducted under Section
9 13-515 of the Public Utilities Act.

10 (f) Article 10 of this Act does not apply to any hearing,
11 proceeding, or investigation conducted by the State Council for
12 the State of Illinois created under Section 3-3-11.05 of the
13 Unified Code of Corrections or by the Interstate Commission
14 ~~Commission~~ for Adult Offender Supervision created under the
15 Interstate Compact for Adult Offender Supervision.

16 (g) This Act is subject to the provisions of Article XXI of
17 the Public Utilities Act. To the extent that any provision of
18 this Act conflicts with the provisions of that Article XXI, the
19 provisions of that Article XXI control.

20 (Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

21 Section 15-10. The Attorney General Act is amended by
22 changing Section 6.5 as follows:

23 (15 ILCS 205/6.5)

24 Sec. 6.5. Consumer Utilities Unit.

1 (a) The General Assembly finds that the health, welfare,
2 and prosperity of all Illinois citizens, and the public's
3 interest in adequate, safe, reliable, cost-effective electric,
4 natural gas, water, cable, video, and telecommunications
5 services, requires effective public representation by the
6 Attorney General to protect the rights and interests of the
7 public in the provision of all elements of electric, natural
8 gas, water, cable, video, and telecommunications service both
9 during and after the transition to a competitive market, and
10 that to ensure that the benefits of competition in the
11 provision of electric, natural gas, water, cable, video, and
12 telecommunications services to all consumers are attained,
13 there shall be created within the Office of the Attorney
14 General a Consumer Utilities Unit.

15 (b) As used in this Section: "Electric services" means
16 services sold by an electric service provider. "Electric
17 service provider" shall mean anyone who sells, contracts to
18 sell, or markets electric power, generation, distribution,
19 transmission, or services (including metering and billing) in
20 connection therewith. Electric service providers shall include
21 any electric utility and any alternative retail electric
22 supplier as defined in Section 16-102 of the Public Utilities
23 Act.

24 (b-5) As used in this Section: "Telecommunications
25 services" means services sold by a telecommunications carrier,
26 as provided for in Section 13-203 of the Public Utilities Act.

1 "Telecommunications carrier" means anyone who sells, contracts
2 to sell, or markets telecommunications services, whether
3 noncompetitive or competitive, including access services,
4 interconnection services, or any services in connection
5 therewith. Telecommunications carriers include any carrier as
6 defined in Section 13-202 of the Public Utilities Act.

7 (b-10) As used in this Section: "natural gas services"
8 means natural gas services sold by a "gas utility" or by an
9 "alternative gas supplier", as those terms are defined in
10 Section 19-105 of the Public Utilities Act.

11 (b-15) As used in this Section: "water services" means
12 services sold by any corporation, company, limited liability
13 company, association, joint stock company or association,
14 firm, partnership, or individual, its lessees, trustees, or
15 receivers appointed by any court and that owns, controls,
16 operates, or manages within this State, directly or indirectly,
17 for public use, any plant, equipment, or property used or to be
18 used for or in connection with (i) the production, storage,
19 transmission, sale, delivery, or furnishing of water or (ii)
20 the treatment, storage, transmission, disposal, sale of
21 services, delivery, or furnishing of sewage or sewage services.

22 (b-20) As used in this Section: "cable service and video
23 service" means services sold by anyone who sells, contracts to
24 sell or markets cable services or video services pursuant to a
25 State-issued authorization under the Cable and Video
26 Competition Law of 2007.

1 (c) There is created within the Office of the Attorney
2 General a Consumer Utilities Unit, consisting of Assistant
3 Attorneys General appointed by the Attorney General, who,
4 together with such other staff as is deemed necessary by the
5 Attorney General, shall have the power and duty on behalf of
6 the people of the State to intervene in, initiate, enforce, and
7 defend all legal proceedings on matters relating to the
8 provision, marketing, and sale of electric, natural gas, water,
9 and telecommunications service whenever the Attorney General
10 determines that such action is necessary to promote or protect
11 the rights and interests of all Illinois citizens, classes of
12 customers, and users of electric, natural gas, water, and
13 telecommunications services.

14 (d) In addition to the investigative and enforcement powers
15 available to the Attorney General, including without
16 limitation those under the Consumer Fraud and Deceptive
17 Business Practices Act, the Illinois Antitrust Act, and any
18 other law of this State, the Attorney General shall be a party
19 as a matter of right to all proceedings, investigations, and
20 related matters involving the provision of electric, natural
21 gas, water, and telecommunications services before the
22 Illinois Commerce Commission, the courts, and other public
23 bodies. Upon request, the Office of the Attorney General shall
24 have access to and the use of all files, records, data, and
25 documents in the possession or control of the Commission. The
26 Office of the Attorney General may use information obtained

1 under this Section, including information that is designated as
2 and that qualifies for confidential treatment, which
3 information the Attorney General's office shall maintain as
4 confidential, to be used for law enforcement purposes only,
5 which information may be shared with other law enforcement
6 officials. Nothing in this Section is intended to take away or
7 limit any of the powers the Attorney General has pursuant to
8 common law or other statutory law.

9 (Source: P.A. 94-291, eff. 7-21-05.)

10 Section 15-15. The Counties Code is amended by changing
11 Section 5-1095 and by adding Section 5-1096.5 as follows:

12 (55 ILCS 5/5-1095) (from Ch. 34, par. 5-1095)

13 Sec. 5-1095. Community antenna television systems;
14 satellite transmitted television programming.

15 (a) The County Board may license, tax or franchise the
16 business of operating a community antenna television system or
17 systems within the County and outside of a municipality, as
18 defined in Section 1-1-2 of the Illinois Municipal Code.

19 When an area is annexed to a municipality, the annexing
20 municipality shall thereby become the franchising authority
21 with respect to that portion of any community antenna
22 television system that, immediately before annexation, had
23 provided cable television services within the annexed area
24 under a franchise granted by the county, and the owner of that

1 community antenna television system shall thereby be
2 authorized to provide cable television services within the
3 annexed area under the terms and provisions of the existing
4 franchise. In that instance, the franchise shall remain in
5 effect until, by its terms, it expires, except that any
6 franchise fees payable under the franchise shall be payable
7 only to the county for a period of 5 years or until, by its
8 terms, the franchise expires, whichever occurs first. After the
9 5 year period, any franchise fees payable under the franchise
10 shall be paid to the annexing municipality. In any instance in
11 which a duly franchised community antenna television system is
12 providing cable television services within the annexing
13 municipality at the time of annexation, the annexing
14 municipality may permit that franchisee to extend its community
15 antenna television system to the annexed area under terms and
16 conditions that are no more burdensome nor less favorable to
17 that franchisee than those imposed under any community antenna
18 television franchise applicable to the annexed area at the time
19 of annexation. The authorization to extend cable television
20 service to the annexed area and any community antenna
21 television system authorized to provide cable television
22 services within the annexed area at the time of annexation
23 shall not be subject to the provisions of subsection (e) of
24 this Section.

25 (b) "Community antenna television system" as used in this
26 Section, means any facility which is constructed in whole or in

1 part in, on, under or over any highway or other public place
2 and which is operated to perform for hire the service of
3 receiving and amplifying the signals broadcast by one or more
4 television stations and redistributing such signals by wire,
5 cable or other means to members of the public who subscribe to
6 such service except that such term does not include (i) any
7 system which serves fewer than 50 subscribers or (ii) any
8 system which serves only the residents of one or more apartment
9 dwellings under common ownership, control or management, and
10 commercial establishments located on the premises of such
11 dwellings.

12 (c) The authority hereby granted does not include the
13 authority to license or franchise telephone companies subject
14 to the jurisdiction of the Illinois Commerce Commission or the
15 Federal Communications Commission in connection with
16 furnishing circuits, wires, cables or other facilities to the
17 operator of a community antenna television system.

18 (c-1) Each franchise entered into by a county and a
19 community antenna television system shall include the customer
20 service and privacy standards and protections contained in the
21 Cable and Video Customers Protection Law. A franchise may not
22 contain different penalties, consumer service and privacy
23 standards and protections. Each franchise entered into by a
24 county and a community antenna television system before the
25 effective date of this amendatory Act of the 95th General
26 Assembly shall be amended by this Section to incorporate the

1 penalty provisions, customer service and privacy standards and
2 protections contained in the Cable and Video Customers
3 Protection Law.

4 The County Board may, in the course of franchising such
5 community antenna television system, grant to such franchisee
6 the authority and the right and permission to use all public
7 streets, rights of way, alleys, ways for public service
8 facilities, parks, playgrounds, school grounds, or other
9 public grounds, in which such county may have an interest, for
10 the construction, installation, operation, maintenance,
11 alteration, addition, extension or improvement of a community
12 antenna television system.

13 Any charge imposed by a community antenna television system
14 franchised pursuant to this Section for the raising or removal
15 of cables or lines to permit passage on, to or from a street
16 shall not exceed the reasonable costs of work reasonably
17 necessary to safely permit such passage. Pursuant to
18 subsections (h) and (i) of Section 6 of Article VII of the
19 Constitution of the State of Illinois, the General Assembly
20 declares the regulation of charges which may be imposed by
21 community antenna television systems for the raising or removal
22 of cables or lines to permit passage on, to or from streets is
23 a power or function to be exercised exclusively by the State
24 and not to be exercised or performed concurrently with the
25 State by any unit of local government, including any home rule
26 unit.

1 The County Board may, upon written request by the
2 franchisee of a community antenna television system, exercise
3 its right of eminent domain solely for the purpose of granting
4 an easement right no greater than 8 feet in width, extending no
5 greater than 8 feet from any lot line for the purpose of
6 extending cable across any parcel of property in the manner
7 provided for by the law of eminent domain, provided, however,
8 such franchisee deposits with the county sufficient security to
9 pay all costs incurred by the county in the exercise of its
10 right of eminent domain.

11 Except as specifically provided otherwise in this Section,
12 this Section is not a limitation on any home rule county.

13 (d) The General Assembly finds and declares that
14 satellite-transmitted television programming should be
15 available to those who desire to subscribe to such programming
16 and that decoding devices should be obtainable at reasonable
17 prices by those who are unable to obtain satellite-transmitted
18 television programming through duly franchised community
19 antenna television systems.

20 In any instance in which a person is unable to obtain
21 satellite-transmitted television programming through a duly
22 franchised community antenna television system either because
23 the municipality and county in which such person resides has
24 not granted a franchise to operate and maintain a community
25 antenna television system, or because the duly franchised
26 community antenna television system operator does not make

1 cable television services available to such person, any
2 programming company that delivers satellite-transmitted
3 television programming in scrambled or encrypted form shall
4 ensure that devices for decryption of such programming are made
5 available to such person, through the local community antenna
6 television operator or directly, for purchase or lease at
7 prices reasonably related to the cost of manufacture and
8 distribution of such devices.

9 (e) The General Assembly finds and declares that, in order
10 to ensure that community antenna television services are
11 provided in an orderly, competitive and economically sound
12 manner, the best interests of the public will be served by the
13 establishment of certain minimum standards and procedures for
14 the granting of additional cable television franchises.

15 Subject to the provisions of this subsection, the authority
16 granted under subsection (a) hereof shall include the authority
17 to license, franchise and tax more than one cable operator to
18 provide community antenna television services within the
19 territorial limits of a single franchising authority. For
20 purposes of this subsection (e), the term:

21 (i) "Existing cable television franchise" means a
22 community antenna television franchise granted by a county
23 which is in use at the time such county receives an
24 application or request by another cable operator for a
25 franchise to provide cable antenna television services
26 within all or any portion of the territorial area which is

1 or may be served under the existing cable television
2 franchise.

3 (ii) "Additional cable television franchise" means a
4 franchise pursuant to which community antenna television
5 services may be provided within the territorial areas, or
6 any portion thereof, which may be served under an existing
7 cable television franchise.

8 (iii) "Franchising Authority" is defined as that term
9 is defined under Section 602(9) of the Cable Communications
10 Policy Act of 1984, Public Law 98-549.

11 (iv) "Cable operator" is defined as that term is
12 defined under Section 602(4) of the Cable Communications
13 Policy Act of 1984, Public Law 98-549.

14 Before granting an additional cable television franchise,
15 the franchising authority shall:

16 (1) Give written notice to the owner or operator of any
17 other community antenna television system franchised to
18 serve all or any portion of the territorial area to be
19 served by such additional cable television franchise,
20 identifying the applicant for such additional franchise
21 and specifying the date, time and place at which the
22 franchising authority shall conduct public hearings to
23 consider and determine whether such additional cable
24 television franchise should be granted.

25 (2) Conduct a public hearing to determine the public
26 need for such additional cable television franchise, the

1 capacity of public rights-of-way to accommodate such
2 additional community antenna television services, the
3 potential disruption to existing users of public
4 rights-of-way to be used by such additional franchise
5 applicant to complete construction and to provide cable
6 television services within the proposed franchise area,
7 the long term economic impact of such additional cable
8 television system within the community, and such other
9 factors as the franchising authority shall deem
10 appropriate.

11 (3) Determine, based upon the foregoing factors,
12 whether it is in the best interest of the county to grant
13 such additional cable television franchise.

14 (4) If the franchising authority shall determine that
15 it is in the best interest of the county to do so, it may
16 grant the additional cable television franchise. Except as
17 provided in paragraph (5) of this subsection (e), no such
18 additional cable television franchise shall be granted
19 under terms or conditions more favorable or less burdensome
20 to the applicant than those required under the existing
21 cable television franchise, including but not limited to
22 terms and conditions pertaining to the territorial extent
23 of the franchise, system design, technical performance
24 standards, construction schedules, performance bonds,
25 standards for construction and installation of cable
26 television facilities, service to subscribers, public

1 educational and governmental access channels and
2 programming, production assistance, liability and
3 indemnification, and franchise fees.

4 (5) Unless the existing cable television franchise
5 provides that any additional cable television franchise
6 shall be subject to the same terms or substantially
7 equivalent terms and conditions as those of the existing
8 cable television franchise, the franchising authority may
9 grant an additional cable television franchise under
10 different terms and conditions than those of the existing
11 franchise, in which event the franchising authority shall
12 enter into good faith negotiations with the existing
13 franchisee and shall, within 120 days after the effective
14 date of the additional cable television franchise, modify
15 the existing cable television franchise in a manner and to
16 the extent necessary to ensure that neither the existing
17 cable television franchise nor the additional cable
18 television franchise, each considered in its entirety,
19 provides a competitive advantage over the other, provided
20 that prior to modifying the existing cable television
21 franchise, the franchising authority shall have conducted
22 a public hearing to consider the proposed modification. No
23 modification in the terms and conditions of the existing
24 cable television franchise shall oblige the existing cable
25 television franchisee (1) to make any additional payment to
26 the franchising authority, including the payment of any

1 additional franchise fee, (2) to engage in any additional
2 construction of the existing cable television system or,
3 (3) to modify the specifications or design of the existing
4 cable television system; and the inclusion of the factors
5 identified in items (2) and (3) shall not be considered in
6 determining whether either franchise considered in its
7 entirety, has a competitive advantage over the other except
8 to the extent that the additional franchisee provides
9 additional video or data services or the equipment or
10 facilities necessary to generate and or carry such service.
11 No modification in the terms and conditions of the existing
12 cable television franchise shall be made if the existing
13 cable television franchisee elects to continue to operate
14 under all terms and conditions of the existing franchise.

15 If within the 120 day period the franchising authority
16 and the existing cable television franchisee are unable to
17 reach agreement on modifications to the existing cable
18 television franchise, then the franchising authority shall
19 modify the existing cable television franchise, effective
20 45 days thereafter, in a manner, and only to the extent,
21 that the terms and conditions of the existing cable
22 television franchise shall no longer impose any duty or
23 obligation on the existing franchisee which is not also
24 imposed under the additional cable television franchise;
25 however, if by the modification the existing cable
26 television franchisee is relieved of duties or obligations

1 not imposed under the additional cable television
2 franchise, then within the same 45 days and following a
3 public hearing concerning modification of the additional
4 cable television franchise within that 45 day period, the
5 franchising authority shall modify the additional cable
6 television franchise to the extent necessary to insure that
7 neither the existing cable television franchise nor the
8 additional cable television franchise, each considered in
9 its entirety, shall have a competitive advantage over the
10 other.

11 No county shall be subject to suit for damages based upon
12 the county's determination to grant or its refusal to grant an
13 additional cable television franchise, provided that a public
14 hearing as herein provided has been held and the franchising
15 authority has determined that it is in the best interest of the
16 county to grant or refuse to grant such additional franchise,
17 as the case may be.

18 It is declared to be the law of this State, pursuant to
19 paragraphs (h) and (i) of Section 6 of Article VII of the
20 Illinois Constitution, that the establishment of minimum
21 standards and procedures for the granting of additional cable
22 television franchises as provided in this subsection (e) is an
23 exclusive State power and function that may not be exercised
24 concurrently by a home rule unit.

25 (Source: P.A. 90-14, eff. 7-1-97; 90-285, eff. 7-31-97.)

1 (55 ILCS 5/5-1096.5 new)

2 Sec. 5-1096.5. Cable and video competition.

3 (a) A person or entity seeking to provide cable service or
4 video service in this State after the effective date of this
5 amendatory Act of the 95th General Assembly shall either (1)
6 obtain a State-issued authorization pursuant to Section 401 of
7 the Cable and Video Competition Law of 2007 (220 ILCS
8 5/21-401); (2) obtain authorization pursuant to Section
9 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11);
10 or (3) obtain authorization pursuant to Section 5-1095 of the
11 Counties Code (55 ILCS 5/5-1095).

12 (b) A person or entity seeking to provide cable service or
13 video service in this State after the effective date of this
14 amendatory Act of the 95th General Assembly shall not use the
15 public rights-of-way for the installation or construction of
16 facilities for the provision of cable service or video service
17 or offer cable service or video service until it has (i)
18 obtained a State-issued authorization to offer or provide cable
19 or video service under Section 401 of the Cable and Video
20 Competition Law of 2007; (ii) obtained authorization under
21 Section 11-42-11 of the Illinois Municipal Code; (iii) or
22 obtained authorization under Section 5-1095 of the Counties
23 Code. Nothing in this Section shall prohibit a local unit of
24 government from granting a permit to a person or entity for the
25 use of the public rights-of-way to install or construct
26 facilities to provide cable service or video service, at its

1 sole discretion. No unit of local government shall be liable
2 for denial or delay of a permit prior to the issuance of a
3 State-issued authorization.

4 (c) For the purposes of Section 5-1095(e), a State-issued
5 authorization under Article XXI of the Public Utilities Act
6 shall be considered substantially equivalent in terms and
7 conditions as an existing cable provider.

8 (d) Nothing in Article XXI of the Public Utilities Act
9 shall constitute a basis for modification of an existing cable
10 franchise or an injunction against or for the recovery of
11 damages from a municipality pursuant to Section 5-1095(e)
12 because of an application for or the issuance of a State-issued
13 authorization under that Article XXI.

14 Section 15-20. The Illinois Municipal Code is amended by
15 changing Section 11-42-11 and by adding Section 11-42-11.2 as
16 follows:

17 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

18 Sec. 11-42-11. Community antenna television systems;
19 satellite transmitted television programming.

20 (a) The corporate authorities of each municipality may
21 license, franchise and tax the business of operating a
22 community antenna television system as hereinafter defined. In
23 municipalities with less than 2,000,000 inhabitants, the
24 corporate authorities may, under the limited circumstances set

1 forth in this Section, own (or lease as lessee) and operate a
2 community antenna television system; provided that a
3 municipality may not acquire, construct, own, or operate a
4 community antenna television system for the use or benefit of
5 private consumers or users, and may not charge a fee for that
6 consumption or use, unless the proposition to acquire,
7 construct, own, or operate a cable antenna television system
8 has been submitted to and approved by the electors of the
9 municipality in accordance with subsection (f). Before
10 acquiring, constructing, or commencing operation of a
11 community antenna television system, the municipality shall
12 comply with the following:

13 (1) Give written notice to the owner or operator of any
14 other community antenna television system franchised to
15 serve all or any portion of the territorial area to be
16 served by the municipality's community antenna television
17 system, specifying the date, time, and place at which the
18 municipality shall conduct public hearings to consider and
19 determine whether the municipality should acquire,
20 construct, or commence operation of a community antenna
21 television system. The public hearings shall be conducted
22 at least 14 days after this notice is given.

23 (2) Publish a notice of the hearing in 2 or more
24 newspapers published in the county, city, village,
25 incorporated town, or town, as the case may be. If there is
26 no such newspaper, then notice shall be published in any 2

1 or more newspapers published in the county and having a
2 general circulation throughout the community. The public
3 hearings shall be conducted at least 14 days after this
4 notice is given.

5 (3) Conduct a public hearing to determine the means by
6 which construction, maintenance, and operation of the
7 system will be financed, including whether the use of tax
8 revenues or other fees will be required.

9 (b) The words "community antenna television system" shall
10 mean any facility which is constructed in whole or in part in,
11 on, under or over any highway or other public place and which
12 is operated to perform for hire the service of receiving and
13 amplifying the signals broadcast by one or more television
14 stations and redistributing such signals by wire, cable or
15 other means to members of the public who subscribe to such
16 service; except that such definition shall not include (i) any
17 system which serves fewer than fifty subscribers, or (ii) any
18 system which serves only the residents of one or more apartment
19 dwellings under common ownership, control or management, and
20 commercial establishments located on the premises of such
21 dwellings.

22 (c) The authority hereby granted does not include authority
23 to license, franchise or tax telephone companies subject to
24 jurisdiction of the Illinois Commerce Commission or the Federal
25 Communications Commission in connection with the furnishing of
26 circuits, wires, cables, and other facilities to the operator

1 of a community antenna television system.

2 (c-1) Each franchise entered into by a municipality and a
3 community antenna television system shall include the customer
4 service and privacy standards and protections contained in the
5 Cable and Video Customers Protection Law. A franchise may not
6 contain different penalties, consumer service and privacy
7 standards and protections. Each franchise entered into by a
8 municipality and a community antenna television system before
9 the effective date of this amendatory Act of the 95th General
10 Assembly shall be amended by this Section to incorporate the
11 penalty provisions, customer service and privacy standards and
12 protections contained in the Cable and Video Customers
13 Protection Law.

14 The corporate authorities of each municipality may, in the
15 course of franchising such community antenna television
16 system, grant to such franchisee the authority and the right
17 and permission to use all public streets, rights of way,
18 alleys, ways for public service facilities, parks,
19 playgrounds, school grounds, or other public grounds, in which
20 such municipality may have an interest, for the construction,
21 installation, operation, maintenance, alteration, addition,
22 extension or improvement of a community antenna television
23 system.

24 Any charge imposed by a community antenna television system
25 franchised pursuant to this Section for the raising or removal
26 of cables or lines to permit passage on, to or from a street

1 shall not exceed the reasonable costs of work reasonably
2 necessary to safely permit such passage. Pursuant to
3 subsections (h) and (i) of Section 6 of Article VII of the
4 Constitution of the State of Illinois, the General Assembly
5 declares the regulation of charges which may be imposed by
6 community antenna television systems for the raising or removal
7 of cables or lines to permit passage on, to or from streets is
8 a power or function to be exercised exclusively by the State
9 and not to be exercised or performed concurrently with the
10 State by any unit of local government, including any home rule
11 unit.

12 The municipality may, upon written request by the
13 franchisee of a community antenna television system, exercise
14 its right of eminent domain solely for the purpose of granting
15 an easement right no greater than 8 feet in width, extending no
16 greater than 8 feet from any lot line for the purpose of
17 extending cable across any parcel of property in the manner
18 provided by the law of eminent domain, provided, however, such
19 franchisee deposits with the municipality sufficient security
20 to pay all costs incurred by the municipality in the exercise
21 of its right of eminent domain.

22 (d) The General Assembly finds and declares that
23 satellite-transmitted television programming should be
24 available to those who desire to subscribe to such programming
25 and that decoding devices should be obtainable at reasonable
26 prices by those who are unable to obtain satellite-transmitted

1 television programming through duly franchised community
2 antenna television systems.

3 In any instance in which a person is unable to obtain
4 satellite-transmitted television programming through a duly
5 franchised community antenna television system either because
6 the municipality and county in which such person resides has
7 not granted a franchise to operate and maintain a community
8 antenna television system, or because the duly franchised
9 community antenna television system operator does not make
10 cable television services available to such person, any
11 programming company that delivers satellite-transmitted
12 television programming in scrambled or encrypted form shall
13 ensure that devices for description of such programming are
14 made available to such person, through the local community
15 antenna television operator or directly, for purchase or lease
16 at prices reasonably related to the cost of manufacture and
17 distribution of such devices.

18 (e) The General Assembly finds and declares that, in order
19 to ensure that community antenna television services are
20 provided in an orderly, competitive and economically sound
21 manner, the best interests of the public will be served by the
22 establishment of certain minimum standards and procedures for
23 the granting of additional cable television franchises.

24 Subject to the provisions of this subsection, the authority
25 granted under subsection (a) hereof shall include the authority
26 to license, franchise and tax more than one cable operator to

1 provide community antenna television services within the
2 corporate limits of a single franchising authority. For
3 purposes of this subsection (e), the term:

4 (i) "Existing cable television franchise" means a
5 community antenna television franchise granted by a
6 municipality which is in use at the time such municipality
7 receives an application or request by another cable
8 operator for a franchise to provide cable antenna
9 television services within all or any portion of the
10 territorial area which is or may be served under the
11 existing cable television franchise.

12 (ii) "Additional cable television franchise" means a
13 franchise pursuant to which community antenna television
14 services may be provided within the territorial areas, or
15 any portion thereof, which may be served under an existing
16 cable television franchise.

17 (iii) "Franchising Authority" is defined as that term
18 is defined under Section 602(9) of the Cable Communications
19 Policy Act of 1984, Public Law 98-549, but does not include
20 any municipality with a population of 1,000,000 or more.

21 (iv) "Cable operator" is defined as that term is
22 defined under Section 602(4) of the Cable Communications
23 Policy Act of 1984, Public Law 98-549.

24 Before granting an additional cable television franchise,
25 the franchising authority shall:

26 (1) Give written notice to the owner or operator of any

1 other community antenna television system franchised to
2 serve all or any portion of the territorial area to be
3 served by such additional cable television franchise,
4 identifying the applicant for such additional franchise
5 and specifying the date, time and place at which the
6 franchising authority shall conduct public hearings to
7 consider and determine whether such additional cable
8 television franchise should be granted.

9 (2) Conduct a public hearing to determine the public
10 need for such additional cable television franchise, the
11 capacity of public rights-of-way to accommodate such
12 additional community antenna television services, the
13 potential disruption to existing users of public
14 rights-of-way to be used by such additional franchise
15 applicant to complete construction and to provide cable
16 television services within the proposed franchise area,
17 the long term economic impact of such additional cable
18 television system within the community, and such other
19 factors as the franchising authority shall deem
20 appropriate.

21 (3) Determine, based upon the foregoing factors,
22 whether it is in the best interest of the municipality to
23 grant such additional cable television franchise.

24 (4) If the franchising authority shall determine that
25 it is in the best interest of the municipality to do so, it
26 may grant the additional cable television franchise.

1 Except as provided in paragraph (5) of this subsection (e),
2 no such additional cable television franchise shall be
3 granted under terms or conditions more favorable or less
4 burdensome to the applicant than those required under the
5 existing cable television franchise, including but not
6 limited to terms and conditions pertaining to the
7 territorial extent of the franchise, system design,
8 technical performance standards, construction schedules,
9 performance bonds, standards for construction and
10 installation of cable television facilities, service to
11 subscribers, public educational and governmental access
12 channels and programming, production assistance, liability
13 and indemnification, and franchise fees.

14 (5) Unless the existing cable television franchise
15 provides that any additional cable television franchise
16 shall be subject to the same terms or substantially
17 equivalent terms and conditions as those of the existing
18 cable television franchise, the franchising authority may
19 grant an additional cable television franchise under
20 different terms and conditions than those of the existing
21 franchise, in which event the franchising authority shall
22 enter into good faith negotiations with the existing
23 franchisee and shall, within 120 days after the effective
24 date of the additional cable television franchise, modify
25 the existing cable television franchise in a manner and to
26 the extent necessary to ensure that neither the existing

1 cable television franchise nor the additional cable
2 television franchise, each considered in its entirety,
3 provides a competitive advantage over the other, provided
4 that prior to modifying the existing cable television
5 franchise, the franchising authority shall have conducted
6 a public hearing to consider the proposed modification. No
7 modification in the terms and conditions of the existing
8 cable television franchise shall oblige the existing cable
9 television franchisee (1) to make any additional payment to
10 the franchising authority, including the payment of any
11 additional franchise fee, (2) to engage in any additional
12 construction of the existing cable television system or,
13 (3) to modify the specifications or design of the existing
14 cable television system; and the inclusion of the factors
15 identified in items (2) and (3) shall not be considered in
16 determining whether either franchise considered in its
17 entirety, has a competitive advantage over the other except
18 to the extent that the additional franchisee provides
19 additional video or data services or the equipment or
20 facilities necessary to generate and or carry such service.
21 No modification in the terms and conditions of the existing
22 cable television franchise shall be made if the existing
23 cable television franchisee elects to continue to operate
24 under all terms and conditions of the existing franchise.

25 If within the 120 day period the franchising authority
26 and the existing cable television franchisee are unable to

1 reach agreement on modifications to the existing cable
2 television franchise, then the franchising authority shall
3 modify the existing cable television franchise, effective
4 45 days thereafter, in a manner, and only to the extent,
5 that the terms and conditions of the existing cable
6 television franchise shall no longer impose any duty or
7 obligation on the existing franchisee which is not also
8 imposed under the additional cable television franchise;
9 however, if by the modification the existing cable
10 television franchisee is relieved of duties or obligations
11 not imposed under the additional cable television
12 franchise, then within the same 45 days and following a
13 public hearing concerning modification of the additional
14 cable television franchise within that 45 day period, the
15 franchising authority shall modify the additional cable
16 television franchise to the extent necessary to insure that
17 neither the existing cable television franchise nor the
18 additional cable television franchise, each considered in
19 its entirety, shall have a competitive advantage over the
20 other.

21 No municipality shall be subject to suit for damages based
22 upon the municipality's determination to grant or its refusal
23 to grant an additional cable television franchise, provided
24 that a public hearing as herein provided has been held and the
25 franchising authority has determined that it is in the best
26 interest of the municipality to grant or refuse to grant such

1 additional franchise, as the case may be.

2 It is declared to be the law of this State, pursuant to
3 paragraphs (h) and (i) of Section 6 of Article VII of the
4 Illinois Constitution, that the establishment of minimum
5 standards and procedures for the granting of additional cable
6 television franchises by municipalities with a population less
7 than 1,000,000 as provided in this subsection (e) is an
8 exclusive State power and function that may not be exercised
9 concurrently by a home rule unit.

10 (f) No municipality may acquire, construct, own, or operate
11 a community antenna television system unless the corporate
12 authorities adopt an ordinance. The ordinance must set forth
13 the action proposed; describe the plant, equipment, and
14 property to be acquired or constructed; and specifically
15 describe the manner in which the construction, acquisition, and
16 operation of the system will be financed.

17 The ordinance may not take effect until the question of
18 acquiring, construction, owning, or operating a community
19 antenna television system has been submitted to the electors of
20 the municipality at a regular election and approved by a
21 majority of the electors voting on the question. The corporate
22 authorities must certify the question to the proper election
23 authority, which must submit the question at an election in
24 accordance with the Election Code.

25 The question must be submitted in substantially the
26 following form:

1 Shall the ordinance authorizing the municipality to
2 (insert action authorized by ordinance) take effect?

3 The votes must be recorded as "Yes" or "No".

4 If a majority of electors voting on the question vote in
5 the affirmative, the ordinance shall take effect.

6 Not more than 30 or less than 15 days before the date of
7 the referendum, the municipal clerk must publish the ordinance
8 at least once in one or more newspapers published in the
9 municipality or, if no newspaper is published in the
10 municipality, in one or more newspapers of general circulation
11 within the municipality.

12 (Source: P.A. 90-285, eff. 7-31-97; 91-648, eff. 1-1-00.)

13 (65 ILCS 5/11-42-11.2 new)

14 Sec. 11-42-11.2. Cable and video competition.

15 (a) A person or entity seeking to provide cable service or
16 video service in this State after the effective date of this
17 amendatory Act of the 95th General Assembly shall either (1)
18 obtain a State-issued authorization pursuant to Section 401 of
19 the Cable and Video Competition Law of 2007; (2) obtain
20 authorization pursuant to Section 11-42-11 of the Illinois
21 Municipal Code; or (3) obtain authorization pursuant to Section
22 5-1095 of the Counties Code. All providers offering or
23 providing cable or video service in this State shall have
24 authorization pursuant to either (i) the Cable and Video
25 Competition Law of 2007; (ii) Section 11-42-11 of the Illinois

1 Municipal Code; (iii) Section 5-1095 of the Counties Code.

2 (b) A person or entity seeking to provide cable service or
3 video service in this State after the effective date of this
4 amendatory Act of the 95th General Assembly shall not use the
5 public rights-of-way for the installation or construction of
6 facilities for the provision of cable service or video service
7 or offer cable service or video service until it has (i)
8 obtained a State-issued authorization to offer or provide cable
9 or video service under Section 401 of the Cable and Video
10 Competition Law of 2007; (ii) obtained authorization under
11 Section 11-42-11 of the Illinois Municipal Code; (iii) or
12 obtained authorization under Section 5-1095 of the Counties
13 Code. Nothing in this Section shall prohibit a local unit of
14 government from granting a permit to a person or entity for the
15 use of the public rights-of-way to install or construct
16 facilities to provide cable service or video service, at its
17 sole discretion. No unit of local government shall be liable
18 for denial or delay of a permit prior to the issuance of a
19 State-issued authorization.

20 (c) For the purposes of Section 11-42-11(e), a State-issued
21 authorization under Article XXI of the Public Utilities Act
22 shall be considered substantially equivalent in terms and
23 conditions as an existing cable provider.

24 (d) Nothing in Article XXI of the Public Utilities Act
25 shall constitute a basis for modification of an existing cable
26 franchise or an injunction against or for the recovery of

1 damages from a municipality pursuant to Section 11-42-11
2 because of an application for or the issuance of a State-issued
3 authorization under that Article XXI.

4 Section 15-25. The Public Utilities Act is amended by
5 adding the heading of Article 70 and Sections 13-507.1, 70-501,
6 70-502, and 70-503 as follows:

7 (220 ILCS 5/13-507.1 new)

8 Sec. 13-507.1. In any proceeding permitting, approving,
9 investigating, or establishing rates, charges,
10 classifications, or tariffs for telecommunications services
11 classified as noncompetitive offered or provided by an
12 incumbent local exchange carrier as that term is defined in
13 Section 13-202.1 of the Public Utilities Act, the Commission
14 shall not allow any subsidy of Internet services, cable
15 services, or video services by the rates or charges for local
16 exchange telecommunications services, including local services
17 classified as noncompetitive.

18 (220 ILCS 5/Art. 70 heading new)

19 ARTICLE 70. CABLE AND VIDEO CUSTOMER PROTECTION LAW

20 (220 ILCS 5/70-501 new)

21 Sec. 70-501. Customer service and privacy protection. All
22 cable or video providers in this State shall comply with the

1 following customer service requirements and privacy
2 protections. The provisions of this Act shall not apply to an
3 incumbent cable operator prior to January 1, 2008. For purposes
4 of this paragraph, an incumbent cable operator means a person
5 or entity that provided cable services in a particular area
6 under a franchise agreement with a local unit of government
7 pursuant to Section 11-42-11 of the Illinois Municipal Code or
8 Section 5-1095 of the Counties Code on January 1, 2007. A
9 master antenna television, satellite master antenna
10 television, direct broadcast satellite, multipoint
11 distribution service, and other provider of video programming
12 shall only be subject to the provisions of this Article to the
13 extent permitted by federal law. The following definitions
14 apply to the terms used in this Article:

15 "Basic cable or video service" means any service offering
16 or tier which includes the retransmission of local television
17 broadcast signals.

18 "Cable or video provider" means any person or entity
19 providing cable service or video service pursuant to
20 authorization under (i) the Cable and Video Competition Law of
21 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
22 (iii) Section 5-1095 of the Counties Code; or (iv) a master
23 antenna television, satellite master antenna television,
24 direct broadcast satellite, multipoint distribution services,
25 and other providers of video programming, whatever their
26 technology. A cable or video provider shall not include a

1 landlord providing only broadcast video programming to a
2 single-family home or other residential dwelling consisting of
3 four units or less.

4 "Franchise" has the same meaning as found in 47 U.S.C.
5 522(9).

6 "Local unit of government" means a city, village,
7 incorporated town, or a county.

8 "Normal business hours" means those hours during which most
9 similar businesses in the geographic area of the local unit of
10 government are open to serve customers. In all cases, "normal
11 business hours" must include some evening hours at least one
12 night per week or some weekend hours.

13 "Normal operating conditions" means those service
14 conditions that are within the control of cable or video
15 providers. Those conditions that are not within the control of
16 cable or video providers include, but are not limited to,
17 natural disasters, civil disturbances, power outages,
18 telephone network outages, and severe or unusual weather
19 conditions. Those conditions that are ordinarily within the
20 control of cable or video providers include, but are not
21 limited to, special promotions, pay-per-view events, rate
22 increases, regular peak or seasonal demand periods, and
23 maintenance or upgrade of the cable service or video service
24 network.

25 "Service interruption" means the loss of picture or sound
26 on one or more cable service or video service on one or more

1 cable or video channels.

2 "Service line drop" means the point of connection between a
3 premises and the cable or video network that enables the
4 premises to receive cable service or video service.

5 (a) General customer service standards:

6 (1) Cable or video providers shall establish
7 general standards related to customer service, which
8 shall include, but not be limited to, installation,
9 disconnection, service and repair obligations;
10 appointment hours, and employee ID requirements;
11 customer service telephone numbers and hours;
12 procedures for billing, charges, deposits, refunds,
13 and credits; procedures for termination of service;
14 notice of deletion of programming service, changes
15 related to transmission of programming; changes or
16 increases in rates; the use and availability of
17 parental control or lock-out devices; the use and
18 availability of A/B switch if applicable; complaint
19 procedures and procedures for bill dispute resolution;
20 a description of the rights and remedies available to
21 consumers if the cable or video provider does not
22 materially meet their customer service standards; and
23 special services for customers with visual, hearing or
24 mobility disabilities.

25 (2) Cable or video providers' rates for each level
26 of service, rules, regulations and policies related to

1 its cable service or video service described in
2 subsection (a)(1) must be made available to the public
3 and displayed clearly and conspicuously on the cable or
4 video provider's site on the Internet. If a promotional
5 price or a price for a specified period of time is
6 offered, the cable or video provider shall display the
7 price at the end of the promotional period or specified
8 period of time clearly and conspicuously with the
9 display of the promotional price or price for a
10 specified period of time. The cable or video provider
11 shall provide this information upon request.

12 (3) Cable or video providers shall provide notice
13 concerning their general customer service standards to
14 all customers. This notice shall be offered when
15 service is first activated and annually thereafter.
16 The information in the notice shall include all of the
17 information specified in subsection (a)(1), as well as
18 the following: a listing of services offered by the
19 cable or video providers, which shall clearly describe
20 programming for all services and all levels of service;
21 the rates for all services and levels of service;
22 telephone number(s) through which customers may
23 subscribe to, change, or terminate service, request
24 customer service or seek general or billing
25 information; instructions on the use of the cable or
26 video services; and, a description of rights and

1 remedies that the cable or video providers shall make
2 available to their customers if they do not materially
3 meet the general customer service standards described
4 in this Act.

5 (b) General customer service obligations:

6 (1) Cable or video providers shall render
7 reasonably efficient service, promptly make repairs,
8 and interrupt service only as necessary and for good
9 cause, during periods of minimum use of the system and
10 for no more than 24 hours.

11 (2) All service representatives or any other
12 person who contacts customers or potential customers
13 on behalf of the cable or video provider shall have a
14 visible identification card with their name and
15 photograph and shall orally identify themselves upon
16 first contact with the customer. Customer service
17 representatives shall orally identify themselves to
18 callers immediately following the greeting during each
19 telephone contact with the public.

20 (3) The cable or video providers shall: (i)
21 maintain a customer service facility within the
22 boundaries of a local unit of government staffed by
23 customer service representatives that have the
24 capacity to accept payment, adjust bills, respond to
25 repair, installation, reconnection, disconnection, or
26 other service calls; distribute or receive converter

1 boxes, remote control units, digital stereo units or
2 other equipment related to the provision of cable or
3 video service; or (ii) provide customers with bill
4 payment facilities through retail, financial, or other
5 commercial institutions located within the boundaries
6 of a local unit of government; or (iii) provide an
7 address, toll-free telephone number or electronic
8 address to accept bill payments and correspondence,
9 and provide secure collection boxes for the receipt of
10 bill payments and the return of equipment, provided
11 that if a cable or video provider provides secure
12 collection boxes, it shall provide a printed receipt
13 when items are deposited; or (iv) provide an address,
14 toll-free telephone number or electronic address to
15 accept bill payments and correspondence, and provide a
16 method for customers to return equipment to the cable
17 or video provider at no cost to the customer.

18 (4) In each contact with a customer, the service
19 representatives or any other person who contacts
20 customers or potential customers on behalf of the cable
21 or video provider, shall state the estimated cost of
22 the service, repair, or installation orally prior to
23 delivery of the service or before any work is
24 performed, and shall provide the customer with an oral
25 statement of the total charges before terminating the
26 telephone call or other contact in which a service is

1 ordered, whether in-person or over the Internet, and
2 shall provide a written statement of the total charges
3 before leaving the location at which the work was
4 performed. In the event that the cost of service is a
5 promotional price or is for a limited period of time,
6 the cost of service at the end of the promotion or
7 limited period of time shall be disclosed.

8 (5) Cable or video providers shall provide
9 customers a minimum of 30 days' written notice before
10 increasing rates or eliminating transmission of
11 programming and shall submit the notice to the local
12 unit of government in advance of distribution to
13 customers, provided that the cable or video provider is
14 not in violation of this provision if the elimination
15 of transmission of programming was outside the control
16 of the provider, in which case the provider shall use
17 reasonable efforts to provide as much notice as
18 possible and any rate decrease related to the
19 elimination of transmission of programming shall be
20 applied to the date of the change.

21 (6) Cable or video providers shall provide clear
22 visual and audio reception that meets or exceeds
23 applicable Federal Communications Commission technical
24 standards. If a customer experiences poor video or
25 audio reception due to the equipment of the cable or
26 video provider, the cable or video provider shall

1 promptly repair the problem at its own expense.

2 (c) Bills, payment and termination:

3 (1) Cable or video providers shall render monthly
4 bills that are clear, accurate and understandable.

5 (2) Every residential customer who pays bills
6 directly to the cable or video provider shall have at
7 least 28 days from the date of the bill to pay the
8 listed charges.

9 (3) Customer payments shall be posted promptly.
10 When the payment is sent by United States Mail, payment
11 is considered paid on the date it is postmarked.

12 (4) Cable or video providers may not terminate
13 residential service for nonpayment of a bill unless the
14 cable or video provider furnishes notice of the
15 delinquency and impending termination at least 21 days
16 prior to the proposed termination. Notice of proposed
17 termination shall be mailed, postage prepaid, to the
18 customer to whom service is billed. Notice of proposed
19 termination shall not be mailed until the 29th day
20 after the date of the bill for services. Notice of
21 delinquency and impending termination may be part of a
22 billing statement only if the notice is presented in a
23 different color than the bill and is designed to be
24 conspicuous. The cable or video providers may not
25 assess a late fee prior to the 29th day after the date
26 of the bill for service.

1 (5) Every notice of impending termination shall
2 include all of the following: name and address of
3 customer; amount of delinquency; date on which payment
4 is required to avoid termination; and the telephone
5 number of the cable or video provider's service
6 representative to make payment arrangements and to
7 provide additional information about the charges for
8 failure to return equipment and for reconnection, if
9 any. No customer may be charged a fee for termination
10 or disconnection of service, irrespective of whether
11 the customer initiated termination or disconnection or
12 the cable or video provider initiated termination or
13 disconnection.

14 (6) Service may only be terminated on days when the
15 customer is able to reach a service representative of
16 the cable or video providers, either in person or by
17 telephone.

18 (7) Any service terminated by a cable or video
19 provider without good cause shall be restored without
20 any reconnection fee, charge or penalty; good cause for
21 termination includes, but is not limited to, failure to
22 pay a bill by the date specified in the notice of
23 impending termination, payment by check for which
24 there are insufficient funds, theft of service, abuse
25 of equipment or personnel or other similar subscriber
26 actions.

1 (8) Cable or video providers shall cease charging a
2 customer for any or all services within 1 business day
3 after it receives a request to immediately terminate
4 service or on the day requested by the customer if such
5 a date is at least 5 days from the date requested by
6 the customer. Nothing in this subsection shall
7 prohibit the provider from billing for charges that the
8 customer incurs prior to the date of termination. Cable
9 or video providers shall issue a credit, a refund, or
10 return a deposit within 10 business days after the
11 close of the customer's billing cycle following the
12 request for termination or the return of equipment, if
13 any, whichever is later.

14 (9) The customers or subscribers of a cable or
15 video provider shall be allowed to disconnect their
16 service at any time within the first 60 days after
17 subscribing to or upgrading the service. Within this
18 60-day period, cable or video providers shall not
19 charge or impose any fees or penalties on the customer
20 for disconnecting service, including, but not limited
21 to, any installation charge, the imposition of an early
22 termination charge, except the cable or video provider
23 may impose a charge or fee to offset any rebates or
24 credits received by the customer, and may impose
25 monthly service or maintenance charges, including
26 pay-per-view and premium services charges, during such

1 60-day period.

2 (10) Cable and video providers shall guarantee
3 customer satisfaction for new or upgraded service and
4 the customer shall receive a pro-rata credit in an
5 amount equal to the pro-rata charge for the remaining
6 days of service being disconnected or replaced upon the
7 customers request if the customer is dissatisfied with
8 the service and requests to discontinue the service
9 within the first 60 days after subscribing to the
10 upgraded service.

11 (d) Response to customer inquiries:

12 (1) Cable or video providers will maintain a
13 toll-free telephone access line that will be available
14 to customers 24 hours a day, seven days a week, to
15 accept calls regarding installation, termination,
16 service, and complaints. Trained, knowledgeable,
17 qualified service representatives of the cable or
18 video providers will be available to respond to
19 customer telephone inquiries during normal business
20 hours. Customer service representatives shall be able
21 to provide credit, waive fees, schedule appointments
22 and change billing cycles. Any difficulties that
23 cannot be resolved by the customer service
24 representatives shall be referred to a supervisor who
25 shall make best efforts to resolve the issue
26 immediately. If the supervisor does not resolve the

1 issue to the customer's satisfaction, the customer
2 shall be informed of the cable or video provider's
3 complaint procedures and procedures for billing
4 dispute resolution and given a description of the
5 rights and remedies available to customers to enforce
6 the terms of this Article, including the customer's
7 rights to have the complaint reviewed by the local unit
8 of government, to request mediation, and to review in a
9 court of competent jurisdiction.

10 (2) After normal business hours, the access line
11 may be answered by a service or an automated response
12 system, including an answering machine. Inquiries
13 received by telephone or e-mail after normal business
14 hours shall be responded to by a trained service
15 representative on the next business day. The cable or
16 video provider shall respond to a written billing
17 inquiry within 10 days of receipt of the inquiry.

18 (3) Cable or video providers shall provide
19 customers seeking non-standard installations with a
20 total installation cost estimate and an estimated date
21 of completion. The actual charge to the customer shall
22 not exceed 10% of the estimated cost without the
23 written consent of the customer.

24 (4) If the cable or video provider receives notice
25 that an unsafe condition exists with respect to its
26 equipment, it shall investigate such condition

1 immediately, and shall take such measures as are
2 necessary to remove or eliminate the unsafe condition.
3 The cable or video provider shall inform the local unit
4 of government promptly, but no later than 2 hours after
5 it receives notification of an unsafe condition that it
6 has not remedied.

7 (5) Under normal operating conditions, telephone
8 answer time by the cable or video provider's customer
9 representative, including wait time, shall not exceed
10 30 seconds when the connection is made. If the call
11 needs to be transferred, transfer time shall not exceed
12 30 seconds. These standards shall be met no less than
13 90% of the time under normal operating conditions,
14 measured on a quarterly basis.

15 (6) Under normal operating conditions, the cable
16 or video provider's customers will receive a busy
17 signal less than 3% of the time.

18 (e) Installations, Outages and Service Calls. Under
19 normal operating conditions, each of the following
20 standards related to installations, outages and service
21 calls will be met no less than 95% of the time measured on
22 a quarterly basis:

23 (1) Standard installations will be performed
24 within 7 business days after an order has been placed.
25 "Standard" installations are those that are located up
26 to 125 feet from the existing distribution system;

1 (2) Excluding conditions beyond the control of the
2 cable or video providers, the cable or video providers
3 will begin working on "service interruptions" promptly
4 and in no event later than 24 hours after the
5 interruption is reported by the customer or otherwise
6 becomes known to the cable or video providers. Cable or
7 video providers must begin actions to correct other
8 service problems the next business day after
9 notification of the service problem and correct the
10 problem within 48 hours after the interruption is
11 reported by the customer 95% of the time, measured on a
12 quarterly basis;

13 (3) The "appointment window" alternatives for
14 installations, service calls, and other installation
15 activities will be either a specific time or, at a
16 maximum, a four hour time block during evening, weekend
17 and normal business hours. The cable or video provider
18 may schedule service calls and other installation
19 activities outside of these hours for the express
20 convenience of the customer; and

21 (4) Cable or video providers may not cancel an
22 appointment with a customer after 5:00 p.m. on the
23 business day prior to the scheduled appointment. If the
24 cable or video provider's representative is running
25 late for an appointment with a customer and will not be
26 able to keep the appointment as scheduled, the customer

1 will be contacted. The appointment will be
2 rescheduled, as necessary, at a time which is
3 convenient for the customer, even if the rescheduled
4 appointment is not within normal business hours.

5 (f) Public benefit obligation:

6 (1) All cable or video providers offering service
7 pursuant to the Cable and Video Competition Law of
8 2007, the Illinois Municipal Code, or the Counties
9 Code, shall provide a free service line drop and free
10 basic service to all current and future public
11 buildings within their footprint, including, but not
12 limited to, all local unit of government buildings,
13 public libraries, and public primary and secondary
14 schools, whether owned or leased by that local unit of
15 government ("eligible buildings"). Such service shall
16 be used in a manner consistent with the government
17 purpose for the eligible building and shall not be
18 resold.

19 (2) This obligation only applies to those cable or
20 video service providers whose cable service or video
21 service systems pass eligible buildings and its cable
22 or video service is generally available to residential
23 subscribers in the same local unit of government in
24 which the eligible building is located. The burden of
25 providing such service at each eligible building shall
26 be shared by all cable and video providers whose

1 systems pass the eligible buildings in an equitable and
2 competitively neutral manner, and nothing herein shall
3 require duplicative installations by more than one
4 cable or video provider at each eligible building.
5 Cable or video providers operating in a local unit of
6 government shall meet as necessary and determine who
7 will provide service to eligible buildings under this
8 subsection. If the cable or video providers are unable
9 to reach agreement, they shall meet with the local unit
10 of government which shall determine which cable or
11 video providers will serve each eligible building. The
12 local unit of government shall bear the costs of any
13 inside wiring or video equipment costs not ordinarily
14 provided as part of the cable or video provider's basic
15 offering.

16 (g) After the cable or video providers have offered
17 service for one (1) year, the cable or video providers
18 shall make an annual report to the Commission, the local
19 unit of government and to the Attorney General that it is
20 meeting the standards specified in this Article,
21 identifying the number of complaints it received over the
22 prior year in the State, and specifying the number of
23 complaints related to each of the following: (1) billing,
24 charges, refunds, credits; (2) installation or termination
25 of service; (3) quality of service and repair; (4)
26 programming; and (5) miscellaneous complaints that do not

1 fall within these categories. Thereafter, the cable or
2 video providers shall also provide, upon request by the
3 local unit of government where service is offered and to
4 the Attorney General, an annual public report that includes
5 performance data described in subsections (d)(5), (d)(6),
6 (e)(1) and (e)(2) of this Section for cable services or
7 video services. The performance data shall be
8 disaggregated for each requesting local unit of government
9 or local exchange, as that term is defined in Section
10 13-206 of the Public Utilities Act, in which the cable or
11 video providers have customers.

12 (h) To the extent consistent with federal law, cable or
13 video providers shall offer the lowest-cost basic cable or
14 video service as a stand-alone service to residential
15 customers at reasonable rates. Cable or video providers
16 shall not require the subscription to any service other
17 than the lowest-cost basic service or to any
18 telecommunications or information service, as a condition
19 of access to cable or video service, including programming
20 offered on a per channel or per program basis. Cable or
21 video providers shall not discriminate between subscribers
22 to the lowest-cost basic service, subscribers to other
23 cable services or video services, and other subscribers
24 with regard to the rates charged for cable or video
25 programming offered on a per channel or per program basis.

26 (i) To the extent consistent with federal law, cable or

1 video providers shall ensure that charges for changes in
2 the subscriber's selection of services or equipment shall
3 be based on the cost of such change and shall not exceed
4 nominal amounts when the system's configuration permits
5 changes in service tier selection to be effected solely by
6 coded entry on a computer terminal or by other similarly
7 simple method.

8 (j) To the extent consistent with federal law, cable or
9 video providers shall have a rate structure for the
10 provision of cable or video service that is uniform
11 throughout the area within the boundaries of the local unit
12 of government. This subsection is not intended to prohibit
13 bulk discounts to multiple dwelling units or to prohibit
14 reasonable discounts to senior citizens or other
15 economically disadvantaged groups.

16 (k) To the extent consistent with federal law, cable or
17 video providers shall not charge a subscriber for any
18 service or equipment that the subscriber has not
19 affirmatively requested by name. For purposes of this
20 subsection, a subscriber's failure to refuse a cable or
21 video provider's proposal to provide service or equipment
22 shall not be deemed to be an affirmative request for such
23 service or equipment.

24 (l) No contract or service offering cable services or
25 video services or any bundle including such services shall
26 be for a term longer than one year. Any contract or service

1 offering with a term of service that contains an early
2 termination fee shall limit the early termination fee to
3 not more than the amount of the discount reflected in the
4 price for cable services or video services for the period
5 during which the consumer benefited from the discount.

6 (m) Cable or video providers shall not discriminate in
7 the provision of services for the hearing and visually
8 impaired, and shall comply with the accessibility
9 requirements of 47 U.S.C. 613. Cable or video providers
10 shall deliver and pick-up, or provide customers with
11 pre-paid shipping and packaging for the return of,
12 converters and other necessary equipment at the home of
13 customers with disabilities. Cable or video providers
14 shall provide free use of a converter or remote control
15 unit to mobility impaired customers.

16 (n) (1) To the extent consistent with federal law, cable
17 or video providers shall comply with the provisions of 47
18 U.S.C. 532(h) and (j). The cable or video providers shall
19 not exercise any editorial control over any video
20 programming provided pursuant to this Section, or in any
21 other way consider the content of such programming, except
22 that a cable or video provider may refuse to transmit any
23 leased access program or portion of a leased access program
24 which contains obscenity, indecency, or nudity and may
25 consider such content to the minimum extent necessary to
26 establish a reasonable price for the commercial use of

1 designated channel capacity by an unaffiliated person.
2 This subsection shall permit cable or video providers to
3 enforce prospectively a written and published policy of
4 prohibiting programming that the cable or video provider
5 reasonably believes describes or depicts sexual or
6 excretory activities or organs in a patently offensive
7 manner as measured by contemporary community standards.

8 (2) Upon customer request, the cable or video
9 provider shall, without charge, fully scramble or
10 otherwise fully block the audio and video programming
11 of each channel carrying such programming so that a
12 person who is not a subscriber does not receive the
13 channel or programming.

14 (3) In providing sexually explicit adult
15 programming or other programming that is indecent on
16 any channel of its service primarily dedicated to
17 sexually oriented programming, the cable or video
18 provider shall fully scramble or otherwise fully block
19 the video and audio portion of such channel so that one
20 not a subscriber to such channel or programming does
21 not receive it.

22 (4) Scramble means to rearrange the content of the
23 signal of the programming so that the programming
24 cannot be viewed or heard in an understandable manner.

25 (o) Cable or video providers will maintain a listing,
26 specific to the level of street address, of the areas where

1 its cable or video services are available. Customers who
2 inquire about purchasing cable or video service shall be
3 informed about whether the cable or video provider's cable
4 or video services are currently available to them at their
5 specific location.

6 (p) Privacy protections. Cable or video providers
7 shall not disclose the name, address, telephone number or
8 other personally identifying information of a cable
9 service or video service customer to be used in mailing
10 lists or to be used for other commercial purposes not
11 reasonably related to the conduct of its business unless
12 the cable or video provider has provided to the customer a
13 notice, separately or included in any other customer
14 service notice, that clearly and conspicuously describes
15 the customer's ability to prohibit the disclosure. Cable or
16 video providers shall provide an address and telephone
17 number for a customer to use without toll charge to prevent
18 disclosure of the customer's name and address in mailing
19 lists or for other commercial purposes not reasonably
20 related to the conduct of its business to other businesses
21 or affiliates of the cable or video provider. Cable or
22 video providers shall comply with the consumer privacy
23 requirements of the Communications Consumer Privacy Act,
24 the Restricted Call Registry Act, and 47 U.S.C. 551 that
25 are in effect as of the effective date of this amendatory
26 Act of the 95th General Assembly, and as amended

1 thereafter.

2 (g) Cable or video providers shall implement an
3 informal process for handling inquiries from local units of
4 government and customers concerning billing issues,
5 service issues, privacy concerns and other consumer
6 complaints. In the event an issue is not resolved through
7 this informal process, a local unit of government or the
8 customer may request nonbinding mediation with the cable or
9 video provider, with each party to bear its own costs of
10 such mediation. Selection of the mediator will be by mutual
11 agreement, and preference will be given to mediation
12 services that do not charge the consumer for their
13 services. In the event the informal process does not
14 produce a satisfactory result to the customer or the local
15 unit of government, enforcement may be pursued as provided
16 in subsection (r) (4).

17 (r) The Attorney General and the local unit of
18 government may enforce all of the customer service and
19 privacy protection standards of this Section with respect
20 to complaints received from residents within the local unit
21 of government's jurisdiction, but it may not adopt or seek
22 to enforce any additional or different customer service or
23 performance standards under any other authority or
24 provision of law.

25 (1) The local unit of government may, by ordinance,
26 provide a schedule of penalties for any material breach

1 of this Section by cable or video providers in addition
2 to the penalties provided herein. No monetary
3 penalties shall be assessed for a material breach if it
4 is out of the reasonable control of the cable or video
5 providers or its affiliate. Monetary penalties adopted
6 in an ordinance pursuant to this Section shall apply on
7 a competitively neutral basis to all providers of cable
8 service or video service within the local unit of
9 government's jurisdiction and in no event shall the
10 penalties imposed under this subsection exceed \$750
11 for each day of the material breach, and shall not
12 exceed \$25,000 for each occurrence of a material breach
13 per customer.

14 (2) For purposes of this Section, "material
15 breach" means any substantial failure of a cable or
16 video service provider to comply with service quality
17 and other standards specified in any provision of this
18 Act. The Attorney General or the local unit of
19 government shall give the cable or video provider
20 written notice of any alleged material breaches of this
21 Act and allow such provider at least 30 days from
22 receipt of the notice to remedy the specified material
23 breach.

24 (3) A material breach, for the purposes of
25 assessing penalties, shall be deemed to have occurred
26 for each day that a material breach has not been

1 remedied by the cable service or video service provider
2 after the expiration of the period specified in
3 subsection (r)(2) in each local unit of government's
4 jurisdiction, irrespective of the number of customers
5 affected.

6 (4) Any customer, the Attorney General, or local
7 unit of government may pursue alleged violations of
8 this Act by the cable or video provider in a court of
9 competent jurisdiction. A cable or video provider may
10 seek judicial review of a decision of a local unit of
11 government imposing penalties in a court of competent
12 jurisdiction. No local unit of government shall be
13 subject to suit for damages or other relief based upon
14 its action in connection with its enforcement or review
15 of any of the terms, conditions, and rights contained
16 in this Act except a court may require the return of
17 any penalty it finds was not properly assessed or
18 imposed.

19 (s) Cable or video providers shall credit customers for
20 violations in the amounts stated herein. The credits shall
21 be applied on the statement issued to the customer for the
22 next monthly billing cycle following the violation or
23 following the discovery of the violation. Cable or video
24 providers are responsible for providing the credits
25 described herein and the customer is under no obligation to
26 request the credit. If the customer is no longer taking

1 service from the cable or video provider, the credit amount
2 will be refunded to the customer by check within 30 days of
3 the termination of service. A local unit of government may,
4 by ordinance, adopt a schedule of credits payable directly
5 to customers for breach of the customer service standards
6 and obligations contained in this Article, provided the
7 schedule of customer credits applies on a competitively
8 neutral basis to all providers of cable service or video
9 service in the local unit of government's jurisdiction and
10 the credits are not greater than the credits provided in
11 this Section.

12 (1) Failure to provide notice of customer service
13 standards upon initiation of service: \$25.00.

14 (2) Failure to install service within 7 days:
15 Waiver of 50% of the installation fee or the monthly
16 fee for the lowest-cost basic service, whichever is
17 greater. Failure to install service within 14 days:
18 Waiver of 100% of the installation fee or the monthly
19 fee for the lowest-cost basic service, whichever is
20 greater.

21 (3) Failure to remedy service interruptions or
22 poor video or audio service quality within 48 hours:
23 Pro-rata credit of total regular monthly charges equal
24 to the number of days of the service interruption.

25 (4) Failure to keep an appointment or to notify the
26 customer prior to the close of business on the business

1 day prior to the scheduled appointment: \$25.00.

2 (5) Violation of privacy protections: \$150.00.

3 (6) Failure to comply with scrambling
4 requirements: \$50.00 per month.

5 (7) Violation of customer service and billing
6 standards in subsections (c) and (d): \$25.00 per
7 occurrence.

8 (8) Violation of the bundling rules in Section (h):
9 \$25.00 per month.

10 (t) The enforcement powers granted to the Attorney
11 General in Article XXI of the Public Utilities Act shall
12 apply to this Act, except that the Attorney General may not
13 seek penalties for violation of this Act other than in the
14 amounts specified herein. Nothing in this Section shall
15 limit or affect the powers of the Attorney General to
16 enforce the provisions of Article 21 of the Public
17 Utilities Act or the Consumer Fraud and Deceptive Business
18 Practices Act.

19 (u) This Act applies to all cable and video providers
20 in the State, including but not limited to those operating
21 under a local franchise as that term is used in 47 U.S.C.
22 522(9), those operating under authorization pursuant to
23 Section 11-42-11 of the Municipal Code, those operating
24 under authorization pursuant to Section 5-1095 of the
25 Counties Code, and those operating under a State-issued
26 authorization pursuant to Article XXI of the Public

