



Rep. Kevin A. McCarthy

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1 AMENDMENT TO SENATE BILL 107

2 AMENDMENT NO. _____. Amend Senate Bill 107, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The High Speed Internet Services and
6 Information Technology Act is amended by changing Sections 20
7 and 25 as follows:

8 (20 ILCS 661/20)

9 Sec. 20. Duties of the enlisted nonprofit organization.

10 (a) The high speed Internet deployment strategy and demand
11 creation initiative to be performed by the nonprofit
12 organization shall include, but not be limited to, the
13 following actions:

14 (1) Create a geographic statewide inventory of high
15 speed Internet service and other relevant broadband and
16 information technology services. The inventory shall:

1 (A) identify geographic gaps in high speed
2 Internet service through a method of GIS mapping of
3 service availability and GIS analysis at the census
4 block level; ~~and~~

5 (B) provide a baseline assessment of statewide
6 high speed Internet deployment in terms of percentage
7 of Illinois households with high speed Internet
8 availability; and ~~-~~

9 (C) collect from Facilities-based Providers of
10 Broadband Connections to End User Locations the
11 information provided pursuant to the agreements
12 entered into with the non-profit organization as of the
13 effective date of this amendatory Act of the 96th
14 General Assembly or similar information from
15 Facilities-based Providers of Broadband Connections to
16 End User Locations that do not have the agreements on
17 said date.

18 For the purposes of item (C), "Facilities-based
19 Providers of Broadband Connections to End User
20 Locations" shall have the same meaning as that term is
21 defined in Section 13-407 of the Public Utilities Act.

22 (2) Track and identify, through customer interviews
23 and surveys and other publicly available sources,
24 statewide residential and business adoption of high speed
25 Internet, computers, and related information technology
26 and any barriers to adoption.

1 (3) Build and facilitate in each county or designated
2 region a local technology planning team with members
3 representing a cross section of the community, including,
4 but not limited to, representatives of business, K-12
5 education, health care, libraries, higher education,
6 community-based organizations, local government, tourism,
7 parks and recreation, and agriculture. Each team shall
8 benchmark technology use across relevant community
9 sectors, set goals for improved technology use within each
10 sector, and develop a plan for achieving its goals, with
11 specific recommendations for online application
12 development and demand creation.

13 (4) Collaborate with high speed Internet providers and
14 technology companies to encourage deployment and use,
15 especially in underserved areas, by aggregating local
16 demand, mapping analysis, and creating market intelligence
17 to improve the business case for providers to deploy.

18 (5) Collaborate with the Department in developing a
19 program to increase computer ownership and broadband
20 access for disenfranchised populations across the State.
21 The program may include grants to local community
22 technology centers that provide technology training,
23 promote computer ownership, and increase broadband access.

24 (6) Collaborate with the Department and the Illinois
25 Commerce Commission regarding the collection of the
26 information required by this Section to assist in

1 monitoring and analyzing the broadband markets and the
2 status of competition and deployment of broadband services
3 to consumers in the State, including the format of
4 information requested, provided the Commission enters into
5 the proprietary and confidentiality agreements governing
6 such information.

7 (b) The nonprofit organization may apply for federal grants
8 consistent with the objectives of this Act.

9 (c) The Department of Commerce and Economic Opportunity
10 shall use the funds in the High Speed Internet Services and
11 Information Technology Fund to (1) provide grants to the
12 nonprofit organization enlisted under this Act and (2) for any
13 costs incurred by the Department to administer this Act.

14 (d) The nonprofit organization shall have the power to
15 obtain or to raise funds other than the grants received from
16 the Department under this Act.

17 (e) The nonprofit organization and its Board of Directors
18 shall exist separately and independently from the Department
19 and any other governmental entity, but shall cooperate with
20 other public or private entities it deems appropriate in
21 carrying out its duties.

22 (f) Notwithstanding anything in this Act or any other Act
23 to the contrary, any information that is designated
24 confidential or proprietary by an entity providing the
25 information to the nonprofit organization or any other entity
26 to accomplish the objectives of this Act shall be deemed

1 confidential, proprietary, and a trade secret and treated by
2 the nonprofit organization or anyone else possessing the
3 information as such and shall not be disclosed.

4 (g) The nonprofit organization shall provide a report to
5 the Commission on Government Forecasting and Accountability on
6 an annual basis for the first 3 complete State fiscal years
7 following its enlistment.

8 (Source: P.A. 95-684, eff. 10-19-07.)

9 (20 ILCS 661/25)

10 Sec. 25. Scope of authority. Nothing in this Act shall be
11 construed as giving the Department of Commerce and Economic
12 Opportunity, the nonprofit organization, or other entities any
13 additional authority, regulatory or otherwise, over providers
14 of telecommunications, broadband, and information technology.
15 However, the Department shall have the authority to require
16 Facilities-based Providers of Broadband Connections to End
17 User Locations to provide information pursuant to subsection
18 (c) of Section 20. Upon request, any and all information
19 collected pursuant to subsection (c) of Section 20 that is
20 provided to the enlisted nonprofit organization shall be
21 provided to the Department, provided the Department enters into
22 the proprietary and confidentiality agreements governing such
23 information.

24 (Source: P.A. 95-684, eff. 10-19-07.)

1 Section 10. The Public Utilities Act is amended by changing
2 Sections 13-101, 13-202, 13-301, 13-406, 13-407, 13-503,
3 13-505, 13-509, 13-703, 13-704, 13-712, 13-1200, and 22-501 and
4 by adding Sections 13-234, 13-235, 13-401.1, 13-506.2, 13-804,
5 13-900.1, and 13-900.2 as follows:

6 (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

7 (Section scheduled to be repealed on July 1, 2010)

8 Sec. 13-101. Application of Act to telecommunications
9 rates and services. Except to the extent modified or
10 supplemented by the specific provisions of this Article, the
11 Sections of this Act pertaining to public utilities, public
12 utility rates and services, and the regulation thereof, are
13 fully and equally applicable to noncompetitive
14 telecommunications rates and services, and the regulation
15 thereof, except where the context clearly renders such
16 provisions inapplicable. Except to the extent modified or
17 supplemented by the specific provisions of this Article,
18 Articles I through V, Sections 8-301, 8-305, 8-502, 8-503,
19 8-505, 8-509, 8-509.5, 8-510, 9-221, 9-222, 9-222.1, 9-222.2,
20 9-250, and 9-252.1, and Article ~~Articles X and XI~~ of this Act
21 are fully and equally applicable to competitive
22 telecommunications rates and services, and the regulation
23 thereof except that Section 9-250 shall not apply to
24 competitive retail telecommunications services; in addition,
25 as to competitive telecommunications rates and services, and

1 the regulation thereof, and with the exception of competitive
2 retail telecommunications service rates and services, all
3 rules and regulations made by a telecommunications carrier
4 affecting or pertaining to its charges or service ~~to the public~~
5 shall be just and reasonable, ~~provided that nothing in this~~
6 ~~Section shall be construed to prevent a telecommunications~~
7 ~~carrier from accepting payment electronically or by the use of~~
8 ~~a customer preferred financially accredited credit or debit~~
9 ~~methodology.~~ As of the effective date of this amendatory Act of
10 the 92nd General Assembly, Sections 4-202, 4-203, and 5-202 of
11 this Act shall cease to apply to telecommunications rates and
12 services.

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

14 (220 ILCS 5/13-202) (from Ch. 111 2/3, par. 13-202)

15 (Section scheduled to be repealed on July 1, 2010)

16 Sec. 13-202. "Telecommunications carrier" means and
17 includes every corporation, company, association, joint stock
18 company or association, firm, partnership or individual, their
19 lessees, trustees or receivers appointed by any court
20 whatsoever that owns, controls, operates or manages, within
21 this State, directly or indirectly, for public use, any plant,
22 equipment or property used or to be used for or in connection
23 with, or owns or controls any franchise, license, permit or
24 right to engage in the provision of, telecommunications
25 services between points within the State which are specified by

1 the user. "Telecommunications carrier" includes an Electing
2 Provider, as defined in Section 13-506.2. Telecommunications
3 carrier does not include, however:

4 (a) telecommunications carriers that are owned and
5 operated by any political subdivision, public or private
6 institution of higher education or municipal corporation of
7 this State, for their own use, or telecommunications carriers
8 that are owned by such political subdivision, public or private
9 institution of higher education, or municipal corporation and
10 operated by any of its lessees or operating agents, for their
11 own use;

12 (b) telecommunications carriers which are purely mutual
13 concerns, having no rates or charges for services, but paying
14 the operating expenses by assessment upon the members of such a
15 company and no other person but does include telephone or
16 telecommunications cooperatives as defined in Section 13-212;

17 (c) a company or person which provides telecommunications
18 services solely to itself and its affiliates or members or
19 between points in the same building, or between closely located
20 buildings, affiliated through substantial common ownership,
21 control or development; or

22 (d) a company or person engaged in the delivery of
23 community antenna television services as described in
24 subdivision (c) of Section 13-203, except with respect to the
25 provision of telecommunications services by that company or
26 person.

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

2 (220 ILCS 5/13-234 new)

3 (Section scheduled to be repealed on July 1, 2010)

4 Sec. 13-234. Interconnected voice over Internet protocol
5 service. "Interconnected voice over Internet protocol service"
6 or "Interconnected VoIP service" has the meaning prescribed in
7 47 CFR 9.3 as defined on the effective date of this amendatory
8 Act of the 96th General Assembly or as the amended thereafter.

9 (220 ILCS 5/13-235 new)

10 (Section scheduled to be repealed on July 1, 2010)

11 Sec. 13-235. Interconnected voice over Internet protocol
12 provider. "Interconnected voice over Internet protocol
13 provider" or "Interconnected VoIP provider" means and includes
14 every corporation, company, association, joint stock company
15 or association, firm, partnership, or individual, their
16 lessees, trustees, or receivers appointed by any court
17 whatsoever that owns, controls, operates, manages, or provides
18 within this State, directly or indirectly, Interconnected
19 voice over Internet protocol service.

20 (220 ILCS 5/13-301) (from Ch. 111 2/3, par. 13-301)

21 (Section scheduled to be repealed on July 1, 2010)

22 Sec. 13-301. Duties of the Commission.

23 (1) Consistent with the findings and policy established in

1 paragraph (a) of Section 13-102 and paragraph (a) of Section
2 13-103, and in order to ensure the attainment of such policies,
3 the Commission shall:

4 (a) participate in all federal programs intended to
5 preserve or extend universal telecommunications service,
6 unless such programs would place cost burdens on Illinois
7 customers of telecommunications services in excess of the
8 benefits they would receive through participation,
9 provided, however, the Commission shall not approve or
10 permit the imposition of any surcharge or other fee
11 designed to subsidize or provide a waiver for subscriber
12 line charges; and shall report on such programs together
13 with an assessment of their adequacy and the advisability
14 of participating therein in its annual report to the
15 General Assembly, or more often as necessary;

16 (b) (Blank) ~~establish a program to monitor the level of~~
17 ~~telecommunications subscriber connection within each~~
18 ~~exchange in Illinois, and shall report the results of such~~
19 ~~monitoring and any actions it has taken or recommends be~~
20 ~~taken to maintain and increase such levels in its annual~~
21 ~~report to the General Assembly, or more often if necessary;~~

22 (c) order all telecommunications carriers offering or
23 providing local exchange telecommunications service to
24 propose low-cost or budget service tariffs and any other
25 rate design or pricing mechanisms designed to facilitate
26 customer access to such telecommunications service,

1 provided that services offered by any telecommunications
2 carrier at the rates, terms, and conditions specified in
3 Section 13-506.2 or Section 13-518 of this Article shall
4 constitute compliance with this Section. A
5 telecommunications carrier may seek Commission approval of
6 other low-cost or budget service tariffs or rate design or
7 pricing mechanisms to comply with this Section and shall
8 ~~after notice and hearing, implement any such proposals~~
9 ~~which it finds likely to achieve such purpose;~~

10 (d) investigate the necessity of and, if appropriate,
11 establish a universal service support fund from which local
12 exchange telecommunications carriers who pursuant to the
13 Twenty-Seventh Interim Order of the Commission in Docket
14 No. 83-0142 or the orders of the Commission in Docket No.
15 97-0621 and Docket No. 98-0679 received funding and whose
16 economic costs of providing services for which universal
17 service support may be made available exceed the affordable
18 rate established by the Commission for such services may be
19 eligible to receive support, less any federal universal
20 service support received for the same or similar costs of
21 providing the supported services; provided, however, that
22 if a universal service support fund is established, the
23 Commission shall require that all costs of the fund be
24 recovered from all local exchange and interexchange
25 telecommunications carriers certificated in Illinois on a
26 competitively neutral and nondiscriminatory basis. In

1 establishing any such universal service support fund, the
2 Commission shall, in addition to the determination of costs
3 for supported services, consider and make findings
4 pursuant to subsection (2) paragraphs ~~(1), (2), and (4)~~ of
5 ~~item (e)~~ of this Section. Proxy cost, as determined by the
6 Commission, may be used for this purpose. In determining
7 cost recovery for any universal service support fund, the
8 Commission shall not permit recovery of such costs from
9 another certificated carrier for any service purchased and
10 used solely as an input to a service provided to such
11 certificated carrier's retail customers. ~~and~~

12 (2) ~~(e)~~ ~~investigate the necessity of and, if appropriate,~~
13 ~~establish a universal service support fund in addition to any~~
14 ~~fund that may be established pursuant to item (d) of this~~
15 ~~Section; provided, however, that if a telecommunications~~
16 ~~carrier receives universal service support pursuant to item (d)~~
17 ~~of this Section, that telecommunications carrier shall not~~
18 ~~receive universal service support pursuant to this item.~~
19 ~~Recipients of any universal service support funding created by~~
20 ~~this item shall be "eligible" telecommunications carriers, as~~
21 ~~designated by the Commission in accordance with 47 U.S.C.~~
22 ~~214(e)(2). Eligible telecommunications carriers providing~~
23 ~~local exchange telecommunications service may be eligible to~~
24 ~~receive support for such services, less any federal universal~~
25 ~~service support received for the same or similar costs of~~
26 ~~providing the supported services. If a fund is established, the~~

1 ~~Commission shall require that the costs of such fund be~~
2 ~~recovered from all telecommunications carriers, with the~~
3 ~~exception of wireless carriers who are providers of two-way~~
4 ~~cellular telecommunications service and who have not been~~
5 ~~designated as eligible telecommunications carriers, on a~~
6 ~~competitively neutral and non discriminatory basis.~~ In any
7 order creating a fund pursuant to paragraph (d) of subsection
8 (1) this item, the Commission, after notice and hearing, shall:

9 (a) ~~(1)~~ Define the group of services to be declared
10 "supported telecommunications services" that constitute
11 "universal service". This group of services shall, at a
12 minimum, include those services as defined by the Federal
13 Communications Commission and as from time to time amended.
14 In addition, the Commission shall consider the range of
15 services currently offered by telecommunications carriers
16 offering local exchange telecommunications service, the
17 existing rate structures for the supported
18 telecommunications services, and the telecommunications
19 needs of Illinois consumers in determining the supported
20 telecommunications services. The Commission shall, from
21 time to time or upon request, review and, if appropriate,
22 revise the group of Illinois supported telecommunications
23 services and the terms of the fund to reflect changes or
24 enhancements in telecommunications needs, technologies,
25 and available services.

26 (b) ~~(2)~~ Identify all implicit subsidies contained in

1 rates or charges of incumbent local exchange carriers,
2 including all subsidies in interexchange access charges,
3 and determine how such subsidies can be made explicit by
4 the creation of the fund.

5 ~~(3) Identify the incumbent local exchange carriers'~~
6 ~~economic costs of providing the supported~~
7 ~~telecommunications services.~~

8 (c) ~~(4)~~ Establish an affordable price for the supported
9 telecommunications services for the respective incumbent
10 local exchange carrier. The affordable price shall be no
11 less than the rates in effect at the time the Commission
12 creates a fund pursuant to this item. The Commission may
13 establish and utilize indices or models for updating the
14 affordable price for supported telecommunications
15 services.

16 ~~(5) Identify the telecommunications carriers from whom~~
17 ~~the costs of the fund shall be recovered and the mechanism~~
18 ~~to be used to determine and establish a competitively~~
19 ~~neutral and non-discriminatory funding basis. From time to~~
20 ~~time, or upon request, the Commission shall consider~~
21 ~~whether, based upon changes in technology or other factors,~~
22 ~~additional telecommunications providers should contribute~~
23 ~~to the fund. The Commission shall establish the basis upon~~
24 ~~which telecommunications carriers contributing to the fund~~
25 ~~shall recover contributions on a competitively neutral and~~
26 ~~non-discriminatory basis. In determining cost recovery for~~

1 ~~any universal support fund, the Commission shall not permit~~
2 ~~recovery of such costs from another certificated carrier~~
3 ~~for any service purchased and used solely as an input to a~~
4 ~~service provided to such certificated carriers' retail~~
5 ~~customers.~~

6 ~~(6) Approve a plan for the administration and operation~~
7 ~~of the fund by a neutral third party consistent with the~~
8 ~~requirements of this item.~~

9 ~~No fund shall be created pursuant to this item until~~
10 ~~existing implicit subsidies, including, but not limited to,~~
11 ~~those subsidies contained in interexchange access charges,~~
12 ~~have been identified and eliminated through revisions to rates~~
13 ~~or charges. Prior to May 1, 2000, such revisions to rates or~~
14 ~~charges to eliminate implicit subsidies shall occur~~
15 ~~contemporaneously with any funding established pursuant to~~
16 ~~this item. However, if the Commission does not establish a~~
17 ~~universal service support fund by May 1, 2000, the Commission~~
18 ~~shall not be prevented from entering an order or taking other~~
19 ~~actions to reduce or eliminate existing subsidies as well as~~
20 ~~considering the effect of such reduction or elimination on~~
21 ~~local exchange carriers.~~

22 ~~Any telecommunications carrier providing local exchange~~
23 ~~telecommunications service which offers to its local exchange~~
24 ~~customers a choice of two or more local exchange~~
25 ~~telecommunications service offerings shall provide, to any~~
26 ~~such customer requesting it, once a year without charge, a~~

1 ~~report describing which local exchange telecommunications~~
2 ~~service offering would result in the lowest bill for such~~
3 ~~customer's local exchange service, based on such customer's~~
4 ~~calling pattern and usage for the previous 6 months. At least~~
5 ~~once a year, each such carrier shall provide a notice to each~~
6 ~~of its local exchange telecommunications service customers~~
7 ~~describing the availability of this report and the specific~~
8 ~~procedures by which customers may receive it. Such report shall~~
9 ~~only be available to current and future customers who have~~
10 ~~received at least 6 months of continuous local exchange service~~
11 ~~from such carrier.~~

12 (Source: P.A. 91-636, eff. 8-20-99.)

13 (220 ILCS 5/13-401.1 new)

14 (Section scheduled to be repealed on July 1, 2010)

15 Sec. 13-401.1. Interconnected voice over Internet protocol
16 (VoIP) service provider registration.

17 (a) An Interconnected VoIP provider providing fixed or
18 non-nomadic service in Illinois on December 1, 2010 shall
19 register with the Commission no later than January 1, 2011. All
20 other Interconnected VoIP providers providing fixed or
21 non-nomadic service in Illinois shall register with the
22 Commission at least 30 days before providing service in
23 Illinois. The Commission shall prescribe a registration form no
24 later than October 1, 2010. The registration form prescribed by
25 the Commission shall only require the following information:

1 (1) the provider's legal name and any name under which
2 the provider does or will do business in Illinois, as
3 authorized by the Secretary of State;

4 (2) the provider's address and telephone number, along
5 with contact information for the person responsible for
6 ongoing communications with the Commission;

7 (3) a description of the provider's dispute resolution
8 process and, if any, the telephone number to initiate the
9 dispute resolution process; and

10 (4) a description of each exchange of a local exchange
11 company, in whole or in part, or the cities, towns, or
12 geographic areas, in whole or in part, in which the
13 provider is offering or proposes to offer Interconnected
14 VoIP service.

15 A provider must notify the Commission of any change in the
16 information identified in paragraphs (1), (2), (3), or (4) of
17 this subsection (a) within 5 business days after any such
18 change.

19 (b) A provider shall charge and collect from its end-user
20 customers, and remit to the appropriate authority, fees and
21 surcharges in the same manner as are charged and collected upon
22 end-user customers of local exchange telecommunications
23 service and remitted by local exchange telecommunications
24 companies for local enhanced 9-1-1 surcharges.

25 (c) A provider may designate information that it submits in
26 its registration form or subsequent reports as confidential or

1 proprietary, provided that the provider states the reasons the
2 confidential designation is necessary. The Commission shall
3 provide adequate protection for such information pursuant to
4 Section 4-404 of this Act. If the Commission or any other party
5 seeks public disclosure of information designated as
6 confidential, the Commission shall consider the confidential
7 designation in a proceeding under the Illinois Administrative
8 Procedure Act, and the burden of proof to demonstrate that the
9 designated information is confidential shall be upon the
10 provider. Designated information shall remain confidential
11 pending the Commission's determination of whether the
12 information is entitled to confidential treatment. Information
13 designated as confidential shall be provided to local units of
14 government for purposes of assessing compliance with this
15 Article as permitted under a protective order issued by the
16 Commission pursuant to the Commission's rules and to the
17 Attorney General pursuant to Section 6.5 of the Attorney
18 General Act. Information designated as confidential under this
19 Section or determined to be confidential upon Commission review
20 shall only be disclosed pursuant to a valid and enforceable
21 subpoena or court order or as required by the Freedom of
22 Information Act.

23 (d) Notwithstanding any other provision of law to the
24 contrary, the Commission shall have the authority, after notice
25 and hearing, to revoke or suspend the registration of any
26 provider that fails to comply with the requirements of this

1 Section.

2 (e) The provisions of this Section are severable under
3 Section 1.31 of the Statute on Statutes.

4 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

5 (Section scheduled to be repealed on July 1, 2010)

6 Sec. 13-406. Abandonment of service. No telecommunications
7 carrier offering or providing noncompetitive
8 telecommunications service pursuant to a valid Certificate of
9 Service Authority or certificate of public convenience and
10 necessity shall discontinue or abandon such service once
11 initiated until and unless it shall demonstrate, and the
12 Commission finds, after notice and hearing, that such
13 discontinuance or abandonment will not deprive customers of any
14 necessary or essential telecommunications service or access
15 thereto and is not otherwise contrary to the public interest.
16 No telecommunications carrier offering or providing
17 competitive telecommunications service shall completely
18 discontinue or abandon such service to an identifiable class or
19 group of customers once initiated except upon 60 ~~30~~ days notice
20 to the Commission and affected customers. The Commission may,
21 upon its own motion or upon complaint, investigate the proposed
22 discontinuance or abandonment of a competitive
23 telecommunications service and may, after notice and hearing,
24 prohibit such proposed discontinuance or abandonment if the
25 Commission finds that it would be contrary to the public

1 interest. If the Commission does not provide notice of a
2 hearing within 60 calendar days after the notification or holds
3 a hearing and fails to find that the proposed discontinuation
4 or abandonment would be contrary to the public interest, the
5 provider may discontinue or abandon such service after
6 providing at least 30 days notice to affected customers.

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

8 (220 ILCS 5/13-407) (from Ch. 111 2/3, par. 13-407)

9 (Section scheduled to be repealed on July 1, 2010)

10 Sec. 13-407. Commission study and report. The Commission
11 shall monitor and analyze patterns of entry and exit and
12 changes in patterns of entry and exit for each relevant market
13 for telecommunications services, including emerging high speed
14 telecommunications markets and broadband services. The
15 Commission, ~~and~~ shall include its findings together with
16 appropriate recommendations for legislative action in its
17 annual report to the General Assembly. The Commission shall
18 provide an analysis of entry and exit, along with changes in
19 patterns of entry and exit, for broadband services in its
20 annual report to the General Assembly.

21 In preparing its annual report, the Commission may obtain
22 any information on broadband services that has been collected
23 or is in the possession of the Department of Commerce and
24 Economic Opportunity pursuant to the High Speed Internet
25 Services and Information Technology Act. The Commission shall

1 coordinate with the Department of Commerce and Economic
2 Opportunity in collecting information to avoid a duplication of
3 efforts.

4 The Commission shall also monitor and analyze the status of
5 deployment of services to consumers, and any resulting "digital
6 divisions" between consumers, including any changes or trends
7 therein. The Commission shall include its findings together
8 with appropriate recommendations for legislative action in its
9 annual report to the General Assembly. In preparing this
10 analysis the Commission shall evaluate information provided by
11 certificated telecommunications carriers, registered
12 Interconnected VoIP providers, and Facilities-based Providers
13 of Broadband Connections to End User Locations that pertains to
14 the state of competition in telecommunications markets
15 including, but not limited to:

16 (1) the number and type of firms providing
17 telecommunications services and ~~, including~~ broadband
18 ~~telecommunications~~ services, within the State;

19 (2) the ~~telecommunications~~ services offered by these
20 firms to both retail and wholesale customers;

21 (3) the extent to which customers and other providers
22 are purchasing the firms' ~~telecommunications~~ services; and

23 (4) the technologies or methods by which these firms
24 provide these services, including descriptions of
25 technologies in place and under development, and the degree
26 to which firms rely on other wholesale providers to provide

1 service to their own customers. ~~and~~

2 ~~(5) the tariffed retail and wholesale prices for~~
3 ~~services provided by these firms.~~

4 The Commission shall at a minimum assess the variability in
5 this information according to geography, examining variability
6 by exchange, wirecenter, or zip code, and by customer class,
7 examining, at a minimum, the variability between residential
8 and small, medium, and large business customers. The Commission
9 shall provide an analysis of market trends by collecting this
10 information from certificated telecommunications carriers,
11 registered Interconnected VoIP providers, and Facilities-based
12 Providers of Broadband Connections to End User Locations ~~firms~~
13 ~~providing telecommunications services~~ within the State. The
14 Commission shall also collect all information, in a format
15 determined by the Commission, that the Commission deems
16 necessary to assist in monitoring and analyzing the
17 telecommunications markets and broadband market, along with
18 ~~and~~ the status of competition and deployment of
19 telecommunications services and broadband services to
20 consumers in the State.

21 Notwithstanding any other provision of this Act,
22 certificated telecommunications carriers and registered
23 Interconnected VoIP providers shall report to the Commission
24 such information, with the exception of broadband information,
25 requested by the Commission necessary to satisfy the reporting
26 requirements of items (1) through (4) of this Section. The

1 Commission may coordinate and work with the Department of
2 Commerce and Economic Opportunity to avoid duplication of
3 collection of information that is collected pursuant to the
4 High Speed Internet Services and Information Technology Act.

5 For the purposes of this Section:

6 "Broadband connections" include wired lines or
7 wireless channels that enable the end user to receive
8 information from or send information to the Internet at
9 information transfer rates exceeding 200 kbps in at least
10 one direction.

11 "End user" includes a residential, business,
12 institutional, or government entity who uses broadband
13 services for its own purposes and who does not resell such
14 services to other entities or incorporate such services
15 into retail Internet-access services. For purposes of this
16 Section, an Internet Service Provider (ISP) is not an end
17 user of a broadband connection.

18 "Facilities-based Provider of Broadband Connections to
19 End User Locations" means an entity that meets any of the
20 following conditions:

21 (i) It owns the portion of the physical facility
22 that terminates at the end user location.

23 (ii) It obtains unbundled network elements (UNEs),
24 special access lines, or other leased facilities that
25 terminate at the end user location and provisions or
26 equips them as broadband.

1 (iii) It provisions or equips a broadband wireless
2 channel to the end user location over licensed or
3 unlicensed spectrum.

4 "Facilities-based Provider of Broadband Connections to
5 End User Locations" does not include providers of
6 terrestrial fixed wireless services (such as Wi-Fi and
7 other wireless Ethernet, or wireless local area network,
8 applications) that only enable local distribution and
9 sharing of a premises broadband facility and does not
10 include air-to-ground services.

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

12 (220 ILCS 5/13-503) (from Ch. 111 2/3, par. 13-503)

13 (Section scheduled to be repealed on July 1, 2010)

14 Sec. 13-503. Information available to the public. With
15 respect to rates or other charges made, demanded or received
16 for any telecommunications service offered, provided or to be
17 provided, whether such service is competitive or
18 noncompetitive, telecommunications carriers shall comply with
19 the publication and filing provisions of Sections 9-101, 9-102,
20 and 9-103. Telecommunications carriers shall make all tariffs
21 available electronically to the public without requiring a
22 password or other means of registration. A telecommunications
23 carrier's website shall, if applicable, provide in a
24 conspicuous manner information on the rates, charges, terms,
25 and conditions of service available and a toll-free telephone

1 number that may be used to contact an agent for assistance with
2 obtaining rate or other charge information or the terms and
3 conditions of service.

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

5 (220 ILCS 5/13-505) (from Ch. 111 2/3, par. 13-505)

6 (Section scheduled to be repealed on July 1, 2010)

7 Sec. 13-505. Rate changes; competitive services. ~~(a)~~ Any
8 proposed increase or decrease in rates or charges, or proposed
9 change in any classification or tariff resulting in an increase
10 or decrease in rates or charges, for a competitive
11 telecommunications service shall be permitted upon the filing
12 of the proposed rate, charge, classification, or tariff. Notice
13 ~~Prior notice~~ of an increase shall be given, no later than the
14 prior billing cycle, to all potentially affected customers by
15 mail, publication in a newspaper of general circulation, or
16 equivalent means of notice, including electronic if the
17 customer has elected electronic billing.

18 ~~(b) If a hearing is held pursuant to Section 9-250~~
19 ~~regarding the reasonableness of an increase in the rates or~~
20 ~~charges of a competitive local exchange service, then the~~
21 ~~telecommunications carrier providing the service shall have~~
22 ~~the burden of proof to establish the justness and~~
23 ~~reasonableness of the proposed rate or charge.~~

24 (Source: P.A. 90-185, eff. 7-23-97.)

1 (220 ILCS 5/13-506.2 new)

2 (Section scheduled to be repealed on July 1, 2010)

3 Sec. 13-506.2. Market regulation for competitive retail
4 services.

5 (a) Definitions. As used in this Section:

6 (1) "Electing Provider" means a telecommunications
7 carrier that is subject to either rate regulation pursuant
8 to Section 13-504 or Section 13-505 or alternative
9 regulation pursuant to Section 13-506.1 and that elects to
10 have the rates, terms, and conditions of its competitive
11 retail telecommunications services solely determined and
12 regulated pursuant to the terms of this Article.

13 (2) "Basic local exchange service" means either a
14 stand-alone residence network access line and per-call
15 usage or, for any geographic area in which such stand-alone
16 service is not offered, a stand-alone flat rate residence
17 network access line for which local calls are not charged
18 for frequency or duration. Extended Area Service shall be
19 included in basic local exchange service.

20 (b) Election for market regulation. Notwithstanding any
21 other provision of this Act, an Electing Provider may elect to
22 have the rates, terms, and conditions of its competitive retail
23 telecommunications services solely determined and regulated
24 pursuant to the terms of this Section by filing written notice
25 of its election for market regulation with the Commission. The
26 notice of election shall designate the geographic area of the

1 Electing Provider's service territory where the market
2 regulation shall apply, either on a state-wide basis or in one
3 or more specified Market Service Areas ("MSA") or Exchange
4 areas. An Electing Provider shall not make an election for
5 market regulation under this Section unless it commits in its
6 written notice of election for market regulation to fulfill the
7 conditions and requirements in this Section in each geographic
8 area in which market regulation is elected. Immediately upon
9 filing the notice of election for market regulation, the
10 Electing Provider shall be subject to the jurisdiction of the
11 Commission to the extent expressly provided in this Section.

12 (c) Competitive classification. Market regulation shall
13 only be available for competitive retail telecommunications
14 services as provided in this subsection.

15 (1) For geographic areas in which telecommunications
16 services provided by the Electing Provider were classified
17 as competitive either through legislative action or a
18 tariff filing pursuant to Section 13-502 prior to January
19 1, 2010, and that are included in the Electing Provider's
20 notice of election pursuant to subsection (b) of this
21 Section, such services, and all recurring and nonrecurring
22 charges associated with, related to or used in connection
23 with such services, shall be classified as competitive
24 without further Commission review. For services classified
25 as competitive pursuant to this subsection, the
26 requirements or conditions in any order or decision

1 rendered by the Commission pursuant to Section 13-502 prior
2 to the effective date of this amendatory Act of the 96th
3 General Assembly, except for the commitments made by the
4 Electing Provider in such order or decision concerning the
5 optional packages required in subsection (d) of this
6 Section and basic local exchange service as defined in this
7 Section, shall no longer be in effect and no Commission
8 investigation, review, or proceeding under Section 13-502
9 shall be continued, conducted, or maintained with respect
10 to such services, charges, requirements, or conditions.

11 (2) For those geographic areas in which residential
12 local exchange telecommunications services have not been
13 classified as competitive as of the effective date of this
14 amendatory Act of the 96th General Assembly, all
15 telecommunications services provided to residential and
16 business end users by an Electing Provider in the
17 geographic area that is included in its notice of election
18 pursuant to subsection (b) shall be classified as
19 competitive for purposes of this Article without further
20 Commission review.

21 (3) If an Electing Provider was previously subject to
22 alternative regulation pursuant to Section 13-506.1 of
23 this Article, the alternative regulation plan shall
24 terminate in whole for all services subject to that plan
25 and be of no force or effect, without further Commission
26 review or action, when the Electing Provider's residential

1 local exchange telecommunications service in each MSA in
2 its telecommunications service area in the State has been
3 classified as competitive pursuant to either subdivision
4 (c) (1) or (c) (2) of this Section.

5 (4) The service packages described in Section 13-518
6 shall be classified as competitive for purposes of this
7 Section if offered by an Electing Provider in a geographic
8 area in which local exchange telecommunications service
9 has been classified as competitive pursuant to either
10 subdivision (c) (1) or (c) (2) of this Section.

11 (d) Consumer choice safe harbor options.

12 (1) An Electing Provider in each of the MSA or Exchange
13 areas classified as competitive pursuant to subdivision
14 (c) (1) or (c) (2) of this Section shall offer to all
15 residential customers who choose to subscribe the
16 following optional packages of services priced at the same
17 rate levels in effect on January 1, 2010

18 (A) A basic package, which shall consist of a
19 stand-alone residential network access line and 30
20 local calls. If the Electing Provider offers a
21 stand-alone residential access line and local usage on
22 a per call basis, the price for the basic package shall
23 be the Electing Provider's applicable price in effect
24 on January 1, 2010 for the sum of a residential access
25 line and 30 local calls, additional calls over 30 calls
26 shall be provided at the current per call rate.

1 However, this basic package is not required if
2 stand-alone residential network access lines or
3 per-call local usage are not offered by the Electing
4 Provider in the geographic area on January 1, 2010 or
5 if the Electing Provider has not increased its
6 stand-alone network access line and local usage rates,
7 including Extended Area Service rates, since January
8 1, 2010.

9 (B) An extra package, which shall consist of
10 residential basic local exchange network access line
11 and unlimited local calls. The price for the extra
12 package shall be the Electing Provider's applicable
13 price in effect on January 1, 2010 for a residential
14 access line with unlimited local calls.

15 (C) A plus package, which shall consist of
16 residential basic local exchange network access line,
17 unlimited local calls, and the customer's choice of 2
18 vertical services offered by the Electing Provider.
19 The term "vertical services" as used in this
20 subsection, includes, but is not limited to, call
21 waiting, call forwarding, 3-way calling, caller ID,
22 call tracing, automatic callback, repeat dialing, and
23 voicemail. The price for the plus package shall be the
24 Electing Provider's applicable price in effect on
25 January 1, 2010 for the sum of a residential access
26 line with unlimited local calls and 2 times the average

1 price for the vertical features included in the
2 package.

3 (2) For those geographic areas in which local exchange
4 telecommunications services were classified as competitive
5 on the effective date of this amendatory Act of the 96th
6 General Assembly an Electing Provider in each such MSA or
7 Exchange area shall be subject to the same terms and
8 conditions as provided in commitments made by the Electing
9 Provider in connection with such previous competitive
10 classifications, which shall apply with equal force under
11 this Section, except as follows: (i) the limits on price
12 increases on the optional packages required by this Section
13 shall be extended consistent with subsection (d)(1) of this
14 Section and (ii) the price for the extra package required
15 by subsection (d)(1)(B) shall be reduced by one dollar from
16 the price in effect on January 1, 2010. In addition, if an
17 Electing Provider obtains a competitive classification
18 pursuant to subsection (c)(1) and (c)(2), the price for the
19 optional packages shall be determined in such area in
20 compliance with subsection (d)(1), except the price for the
21 plus package required by subsection (d)(1) C) shall be the
22 lower of the price for such area or the price of the plus
23 package in effect on January 1, 2010 for areas classified
24 as competitive pursuant to subsection (c)(1).

25 (3) To the extent that the requirements in Section
26 13-518 applied to a telecommunications carrier prior to the

1 effective date of this Section and that telecommunications
2 carrier becomes an Electing Provider in accordance with the
3 provisions of this Section, the requirements in Section
4 13-518 shall cease to apply to that Electing Provider in
5 those geographic areas included in the Electing Provider's
6 notice of election pursuant to subsection (b) of this
7 Section.

8 (4) An Electing Provider shall make the optional
9 packages required by this subsection and stand-alone
10 residential network access lines and local usage, where
11 offered, readily available to the public by providing
12 information, in a clear manner, to residential customers.
13 Information shall be made available on a website, and an
14 Electing Provider shall provide notification to its
15 customers every 6 months, provided that notification may
16 consist of a bill page message that provides an objective
17 description of the safe harbor options that includes a
18 telephone number and website address where the customer may
19 obtain additional information about the packages from the
20 Electing Provider. The optional packages shall be offered
21 on a monthly basis with no term of service requirement. An
22 Electing Provider shall allow online electronic ordering
23 of the optional packages and stand alone residential
24 network access lines and local usage, where offered, on its
25 website in a manner similar to the online electronic
26 ordering of its other residential services.

1 (5) An Electing Provider shall comply with the
2 Commission's existing rules, regulations, and notices in
3 Title 83, Part 735 of the Illinois Administrative Code when
4 offering or providing the optional packages required by
5 this subsection (d) and stand-alone residential network
6 access lines.

7 (6) An Electing Provider shall provide to the
8 Commission semi-annual subscribership reports as of June
9 30 and December 31 that contain the number of its customers
10 subscribing to each of the consumer choice safe harbor
11 packages required by subsection (d)(1) of this Section and
12 the number of its customers subscribing to retail
13 residential basic local exchange service as defined in
14 subsection (a)(2) of this Section. The first semi-annual
15 reports shall be made on April 1, 2011 for December 31,
16 2010, and on September 1, 2011 for June 30, 2011, and
17 semi-annually on April 1 and September 1 thereafter. Such
18 subscribership information shall be accorded confidential
19 and proprietary treatment upon request by the Electing
20 Provider.

21 (7) The Commission shall have the power, after notice
22 and hearing as provided in this Article, upon complaint or
23 upon its own motion, to take corrective action if the
24 requirements of this Section are not complied with by an
25 Electing Provider.

26 (e) Service quality and customer credits for basic local

1 exchange service.

2 (1) An Electing Provider shall meet the following
3 service quality standards in providing basic local
4 exchange service, which for purposes of this subsection
5 (e), includes both basic local exchange service and the
6 consumer choice safe harbor options required by subsection
7 (d) of this Section.

8 (A) Install basic local exchange service within 5
9 business days after receipt of an order from the
10 customer unless the customer requests an installation
11 date that is beyond 5 business days after placing the
12 order for basic service and to inform the customer of
13 the Electing Provider's duty to install service within
14 this timeframe. If installation of service is
15 requested on or by a date more than 5 business days in
16 the future, the Electing Provider shall install
17 service by the date requested.

18 (B) Restore basic local exchange service for the
19 customer within 30 hours after receiving notice that
20 the customer is out of service.

21 (C) Keep all repair and installation appointments
22 for basic local exchange service if a customer premises
23 visit requires a customer to be present. The
24 appointment window shall be either a specific time or,
25 at a maximum, a 4-hour time block during evening,
26 weekend, and normal business hours.

1 (D) Inform a customer when a repair or installation
2 appointment requires the customer to be present.

3 (2) Customers shall be credited by the Electing
4 Provider for violations of basic local exchange service
5 quality standards described in subdivision (e)(1) of this
6 Section. The credits shall be applied automatically on the
7 statement issued to the customer for the next monthly
8 billing cycle following the violation or following the
9 discovery of the violation. The next monthly billing cycle
10 following the violation or the discovery of the violation
11 means the billing cycle immediately following the billing
12 cycle in process at the time of the violation or discovery
13 of the violation, provided the total time between the
14 violation or discovery of the violation and the issuance of
15 the credit shall not exceed 60 calendar days. The Electing
16 Provider is responsible for providing the credits and the
17 customer is under no obligation to request such credits.
18 The following credits shall apply:

19 (A) If an Electing Provider fails to repair an
20 out-of-service condition for basic local exchange
21 service within 30 hours, the Electing Provider shall
22 provide a credit to the customer. If the service
23 disruption is for more than 30 hours, but not more than
24 48 hours, the credit must be equal to a pro-rata
25 portion of the monthly recurring charges for all basic
26 local exchange services disrupted. If the service

1 disruption is for more than 48 hours, but not more than
2 72 hours, the credit must be equal to at least 33% of
3 one month's recurring charges for all local services
4 disrupted. If the service disruption is for more than
5 72 hours, but not more than 96 hours, the credit must
6 be equal to at least 67% of one month's recurring
7 charges for all basic local exchange services
8 disrupted. If the service disruption is for more than
9 96 hours, but not more than 120 hours, the credit must
10 be equal to one month's recurring charges for all basic
11 local exchange services disrupted. For each day or
12 portion thereof that the service disruption continues
13 beyond the initial 120-hour period, the Electing
14 Provider shall also provide an additional credit of \$20
15 per calendar day.

16 (B) If an Electing Provider fails to install basic
17 local exchange service as required under subdivision
18 (e)(1) of this Section, the Electing Provider shall
19 waive 50% of any installation charges, or in the
20 absence of an installation charge or where
21 installation is pursuant to the Link Up program, the
22 Electing Provider shall provide a credit of \$25. If an
23 Electing Provider fails to install service within 10
24 business days after the service application is placed,
25 or fails to install service within 5 business days
26 after the customer's requested installation date, if

1 the requested date was more than 5 business days after
2 the date of the order, the Electing Provider shall
3 waive 100% of the installation charge, or in the
4 absence of an installation charge or where
5 installation is provided pursuant to the Link Up
6 program, the Electing Provider shall provide a credit
7 of \$50. For each day that the failure to install
8 service continues beyond the initial 10 business days,
9 or beyond 5 business days after the customer's
10 requested installation date, if the requested date was
11 more than 5 business days after the date of the order,
12 the Electing Provider shall also provide an additional
13 credit of \$20 per calendar day until the basic local
14 exchange service is installed.

15 (C) If an Electing Provider fails to keep a
16 scheduled repair or installation appointment when a
17 customer premises visit requires a customer to be
18 present as required under subdivision (e)(1) of this
19 Section, the Electing Provider shall credit the
20 customer \$25 per missed appointment. A credit required
21 by this subdivision does not apply when the Electing
22 Provider provides the customer notice of its inability
23 to keep the appointment no later than 8:00 pm of the
24 day prior to the scheduled date of the appointment.

25 (D) Credits required by this subsection do not
26 apply if the violation of a service quality standard:

1 (i) occurs as a result of a negligent or
2 willful act on the part of the customer;

3 (ii) occurs as a result of a malfunction of
4 customer-owned telephone equipment or inside
5 wiring;

6 (iii) occurs as a result of, or is extended by,
7 an emergency situation as defined in 83 Ill. Adm.
8 Code 732.10;

9 (iv) is extended by the Electing Provider's
10 inability to gain access to the customer's
11 premises due to the customer missing an
12 appointment, provided that the violation is not
13 further extended by the Electing Provider;

14 (v) occurs as a result of a customer request to
15 change the scheduled appointment, provided that
16 the violation is not further extended by the
17 Electing Provider;

18 (vi) occurs as a result of an Electing
19 Provider's right to refuse service to a customer as
20 provided in Commission rules; or

21 (vii) occurs as a result of a lack of
22 facilities where a customer requests service at a
23 geographically remote location, where a customer
24 requests service in a geographic area where the
25 Electing Provider is not currently offering
26 service, or where there are insufficient

1 facilities to meet the customer's request for
2 service, subject to an Electing Provider's
3 obligation for reasonable facilities planning.

4 (3) Each Electing Provider shall provide to the
5 Commission on a quarterly basis and in a form suitable for
6 posting on the Commission's website in conformance with the
7 rules adopted by the Commission and in effect on April 1,
8 2010, a public report that includes the following data for
9 basic local exchange service quality of service:

10 (A) With regard to credits due in accordance with
11 subdivision (e) (2) (A) as a result of out-of-service
12 conditions lasting more than 30 hours:

13 (i) the total dollar amount of any customer
14 credits paid;

15 (ii) the number of credits issued for repairs
16 between 30 and 48 hours;

17 (iii) the number of credits issued for repairs
18 between 49 and 72 hours;

19 (iv) the number of credits issued for repairs
20 between 73 and 96 hours;

21 (v) the number of credits used for repairs
22 between 97 and 120 hours;

23 (vi) the number of credits issued for repairs
24 greater than 120 hours; and

25 (vii) the number of exemptions claimed for
26 each of the categories identified in subdivision

1 (e) (2) (D) .

2 (B) With regard to credits due in accordance with
3 subdivision (e) (2) (B) as a result of failure to install
4 basic local exchange service:

5 (i) the total dollar amount of any customer
6 credits paid;

7 (ii) the number of installations after 5
8 business days;

9 (iii) the number of installations after 10
10 business days;

11 (iv) the number of installations after 11
12 business days; and

13 (v) the number of exemptions claimed for each
14 of the categories identified in subdivision
15 (e) (2) (D) .

16 (C) With regard to credits due in accordance with
17 subdivision (e) (2) (C) as a result of missed
18 appointments:

19 (i) the total dollar amount of any customer
20 credits paid;

21 (ii) the number of any customers receiving
22 credits; and

23 (iii) the number of exemptions claimed for
24 each of the categories identified in subdivision
25 (e) (2) (D) .

26 (D) The Electing Provider's annual report required

1 by this subsection shall also include, for
2 informational reporting, the performance data
3 described in subdivisions (e) (2) (A), (e) (2) (B), and
4 (e) (2) (C), and trouble reports per 100 access lines
5 calculated using the Commission's existing applicable
6 rules and regulations for such measures, including the
7 requirements for service standards established in this
8 Section.

9 (4) It is the intent of the General Assembly that the
10 service quality rules and customer credits in this
11 subsection (e) of this Section and other enforcement
12 mechanisms, including fines and penalties authorized by
13 Section 13-305, shall apply on a nondiscriminatory basis to
14 all Electing Providers. Accordingly, notwithstanding any
15 provision of any service quality rules promulgated by the
16 Commission, any alternative regulation plan adopted by the
17 Commission, or any other order of the Commission, any
18 Electing Provider that is subject to any other order of the
19 Commission and that violates or fails to comply with the
20 service quality standards promulgated pursuant to this
21 subsection (e) or any other order of the Commission shall
22 not be subject to any fines, penalties, customer credits,
23 or enforcement mechanisms other than such fines or
24 penalties or customer credits as may be imposed by the
25 Commission in accordance with the provisions of this
26 subsection (e) and Section 13-305, which are to be

1 generally applicable to all Electing Providers. The amount
2 of any fines or penalties imposed by the Commission for
3 failure to comply with the requirements of this subsection
4 (e) shall be an appropriate amount, taking into account, at
5 a minimum, the Electing Provider's gross annual intrastate
6 revenue; the frequency, duration, and recurrence of the
7 violation; and the relative harm caused to the affected
8 customers or other users of the network. In imposing fines
9 and penalties, the Commission shall take into account
10 compensation or credits paid by the Electing Provider to
11 its customers pursuant to this subsection (e) in
12 compensation for any violation found pursuant to this
13 subsection (e), and in any event the fine or penalty shall
14 not exceed an amount equal to the maximum amount of a civil
15 penalty that may be imposed under Section 13-305.

16 (f) Commission jurisdiction upon election for market
17 regulation. Except as otherwise expressly stated in this
18 Section, the Commission shall thereafter have no jurisdiction
19 or authority over any aspect of competitive retail
20 telecommunications service of an Electing Provider in those
21 geographic areas included in the Electing Provider's notice of
22 election pursuant to subsection (b) of this Section, heretofore
23 subject to the jurisdiction of the Commission, including but
24 not limited to, any requirements of this Article related to the
25 terms, conditions, rates, quality of service, availability,
26 classification or any other aspect of any of the Electing

1 Provider's competitive retail telecommunications services. No
2 Electing Provider shall commit any unfair or deceptive act or
3 practice in connection with any aspect of the offering or
4 provision of any competitive retail telecommunications
5 service. Nothing in this Article shall limit or affect any
6 provisions in the Consumer Fraud and Deceptive Business
7 Practices Act with respect to any unfair or deceptive act or
8 practice by an Electing Provider.

9 (g) Commission authority over access services upon
10 election for market regulation.

11 (1) As part of its Notice of Election for Market
12 Regulation, the Electing Provider shall reduce its
13 intrastate switched access rates to rates no higher than
14 its interstate switched access rates in 4 installments. The
15 first reduction must be made 30 days after submission of
16 its complete application for Notice of Election for Market
17 Regulation, and the Electing Provider must reduce its
18 intrastate switched access rates by an amount equal to 33%
19 of the difference between its current intrastate switched
20 access rates and its current interstate switched access
21 rates. The second reduction must be made no later than one
22 year after the first reduction, and the Electing Provider
23 must reduce its then current intrastate switched access
24 rates by an amount equal to 41% of the difference between
25 its then current intrastate switched access rates and its
26 then current interstate switched access rates. The third

1 reduction must be made no later than one year after the
2 second reduction, and the Electing Provider must reduce its
3 then current intrastate switched access rates by an amount
4 equal to 50% of the difference between its then current
5 intrastate switched access rate and its then current
6 interstate switched access rates. The fourth reduction
7 must be made on or before June 30, 2013, and the Electing
8 Provider must reduce its intrastate switched access rate to
9 mirror its then current interstate switched access rates
10 and rate structure. Following the fourth reduction, each
11 Electing Provider must continue to set its intrastate
12 switched access rates to mirror its interstate switched
13 access rates and rate structure. For purposes of this
14 subsection, the rate for intrastate switched access
15 service means the composite, per-minute rate for that
16 service, including all applicable fixed and
17 traffic-sensitive charges, including, but not limited to,
18 carrier common line charges.

19 (2) Nothing in paragraph (1) of this subsection (g)
20 prohibits an Electing Provider from electing to offer
21 intrastate switched access service at rates lower than its
22 interstate switched access rates.

23 (3) The Commission shall have no authority to order an
24 Electing Provider to set its rates for intrastate switched
25 access at a level lower than its interstate switched access
26 rates.

1 (4) The Commission's authority under this subsection
2 (g) shall only apply to Electing Providers under Market
3 Regulation. The Commission's authority over switched
4 access services for all other carriers is retained under
5 Section 13-900.2 of this Act.

6 (h) Safety of service equipment and facilities.

7 (1) An Electing Provider shall furnish, provide, and
8 maintain such service instrumentalities, equipment, and
9 facilities as shall promote the safety, health, comfort,
10 and convenience of its patrons, employees, and public and
11 as shall be in all respects adequate, reliable, and
12 efficient without discrimination or delay. Every Electing
13 Provider shall provide service and facilities that are in
14 all respects environmentally safe.

15 (2) The Commission is authorized to conduct an
16 investigation of any Electing Provider or part thereof. The
17 investigation may examine the reasonableness, prudence, or
18 efficiency of any aspect of the Electing Provider's
19 operations or functions that may affect the adequacy,
20 safety, efficiency, or reliability of telecommunications
21 service. The Commission may conduct or order an
22 investigation only when it has reasonable grounds to
23 believe that the investigation is necessary to assure that
24 the Electing Provider is providing adequate, efficient,
25 reliable, and safe service. The Commission shall, before
26 initiating any such investigation, issue an order

1 describing the grounds for the investigation and the
2 appropriate scope and nature of the investigation, which
3 shall be reasonably related to the grounds relied upon by
4 the Commission in its order.

5 (i) Tariffs. No Electing Provider shall offer or provide
6 telecommunications service unless and until a tariff is filed
7 with the Commission that describes the nature of the service,
8 applicable rates and other charges, terms, and conditions of
9 service and the exchange, exchanges, or other geographical area
10 or areas in which the service shall be offered or provided. The
11 Commission may prescribe the form of such tariff and any
12 additional data or information that shall be included in the
13 form. Revenue from retail competitive services received from an
14 Electing Provider pursuant to such tariffs shall be gross
15 revenue for purposes of Section 2-202 of this Act.

16 (j) Application of Article VII. The provisions of Sections
17 7-101, 7-102, 7-103, 7-104, 7-204, 7-205, and 7-206 of this Act
18 are applicable to an Electing Provider offering or providing
19 retail telecommunications service, and the Commission's
20 regulation thereof, except that (1) the approval of contracts
21 and arrangements with affiliated interests required by
22 paragraph (3) of Section 7-101 shall not apply to such
23 telecommunications carriers provided that, except as provided
24 in item (2), those contracts and arrangements shall be filed
25 with the Commission; (2) affiliated interest contracts or
26 arrangements entered into by such telecommunications carriers

1 where the increased obligation thereunder does not exceed the
2 lesser of \$5,000,000 or 5% of such carrier's prior annual
3 revenue from noncompetitive services are not required to be
4 filed with the Commission; and (3) any consent and approval of
5 the Commission required by Section 7-102 is not required for
6 the sale, lease, assignment, or transfer by any Electing
7 Provider of any real property that is not necessary or useful
8 in the performance of its duties to the public.

9 (k) Notwithstanding other provisions of this Section, the
10 Commission retains its existing authority to enforce the
11 provisions, conditions, and requirements of the following
12 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
13 13.301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
14 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
15 13-404.2, 13-405, 13-406, 13-501.5, 13-505, 13-509 13-510,
16 13-512, 13-513, 13-514, 13-515, 13-516, 13-519, 13-702,
17 13-703, 13-704, 13-705, 13-706, 13-707, 13-709, 13-713,
18 13-801, 13-804, 13-900, 13-900.1, 13-900.2, 13-901, 13-902,
19 and 13-903, which are fully and equally applicable to Electing
20 Providers subject to the provisions of this Section. On the
21 effective date of this amendatory Act of the 96th General
22 Assembly, the following Sections of this Article shall cease to
23 apply to Electing Providers: 13-302, 13-405.1, 13-501, 13-502,
24 13-502.5, 13-503, 13-504, 13-505.2, 13-505.3, 13-505.4,
25 13-505.5, 13-505.6, 13-506.1, 13-507, 13-507.1, 13-508,
26 13-508.1, 13-517, 13-518, 13-601, 13-701, and 13-712.

1 (220 ILCS 5/13-509) (from Ch. 111 2/3, par. 13-509)

2 (Section scheduled to be repealed on July 1, 2010)

3 Sec. 13-509. Agreements for provisions of competitive
4 telecommunications services differing from tariffs. A
5 telecommunications carrier may negotiate with customers or
6 prospective customers to provide competitive
7 telecommunications service, and in so doing, may offer or agree
8 to provide such service on such terms and for such rates or
9 charges as are reasonable, without regard to any tariffs it may
10 have filed with the Commission with respect to such services.
11 Upon request of the Commission ~~Within 30 days after executing~~
12 ~~any such agreement,~~ the telecommunications carrier shall
13 submit to the Commission written notice of a list of any such
14 agreements (which list may be filed electronically) within the
15 past year. The notice shall identify the general nature of all
16 such agreements, ~~the parties to each agreement, and a general~~
17 ~~description of differences between each agreement and the~~
18 ~~related tariff.~~ A copy of each such agreement ~~and any cost~~
19 ~~support required to be filed with the agreement by some other~~
20 ~~Section of this Act~~ shall be provided to the Commission within
21 10 business days after a request for review of the agreement is
22 made by the Commission or is made to the Commission by another
23 telecommunications carrier or by a party to such agreement.
24 ~~Upon submitting notice to the Commission of any such agreement,~~
25 ~~the telecommunications carrier shall thereafter provide~~

1 ~~service according to the terms thereof, unless the Commission~~
2 ~~finds, after notice and hearing, that the continued provision~~
3 ~~of service pursuant to such agreement would substantially and~~
4 ~~adversely affect the financial integrity of the~~
5 ~~telecommunications carrier or would violate any other~~
6 ~~provision of this Act.~~

7 Any agreement or notice entered into or submitted pursuant
8 to the provisions of this Section may, in the Commission's
9 discretion, be accorded proprietary treatment.

10 (Source: P.A. 92-22, eff. 6-30-01; 93-245, eff. 7-22-03.)

11 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

12 (Section scheduled to be repealed on July 1, 2010)

13 Sec. 13-703. (a) The Commission shall design and implement
14 a program whereby each telecommunications carrier providing
15 local exchange service shall provide a telecommunications
16 device capable of servicing the needs of those persons with a
17 hearing or speech disability together with a single party line,
18 at no charge additional to the basic exchange rate, to any
19 subscriber who is certified as having a hearing or speech
20 disability by a licensed physician, speech-language
21 pathologist, audiologist or a qualified State agency and to any
22 subscriber which is an organization serving the needs of those
23 persons with a hearing or speech disability as determined and
24 specified by the Commission pursuant to subsection (d).

25 (b) The Commission shall design and implement a program,

1 whereby each telecommunications carrier providing local
2 exchange service shall provide a telecommunications relay
3 system, using third party intervention to connect those persons
4 having a hearing or speech disability with persons of normal
5 hearing by way of intercommunications devices and the telephone
6 system, making available reasonable access to all phases of
7 public telephone service to persons who have a hearing or
8 speech disability. In order to design a telecommunications
9 relay system which will meet the requirements of those persons
10 with a hearing or speech disability available at a reasonable
11 cost, the Commission shall initiate an investigation and
12 conduct public hearings to determine the most cost-effective
13 method of providing telecommunications relay service to those
14 persons who have a hearing or speech disability when using
15 telecommunications devices and therein solicit the advice,
16 counsel, and physical assistance of Statewide nonprofit
17 consumer organizations that serve persons with hearing or
18 speech disabilities in such hearings and during the development
19 and implementation of the system. The Commission shall phase in
20 this program, on a geographical basis, as soon as is
21 practicable, but no later than June 30, 1990.

22 (c) The Commission shall establish a rate recovery
23 mechanism, authorizing charges in an amount to be determined by
24 the Commission for each line of a subscriber to allow
25 telecommunications carriers providing local exchange service
26 to recover costs as they are incurred under this Section.

1 (d) The Commission shall determine and specify those
2 organizations serving the needs of those persons having a
3 hearing or speech disability that shall receive a
4 telecommunications device and in which offices the equipment
5 shall be installed in the case of an organization having more
6 than one office. For the purposes of this Section,
7 "organizations serving the needs of those persons with hearing
8 or speech disabilities" means centers for independent living as
9 described in Section 12a of the Disabled Persons Rehabilitation
10 Act and not-for-profit organizations whose primary purpose is
11 serving the needs of those persons with hearing or speech
12 disabilities. The Commission shall direct the
13 telecommunications carriers subject to its jurisdiction and
14 this Section to comply with its determinations and
15 specifications in this regard.

16 (e) As used in this Section, the phrase "telecommunications
17 carrier providing local exchange service" includes, without
18 otherwise limiting the meaning of the term, telecommunications
19 carriers which are purely mutual concerns, having no rates or
20 charges for services, but paying the operating expenses by
21 assessment upon the members of such a company and no other
22 person.

23 (f) Interconnected VoIP service providers in Illinois
24 shall collect and remit assessments determined in accordance
25 with this Section in a competitively neutral manner in the same
26 manner as a telecommunications carrier providing local

1 exchange service. Interconnected VoIP services shall not be
2 considered an intrastate telecommunications service for the
3 purposes of this Section in a manner inconsistent with federal
4 law or Federal Communications Commission regulation.

5 (g) The provisions of this Section are severable under
6 Section 1.31 of the Statute on Statutes.

7 (Source: P.A. 88-497.)

8 (220 ILCS 5/13-704) (from Ch. 111 2/3, par. 13-704)

9 (Section scheduled to be repealed on July 1, 2010)

10 Sec. 13-704. Each page of a billing statement which sets
11 forth charges assessed against a customer by a
12 telecommunications carrier for telecommunications service
13 shall reflect the telephone number or customer account number
14 to which the charges are being billed. If a telecommunications
15 carrier offers electronic billing, customers may elect to have
16 their bills sent electronically. Such bills shall be
17 transmitted with instructions for payment. Information sent
18 electronically shall be deemed to satisfy any requirement in
19 this Section that such information be printed or written on a
20 customer bill. Bills may be paid electronically or by the use
21 of a customer-preferred financially accredited credit or debit
22 methodology. The billing statement shall also contain a
23 separate bill identifying the amount charged as an
24 infrastructure maintenance fee.

25 (Source: P.A. 90-154, eff. 1-1-98.)

1 (220 ILCS 5/13-712)

2 (Section scheduled to be repealed on July 1, 2010)

3 Sec. 13-712. Basic local exchange service quality;
4 customer credits.

5 (a) It is the intent of the General Assembly that every
6 telecommunications carrier meet minimum service quality
7 standards in providing basic local exchange service on a
8 non-discriminatory basis to all classes of customers.

9 (b) Definitions:

10 (1) (Blank) ~~"Alternative telephone service" means,~~
11 ~~except where technically impracticable, a wireless~~
12 ~~telephone capable of making local calls, and may also~~
13 ~~include, but is not limited to, call forwarding, voice~~
14 ~~mail, or paging services.~~

15 (2) "Basic local exchange service" means residential
16 and business lines used for local exchange
17 telecommunications service as defined in Section 13-204 of
18 this Act, excluding:

19 (A) services that employ advanced
20 telecommunications capability as defined in Section
21 706(c)(1) of the federal Telecommunications Act of
22 1996;

23 (B) vertical services;

24 (C) company official lines; and

25 (D) records work only.

1 (3) "Link Up" refers to the Link Up Assistance program
2 defined and established at 47 C.F.R. Section 54.411 et seq.
3 as amended.

4 (c) The Commission shall promulgate service quality rules
5 for basic local exchange service, which may include fines,
6 penalties, customer credits, and other enforcement mechanisms.
7 In developing such service quality rules, the Commission shall
8 consider, at a minimum, the carrier's gross annual intrastate
9 revenue; the frequency, duration, and recurrence of the
10 violation; and the relative harm caused to the affected
11 customer or other users of the network. In imposing fines, the
12 Commission shall take into account compensation or credits paid
13 by the telecommunications carrier to its customers pursuant to
14 this Section in compensation for the violation found pursuant
15 to this Section. These rules shall become effective within one
16 year after the effective date of this amendatory Act of the
17 92nd General Assembly.

18 (d) The rules shall, at a minimum, require each
19 telecommunications carrier to do all of the following:

20 (1) Install basic local exchange service within 5
21 business days after receipt of an order from the customer
22 unless the customer requests an installation date that is
23 beyond 5 business days after placing the order for basic
24 service and to inform the customer of its duty to install
25 service within this timeframe. If installation of service
26 is requested on or by a date more than 5 business days in

1 the future, the telecommunications carrier shall install
2 service by the date requested. A telecommunications
3 carrier offering basic local exchange service utilizing
4 the network or network elements of another carrier shall
5 install new lines for basic local exchange service within 3
6 business days after provisioning of the line or lines by
7 the carrier whose network or network elements are being
8 utilized is complete. This subdivision (d)(1) does not
9 apply to the migration of a customer between
10 telecommunications carriers, so long as the customer
11 maintains dial tone.

12 (2) Restore basic local exchange service for a customer
13 within 30 ~~24~~ hours of receiving notice that a customer is
14 out of service. This provision applies to service
15 disruptions that occur when a customer switches existing
16 basic local exchange service from one carrier to another.

17 (3) Keep all repair and installation appointments for
18 basic local exchange service, when a customer premises
19 visit requires a customer to be present.

20 (4) Inform a customer when a repair or installation
21 appointment requires the customer to be present.

22 (e) The rules shall include provisions for customers to be
23 credited by the telecommunications carrier for violations of
24 basic local exchange service quality standards as described in
25 subsection (d). The credits shall be applied on the statement
26 issued to the customer for the next monthly billing cycle

1 following the violation or following the discovery of the
2 violation. The performance levels established in subsection
3 (c) are solely for the purposes of consumer credits and shall
4 not be used as performance levels for the purposes of assessing
5 penalties under Section 13-305. At a minimum, the rules shall
6 include the following:

7 (1) If a carrier fails to repair an out-of-service
8 condition for basic local exchange service within 30 ~~24~~
9 hours, the carrier shall provide a credit to the customer.

10 If the service disruption is for over 30 hours but less
11 than 48 hours ~~or less~~, the credit must be equal to a

12 pro-rata portion of the monthly recurring charges for all
13 local services disrupted. If the service disruption is for

14 more than 48 hours, but not more than 72 hours, the credit
15 must be equal to at least 33% of one month's recurring

16 charges for all local services disrupted. If the service
17 disruption is for more than 72 hours, but not more than 96

18 hours, the credit must be equal to at least 67% of one
19 month's recurring charges for all local services

20 disrupted. If the service disruption is for more than 96
21 hours, but not more than 120 hours, the credit must be

22 equal to one month's recurring charges for all local
23 services disrupted. For each day or portion thereof that

24 the service disruption continues beyond the initial
25 120-hour period, the carrier shall also provide ~~either~~

26 ~~alternative telephone service or~~ an additional credit of

1 \$20 per day, ~~at the customers option.~~

2 (2) If a carrier fails to install basic local exchange
3 service as required under subdivision (d)(1), the carrier
4 shall waive 50% of any installation charges, or in the
5 absence of an installation charge or where installation is
6 pursuant to the Link Up program, the carrier shall provide
7 a credit of \$25. If a carrier fails to install service
8 within 10 business days after the service application is
9 placed, or fails to install service within 5 business days
10 after the customer's requested installation date, if the
11 requested date was more than 5 business days after the date
12 of the order, the carrier shall waive 100% of the
13 installation charge, or in the absence of an installation
14 charge or where installation is provided pursuant to the
15 Link Up program, the carrier shall provide a credit of \$50.
16 For each day that the failure to install service continues
17 beyond the initial 10 business days, or beyond 5 business
18 days after the customer's requested installation date, if
19 the requested date was more than 5 business days after the
20 date of the order, the carrier shall also provide ~~either~~
21 ~~alternative telephone service or~~ an additional credit of
22 \$20 per day, ~~at the customer's option~~ until service is
23 installed.

24 (3) If a carrier fails to keep a scheduled repair or
25 installation appointment when a customer premises visit
26 requires a customer to be present, the carrier shall credit

1 the customer \$25 ~~\$50~~ per missed appointment. A credit
2 required by this subsection does not apply when the carrier
3 provides the customer ~~with 24-hour~~ notice of its inability
4 to keep the appointment no later than 8 p.m. of the day
5 prior to the scheduled date of the appointment.

6 (4) If the violation of a basic local exchange service
7 quality standard is caused by a carrier other than the
8 carrier providing retail service to the customer, the
9 carrier providing retail service to the customer shall
10 credit the customer as provided in this Section. The
11 carrier causing the violation shall reimburse the carrier
12 providing retail service the amount credited the customer.
13 When applicable, an interconnection agreement shall govern
14 compensation between the carrier causing the violation, in
15 whole or in part, and the retail carrier providing the
16 credit to the customer.

17 (5) (Blank) ~~When alternative telephone service is~~
18 ~~appropriate, the customer may select one of the alternative~~
19 ~~telephone services offered by the carrier. The alternative~~
20 ~~telephone service shall be provided at no cost to the~~
21 ~~customer for the provision of local service.~~

22 (6) Credits required by this subsection do not apply if
23 the violation of a service quality standard:

24 (i) occurs as a result of a negligent or willful
25 act on the part of the customer;

26 (ii) occurs as a result of a malfunction of

1 customer-owned telephone equipment or inside wiring;

2 (iii) occurs as a result of, or is extended by, an
3 emergency situation as defined in Commission rules;

4 (iv) is extended by the carrier's inability to gain
5 access to the customer's premises due to the customer
6 missing an appointment, provided that the violation is
7 not further extended by the carrier;

8 (v) occurs as a result of a customer request to
9 change the scheduled appointment, provided that the
10 violation is not further extended by the carrier;

11 (vi) occurs as a result of a carrier's right to
12 refuse service to a customer as provided in Commission
13 rules; or

14 (vii) occurs as a result of a lack of facilities
15 where a customer requests service at a geographically
16 remote location, a customer requests service in a
17 geographic area where the carrier is not currently
18 offering service, or there are insufficient facilities
19 to meet the customer's request for service, subject to
20 a carrier's obligation for reasonable facilities
21 planning.

22 (7) The provisions of this subsection are cumulative
23 and shall not in any way diminish or replace other civil or
24 administrative remedies available to a customer or a class
25 of customers.

26 (f) The rules shall require each telecommunications

1 carrier to provide to the Commission, on a quarterly basis and
2 in a form suitable for posting on the Commission's website, a
3 public report that includes performance data for basic local
4 exchange service quality of service. The performance data shall
5 be disaggregated for each geographic area and each customer
6 class of the State for which the telecommunications carrier
7 internally monitored performance data as of a date 120 days
8 preceding the effective date of this amendatory Act of the 92nd
9 General Assembly. The report shall include, at a minimum,
10 performance data on basic local exchange service
11 installations, lines out of service for more than 30 ~~24~~ hours,
12 carrier response to customer calls, trouble reports, and missed
13 repair and installation commitments.

14 (g) The Commission shall establish and implement carrier to
15 carrier wholesale service quality rules and establish remedies
16 to ensure enforcement of the rules.

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

18 (220 ILCS 5/13-804 new)

19 (Section scheduled to be repealed on July 1, 2010)

20 Sec. 13-804. Broadband investment. Increased investment
21 into broadband infrastructure is critical to the economic
22 development of this State and a key component to the retention
23 of existing jobs and the creation of new jobs. The removal of
24 regulatory uncertainty will attract greater private-sector
25 investment in broadband infrastructure. Notwithstanding other

1 provisions of this Article:

2 (A) the Commission shall have the authority to certify
3 providers of wireless services, including, but not limited
4 to, private radio service, public mobile service, or
5 commercial mobile service, as those terms are defined in 47
6 U.S.C. 332 on the effective date of this amendatory Act of
7 the 96th General Assembly or as amended thereafter, to
8 provide telecommunications services in Illinois;

9 (B) the Commission shall have the authority to certify
10 providers of wireless services, including, but not limited
11 to, private radio service, public mobile service, or
12 commercial mobile service, as those terms are defined in 47
13 U.S.C. 332 on the effective date of this amendatory Act of
14 the 96th General Assembly or as amended thereafter, as
15 eligible telecommunications carriers in Illinois, as that
16 term has the meaning prescribed in 47 U.S.C. 214 on the
17 effective date of this amendatory Act of the 96th General
18 Assembly or as amended thereafter;

19 (C) the Commission shall have the authority to register
20 providers of fixed or non-nomadic Interconnected VoIP
21 service as Interconnected VoIP service providers in
22 Illinois in accordance with Section 401.1 of this Article;

23 (D) the Commission shall have the authority to require
24 providers of Interconnected VoIP service to participate in
25 hearing and speech disability programs; and

26 (E) the Commission shall have the authority to access

1 information provided to the non-profit organization under
2 Section 20 of the High Speed Internet Services and
3 Information Technology Act, provided the Commission enters
4 into a proprietary and confidentiality agreement governing
5 such information.

6 Except to the extent expressly permitted by and consistent
7 with federal law, the regulations of the Federal Communications
8 Commission, this Article, or Article XXI or XXII of this Act,
9 the Commission shall not regulate the rates, terms, conditions,
10 quality of service, availability, classification, or any other
11 aspect of service regarding (i) broadband services, (ii)
12 Interconnected VoIP services, (iii) information services, as
13 defined in 47 U.S.C. 153(20) on the effective date of this
14 amendatory Act of the 96th General Assembly or as amended
15 thereafter, or (iv) wireless services, including, but not
16 limited to, private radio service, public mobile service, or
17 commercial mobile service, as those terms are defined in 47
18 U.S.C. 332 on the effective date of this amendatory Act of the
19 96th General Assembly or as amended thereafter.

20 (220 ILCS 5/13-900.1 new)

21 (Section scheduled to be repealed on July 1, 2010)

22 Sec. 13-900.1. Authority over 9-1-1 rates and terms of
23 service. Notwithstanding any other provision of this Article,
24 the Commission retains its full authority over the rates and
25 service quality as they apply to 9-1-1 system providers,

1 including the Commission's existing authority over
2 interconnection with 9-1-1 system providers and 9-1-1 systems.
3 The rates, terms, and conditions for 9-1-1 service shall be
4 tariffed and shall be provided in the manner prescribed by this
5 Act and shall be subject to the applicable laws, including
6 rules or regulations adopted and orders issued by the
7 Commission or the Federal Communications Commission. The
8 Commission retains this full authority regardless of the
9 technologies utilized or deployed by 9-1-1 system providers.

10 (220 ILCS 5/13-900.2 new)

11 (Section scheduled to be repealed on July 1, 2010)

12 Sec. 13-900.2. Access services.

13 (a) This Section shall apply to switched access rates
14 charged by all carriers other than Electing Providers whose
15 switched access rates are governed by subsection (g) of Section
16 13-506.2 of this Act.

17 (b) Except as otherwise provided in subsection (c) of this
18 Section, the rates of any telecommunications carrier,
19 including, but not limited to, competitive local exchange
20 carriers, providing intrastate switched access service shall
21 be reduced to rates no higher than the carrier's rates for
22 interstate switched access service as follows:

23 (1) by January 1, 2011, each telecommunications
24 carrier must reduce its intrastate switched access rates by
25 an amount equal to 50% of the difference between its

1 current intrastate switched access rates and its then
2 current interstate switched access rates;

3 (2) by January 1, 2012, each telecommunications
4 carrier must further reduce its intrastate switched access
5 rates by an amount equal to 50% of the difference between
6 its current intrastate switched access rates and its then
7 current interstate switched access rates;

8 (3) by July 1, 2012, each telecommunications carrier
9 must reduce its intrastate switched access rates to mirror
10 its then current interstate switched access rates and rate
11 structure.

12 Following 24 months after the effective date of this
13 amendatory Act of the 96th General Assembly, each
14 telecommunications carrier must continue to set its intrastate
15 switched access rates to mirror its interstate switched access
16 rates and rate structure. For purposes of this Section, the
17 rate for intrastate switched access service means the
18 composite, per-minute rate for that service, including all
19 applicable fixed and traffic-sensitive charges, including, but
20 not limited to, carrier common line charges.

21 (c) Subsection (b) of this Section shall not apply to
22 incumbent local exchange carriers serving 35,000 or fewer
23 access lines.

24 (d) Nothing in subsection (b) of this Section prohibits a
25 telecommunications carrier from electing to offer intrastate
26 switched access service at rates lower than its interstate

1 rates.

2 (e) The Commission shall have no authority to order a
3 telecommunications carrier to set its rates for intrastate
4 switched access at a level lower than its interstate switched
5 access rates.

6 (220 ILCS 5/13-1200)

7 (Section scheduled to be repealed on July 1, 2010)

8 Sec. 13-1200. Repealer. This Article is repealed July 1,
9 2013 ~~2010~~.

10 (Source: P.A. 95-9, eff. 6-30-07; 96-24, eff. 6-30-09.)

11 (220 ILCS 5/22-501)

12 Sec. 22-501. Customer service and privacy protection. All
13 cable or video providers in this State shall comply with the
14 following customer service requirements and privacy
15 protections. The provisions of this Act shall not apply to an
16 incumbent cable operator prior to January 1, 2008. For purposes
17 of this paragraph, an incumbent cable operator means a person
18 or entity that provided cable services in a particular area
19 under a franchise agreement with a local unit of government
20 pursuant to Section 11-42-11 of the Illinois Municipal Code or
21 Section 5-1095 of the Counties Code on January 1, 2007. A
22 master antenna television, satellite master antenna
23 television, direct broadcast satellite, multipoint
24 distribution service, and other provider of video programming

1 shall only be subject to the provisions of this Article to the
2 extent permitted by federal law.

3 The following definitions apply to the terms used in this
4 Article:

5 "Basic cable or video service" means any service offering
6 or tier that includes the retransmission of local television
7 broadcast signals.

8 "Cable or video provider" means any person or entity
9 providing cable service or video service pursuant to
10 authorization under (i) the Cable and Video Competition Law of
11 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
12 (iii) Section 5-1095 of the Counties Code; or (iv) a master
13 antenna television, satellite master antenna television,
14 direct broadcast satellite, multipoint distribution services,
15 and other providers of video programming, whatever their
16 technology. A cable or video provider shall not include a
17 landlord providing only broadcast video programming to a
18 single-family home or other residential dwelling consisting of
19 4 units or less.

20 "Franchise" has the same meaning as found in 47 U.S.C.
21 522(9).

22 "Local unit of government" means a city, village,
23 incorporated town, or a county.

24 "Normal business hours" means those hours during which most
25 similar businesses in the geographic area of the local unit of
26 government are open to serve customers. In all cases, "normal

1 business hours" must include some evening hours at least one
2 night per week or some weekend hours.

3 "Normal operating conditions" means those service
4 conditions that are within the control of cable or video
5 providers. Those conditions that are not within the control of
6 cable or video providers include, but are not limited to,
7 natural disasters, civil disturbances, power outages,
8 telephone network outages, and severe or unusual weather
9 conditions. Those conditions that are ordinarily within the
10 control of cable or video providers include, but are not
11 limited to, special promotions, pay-per-view events, rate
12 increases, regular peak or seasonal demand periods, and
13 maintenance or upgrade of the cable service or video service
14 network.

15 "Service interruption" means the loss of picture or sound
16 on one or more cable service or video service on one or more
17 cable or video channels.

18 "Service line drop" means the point of connection between a
19 premises and the cable or video network that enables the
20 premises to receive cable service or video service.

21 (a) General customer service standards:

22 (1) Cable or video providers shall establish general
23 standards related to customer service, which shall
24 include, but not be limited to, installation,
25 disconnection, service and repair obligations; appointment
26 hours and employee ID requirements; customer service

1 telephone numbers and hours; procedures for billing,
2 charges, deposits, refunds, and credits; procedures for
3 termination of service; notice of deletion of programming
4 service; changes related to transmission of programming;
5 changes or increases in rates; the use and availability of
6 parental control or lock-out devices; the use and
7 availability of an A/B switch if applicable; complaint
8 procedures and procedures for bill dispute resolution; a
9 description of the rights and remedies available to
10 consumers if the cable or video provider does not
11 materially meet its customer service standards; and
12 special services for customers with visual, hearing, or
13 mobility disabilities.

14 (2) Cable or video providers' rates for each level of
15 service, rules, regulations, and policies related to its
16 cable service or video service described in paragraph (1)
17 of this subsection (a) must be made available to the public
18 and displayed clearly and conspicuously on the cable or
19 video provider's site on the Internet. If a promotional
20 price or a price for a specified period of time is offered,
21 the cable or video provider shall display the price at the
22 end of the promotional period or specified period of time
23 clearly and conspicuously with the display of the
24 promotional price or price for a specified period of time.
25 The cable or video provider shall provide this information
26 upon request.

1 (3) Cable or video providers shall provide notice
2 concerning their general customer service standards to all
3 customers. This notice shall be offered when service is
4 first activated and annually thereafter. The information
5 in the notice shall include all of the information
6 specified in paragraph (1) of this subsection (a), as well
7 as the following: a listing of services offered by the
8 cable or video providers, which shall clearly describe
9 programming for all services and all levels of service; the
10 rates for all services and levels of service; a telephone
11 number through which customers may subscribe to, change, or
12 terminate service, request customer service, or seek
13 general or billing information; instructions on the use of
14 the cable or video services; and a description of rights
15 and remedies that the cable or video providers shall make
16 available to their customers if they do not materially meet
17 the general customer service standards described in this
18 Act.

19 (b) General customer service obligations:

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

25 (2) All service representatives or any other person who
26 contacts customers or potential customers on behalf of the

1 cable or video provider shall have a visible identification
2 card with their name and photograph and shall orally
3 identify themselves upon first contact with the customer.
4 Customer service representatives shall orally identify
5 themselves to callers immediately following the greeting
6 during each telephone contact with the public.

7 (3) The cable or video providers shall: (i) maintain a
8 customer service facility within the boundaries of a local
9 unit of government staffed by customer service
10 representatives that have the capacity to accept payment,
11 adjust bills, and respond to repair, installation,
12 reconnection, disconnection, or other service calls and
13 distribute or receive converter boxes, remote control
14 units, digital stereo units, or other equipment related to
15 the provision of cable or video service; (ii) provide
16 customers with bill payment facilities through retail,
17 financial, or other commercial institutions located within
18 the boundaries of a local unit of government; (iii) provide
19 an address, toll-free telephone number or electronic
20 address to accept bill payments and correspondence and
21 provide secure collection boxes for the receipt of bill
22 payments and the return of equipment, provided that if a
23 cable or video provider provides secure collection boxes,
24 it shall provide a printed receipt when items are
25 deposited; or (iv) provide an address, toll-free telephone
26 number, or electronic address to accept bill payments and

1 correspondence and provide a method for customers to return
2 equipment to the cable or video provider at no cost to the
3 customer.

4 (4) In each contact with a customer, the service
5 representatives or any other person who contacts customers
6 or potential customers on behalf of the cable or video
7 provider shall state the estimated cost of the service,
8 repair, or installation orally prior to delivery of the
9 service or before any work is performed, shall provide the
10 customer with an oral statement of the total charges before
11 terminating the telephone call or other contact in which a
12 service is ordered, whether in-person or over the Internet,
13 and shall provide a written statement of the total charges
14 before leaving the location at which the work was
15 performed. In the event that the cost of service is a
16 promotional price or is for a limited period of time, the
17 cost of service at the end of the promotion or limited
18 period of time shall be disclosed.

19 (5) Cable or video providers shall provide customers a
20 minimum of 30 days' written notice before increasing rates
21 or eliminating transmission of programming and shall
22 submit the notice to the local unit of government in
23 advance of distribution to customers, provided that the
24 cable or video provider is not in violation of this
25 provision if the elimination of transmission of
26 programming was outside the control of the provider, in

1 which case the provider shall use reasonable efforts to
2 provide as much notice as possible, and any rate decrease
3 related to the elimination of transmission of programming
4 shall be applied to the date of the change.

5 (6) Cable or video providers shall provide clear visual
6 and audio reception that meets or exceeds applicable
7 Federal Communications Commission technical standards. If
8 a customer experiences poor video or audio reception due to
9 the equipment of the cable or video provider, the cable or
10 video provider shall promptly repair the problem at its own
11 expense.

12 (c) Bills, payment, and termination:

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

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

18 (3) Customer payments shall be posted promptly. When
19 the payment is sent by United States mail, payment is
20 considered paid on the date it is postmarked.

21 (4) Cable or video providers may not terminate
22 residential service for nonpayment of a bill unless the
23 cable or video provider furnishes notice of the delinquency
24 and impending termination at least 21 days prior to the
25 proposed termination. Notice of proposed termination shall
26 be mailed, postage prepaid, to the customer to whom service

1 is billed. Notice of proposed termination shall not be
2 mailed until the 29th day after the date of the bill for
3 services. Notice of delinquency and impending termination
4 may be part of a billing statement only if the notice is
5 presented in a different color than the bill and is
6 designed to be conspicuous. The cable or video providers
7 may not assess a late fee prior to the 29th day after the
8 date of the bill for service.

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

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

24 (7) Any service terminated by a cable or video provider
25 without good cause shall be restored without any
26 reconnection fee, charge, or penalty; good cause for

1 termination includes, but is not limited to, failure to pay
2 a bill by the date specified in the notice of impending
3 termination, payment by check for which there are
4 insufficient funds, theft of service, abuse of equipment or
5 personnel, or other similar subscriber actions.

6 (8) Cable or video providers shall cease charging a
7 customer for any or all services within one business day
8 after it receives a request to immediately terminate
9 service or on the day requested by the customer if such a
10 date is at least 5 days from the date requested by the
11 customer. Nothing in this subsection (c) shall prohibit the
12 provider from billing for charges that the customer incurs
13 prior to the date of termination. Cable or video providers
14 shall issue a credit or a refund or return a deposit within
15 10 business days after the close of the customer's billing
16 cycle following the request for termination or the return
17 of equipment, if any, whichever is later.

18 (9) The customers or subscribers of a cable or video
19 provider shall be allowed to disconnect their service at
20 any time within the first 60 days after subscribing to or
21 upgrading the service. Within this 60-day period, cable or
22 video providers shall not charge or impose any fees or
23 penalties on the customer for disconnecting service,
24 including, but not limited to, any installation charge or
25 the imposition of an early termination charge, except the
26 cable or video provider may impose a charge or fee to

1 offset any rebates or credits received by the customer and
2 may impose monthly service or maintenance charges,
3 including pay-per-view and premium services charges,
4 during such 60-day period.

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

13 (d) Response to customer inquiries:

14 (1) Cable or video providers will maintain a toll-free
15 telephone access line that is available to customers 24
16 hours a day, 7 days a week to accept calls regarding
17 installation, termination, service, and complaints.
18 Trained, knowledgeable, qualified service representatives
19 of the cable or video providers will be available to
20 respond to customer telephone inquiries during normal
21 business hours. Customer service representatives shall be
22 able to provide credit, waive fees, schedule appointments,
23 and change billing cycles. Any difficulties that cannot be
24 resolved by the customer service representatives shall be
25 referred to a supervisor who shall make his or her best
26 efforts to resolve the issue immediately. If the supervisor

1 does not resolve the issue to the customer's satisfaction,
2 the customer shall be informed of the cable or video
3 provider's complaint procedures and procedures for billing
4 dispute resolution and given a description of the rights
5 and remedies available to customers to enforce the terms of
6 this Article, including the customer's rights to have the
7 complaint reviewed by the local unit of government, to
8 request mediation, and to review in a court of competent
9 jurisdiction.

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

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

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

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

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

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

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

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

25 (2) Excluding conditions beyond the control of the
26 cable or video providers, the cable or video providers will

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

10 (3) The "appointment window" alternatives for
11 installations, service calls, and other installation
12 activities will be either a specific time or, at a maximum,
13 a 4-hour time block during evening, weekend, and normal
14 business hours. The cable or video provider may schedule
15 service calls and other installation activities outside of
16 these hours for the express convenience of the customer.

17 (4) Cable or video providers may not cancel an
18 appointment with a customer after 5:00 p.m. on the business
19 day prior to the scheduled appointment. If the cable or
20 video provider's representative is running late for an
21 appointment with a customer and will not be able to keep
22 the appointment as scheduled, the customer will be
23 contacted. The appointment will be rescheduled, as
24 necessary, at a time that is convenient for the customer,
25 even if the rescheduled appointment is not within normal
26 business hours.

1 (f) Public benefit obligation:

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

14 (2) This obligation only applies to those cable or
15 video service providers whose cable service or video
16 service systems pass eligible buildings and its cable or
17 video service is generally available to residential
18 subscribers in the same local unit of government in which
19 the eligible building is located. The burden of providing
20 such service at each eligible building shall be shared by
21 all cable and video providers whose systems pass the
22 eligible buildings in an equitable and competitively
23 neutral manner, and nothing herein shall require
24 duplicative installations by more than one cable or video
25 provider at each eligible building. Cable or video
26 providers operating in a local unit of government shall

1 meet as necessary and determine who will provide service to
2 eligible buildings under this subsection (f). If the cable
3 or video providers are unable to reach an agreement, they
4 shall meet with the local unit of government, which shall
5 determine which cable or video providers will serve each
6 eligible building. The local unit of government shall bear
7 the costs of any inside wiring or video equipment costs not
8 ordinarily provided as part of the cable or video
9 provider's basic offering.

10 (g) After the cable or video providers have offered service
11 for one year, the cable or video providers shall make an annual
12 report to the Commission, to the local unit of government, and
13 to the Attorney General that it is meeting the standards
14 specified in this Article, identifying the number of complaints
15 it received over the prior year in the State and specifying the
16 number of complaints related to each of the following: (1)
17 billing, charges, refunds, and credits; (2) installation or
18 termination of service; (3) quality of service and repair; (4)
19 programming; and (5) miscellaneous complaints that do not fall
20 within these categories. Thereafter, the cable or video
21 providers shall also provide, upon request by the local unit of
22 government where service is offered and to the Attorney
23 General, an annual public report that includes performance data
24 described in subdivisions (5) and (6) of subsection (d) and
25 subdivisions (1) and (2) of subsection (e) of this Section for
26 cable services or video services. The performance data shall be

1 disaggregated for each requesting local unit of government or
2 local exchange, as that term is defined in Section 13-206 of
3 this Act, in which the cable or video providers have customers.

4 (h) To the extent consistent with federal law, cable or
5 video providers shall offer the lowest-cost basic cable or
6 video service as a stand-alone service to residential customers
7 at reasonable rates. Cable or video providers shall not require
8 the subscription to any service other than the lowest-cost
9 basic service or to any telecommunications or information
10 service, as a condition of access to cable or video service,
11 including programming offered on a per channel or per program
12 basis. Cable or video providers shall not discriminate between
13 subscribers to the lowest-cost basic service, subscribers to
14 other cable services or video services, and other subscribers
15 with regard to the rates charged for cable or video programming
16 offered on a per channel or per program basis.

17 (i) To the extent consistent with federal law, cable or
18 video providers shall ensure that charges for changes in the
19 subscriber's selection of services or equipment shall be based
20 on the cost of such change and shall not exceed nominal amounts
21 when the system's configuration permits changes in service tier
22 selection to be effected solely by coded entry on a computer
23 terminal or by other similarly simple method.

24 (j) To the extent consistent with federal law, cable or
25 video providers shall have a rate structure for the provision
26 of cable or video service that is uniform throughout the area

1 within the boundaries of the local unit of government. This
2 subsection (j) is not intended to prohibit bulk discounts to
3 multiple dwelling units or to prohibit reasonable discounts to
4 senior citizens or other economically disadvantaged groups.

5 (k) To the extent consistent with federal law, cable or
6 video providers shall not charge a subscriber for any service
7 or equipment that the subscriber has not affirmatively
8 requested by name. For purposes of this subsection (k), a
9 subscriber's failure to refuse a cable or video provider's
10 proposal to provide service or equipment shall not be deemed to
11 be an affirmative request for such service or equipment.

12 (l) No contract or service agreement containing an early
13 termination clause offering residential cable ~~services~~ or
14 video services or any bundle including such services shall be
15 for a term longer than 2 years ~~one year~~. Any contract or
16 service offering with a term of service that contains an early
17 termination fee shall limit the early termination fee to not
18 more than the value of any additional goods or services
19 provided with the cable or video services, the amount of the
20 discount reflected in the price for cable services or video
21 services for the period during which the consumer benefited
22 from the discount, or a declining fee based on the remainder of
23 the contract term.

24 (m) Cable or video providers shall not discriminate in the
25 provision of services for the hearing and visually impaired,
26 and shall comply with the accessibility requirements of 47

1 U.S.C. 613. Cable or video providers shall deliver and pick-up
2 or provide customers with pre-paid shipping and packaging for
3 the return of converters and other necessary equipment at the
4 home of customers with disabilities. Cable or video providers
5 shall provide free use of a converter or remote control unit to
6 mobility impaired customers.

7 (n) (1) To the extent consistent with federal law, cable or
8 video providers shall comply with the provisions of 47 U.S.C.
9 532(h) and (j). The cable or video providers shall not exercise
10 any editorial control over any video programming provided
11 pursuant to this Section, or in any other way consider the
12 content of such programming, except that a cable or video
13 provider may refuse to transmit any leased access program or
14 portion of a leased access program that contains obscenity,
15 indecency, or nudity and may consider such content to the
16 minimum extent necessary to establish a reasonable price for
17 the commercial use of designated channel capacity by an
18 unaffiliated person. This subsection (n) shall permit cable or
19 video providers to enforce prospectively a written and
20 published policy of prohibiting programming that the cable or
21 video provider reasonably believes describes or depicts sexual
22 or excretory activities or organs in a patently offensive
23 manner as measured by contemporary community standards.

24 (2) Upon customer request, the cable or video provider
25 shall, without charge, fully scramble or otherwise fully
26 block the audio and video programming of each channel

1 carrying such programming so that a person who is not a
2 subscriber does not receive the channel or programming.

3 (3) In providing sexually explicit adult programming
4 or other programming that is indecent on any channel of its
5 service primarily dedicated to sexually oriented
6 programming, the cable or video provider shall fully
7 scramble or otherwise fully block the video and audio
8 portion of such channel so that a person who is not a
9 subscriber to such channel or programming does not receive
10 it.

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

14 (o) Cable or video providers will maintain a listing,
15 specific to the level of street address, of the areas where its
16 cable or video services are available. Customers who inquire
17 about purchasing cable or video service shall be informed about
18 whether the cable or video provider's cable or video services
19 are currently available to them at their specific location.

20 (p) Cable or video providers shall not disclose the name,
21 address, telephone number or other personally identifying
22 information of a cable service or video service customer to be
23 used in mailing lists or to be used for other commercial
24 purposes not reasonably related to the conduct of its business
25 unless the cable or video provider has provided to the customer
26 a notice, separately or included in any other customer service

1 notice, that clearly and conspicuously describes the
2 customer's ability to prohibit the disclosure. Cable or video
3 providers shall provide an address and telephone number for a
4 customer to use without a toll charge to prevent disclosure of
5 the customer's name and address in mailing lists or for other
6 commercial purposes not reasonably related to the conduct of
7 its business to other businesses or affiliates of the cable or
8 video provider. Cable or video providers shall comply with the
9 consumer privacy requirements of the Communications Consumer
10 Privacy Act, the Restricted Call Registry Act, and 47 U.S.C.
11 551 that are in effect as of June 30, 2007 (the effective date
12 of Public Act 95-9) and as amended thereafter.

13 (q) Cable or video providers shall implement an informal
14 process for handling inquiries from local units of government
15 and customers concerning billing issues, service issues,
16 privacy concerns, and other consumer complaints. In the event
17 that an issue is not resolved through this informal process, a
18 local unit of government or the customer may request nonbinding
19 mediation with the cable or video provider, with each party to
20 bear its own costs of such mediation. Selection of the mediator
21 will be by mutual agreement, and preference will be given to
22 mediation services that do not charge the consumer for their
23 services. In the event that the informal process does not
24 produce a satisfactory result to the customer or the local unit
25 of government, enforcement may be pursued as provided in
26 subdivision (4) of subsection (r) of this Section.

1 (r) The Attorney General and the local unit of government
2 may enforce all of the customer service and privacy protection
3 standards of this Section with respect to complaints received
4 from residents within the local unit of government's
5 jurisdiction, but it may not adopt or seek to enforce any
6 additional or different customer service or performance
7 standards under any other authority or provision of law.

8 (1) The local unit of government may, by ordinance,
9 provide a schedule of penalties for any material breach of
10 this Section by cable or video providers in addition to the
11 penalties provided herein. No monetary penalties shall be
12 assessed for a material breach if it is out of the
13 reasonable control of the cable or video providers or its
14 affiliate. Monetary penalties adopted in an ordinance
15 pursuant to this Section shall apply on a competitively
16 neutral basis to all providers of cable service or video
17 service within the local unit of government's
18 jurisdiction. In no event shall the penalties imposed under
19 this subsection (r) exceed \$750 for each day of the
20 material breach, and these penalties shall not exceed
21 \$25,000 for each occurrence of a material breach per
22 customer.

23 (2) For purposes of this Section, "material breach"
24 means any substantial failure of a cable or video service
25 provider to comply with service quality and other standards
26 specified in any provision of this Act. The Attorney

1 General or the local unit of government shall give the
2 cable or video provider written notice of any alleged
3 material breaches of this Act and allow such provider at
4 least 30 days from receipt of the notice to remedy the
5 specified material breach.

6 (3) A material breach, for the purposes of assessing
7 penalties, shall be deemed to have occurred for each day
8 that a material breach has not been remedied by the cable
9 service or video service provider after the expiration of
10 the period specified in subdivision (2) of this subsection
11 (r) in each local unit of government's jurisdiction,
12 irrespective of the number of customers affected.

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

25 (s) Cable or video providers shall credit customers for
26 violations in the amounts stated herein. The credits shall be

1 applied on the statement issued to the customer for the next
2 monthly billing cycle following the violation or following the
3 discovery of the violation. Cable or video providers are
4 responsible for providing the credits described herein and the
5 customer is under no obligation to request the credit. If the
6 customer is no longer taking service from the cable or video
7 provider, the credit amount will be refunded to the customer by
8 check within 30 days of the termination of service. A local
9 unit of government may, by ordinance, adopt a schedule of
10 credits payable directly to customers for breach of the
11 customer service standards and obligations contained in this
12 Article, provided the schedule of customer credits applies on a
13 competitively neutral basis to all providers of cable service
14 or video service in the local unit of government's jurisdiction
15 and the credits are not greater than the credits provided in
16 this Section.

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

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

25 (3) Failure to remedy service interruptions or poor
26 video or audio service quality within 48 hours: Pro-rata

1 credit of total regular monthly charges equal to the number
2 of days of the service interruption.

3 (4) Failure to keep an appointment or to notify the
4 customer prior to the close of business on the business day
5 prior to the scheduled appointment: \$25.00.

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

7 (6) Failure to comply with scrambling requirements:
8 \$50.00 per month.

9 (7) Violation of customer service and billing
10 standards in subsections (c) and (d) of this Section:
11 \$25.00 per occurrence.

12 (8) Violation of the bundling rules in subsection (h)
13 of this Section: \$25.00 per month.

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

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

1 operating under authorization pursuant to Section 5-1095 of the
2 Counties Code, and those operating under a State-issued
3 authorization pursuant to Article XXI of this Act.

4 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

5 (220 ILCS 5/13-402.1 rep.)

6 (220 ILCS 5/13-408 rep.)

7 (220 ILCS 5/13-409 rep.)

8 (220 ILCS 5/13-505.1 rep.)

9 (220 ILCS 5/13-505.7 rep.)

10 (220 ILCS 5/13-506 rep.)

11 (220 ILCS 5/13-511 rep.)

12 (220 ILCS 5/13-802 rep.)

13 Section 15. The Public Utilities Act is amended by
14 repealing Sections 13-402.1, 13-408, 13-409, 13-505.1,
15 13-505.7, 13-506, 13-511, and 13-802.

16 Section 90. Nothing in this amendatory Act of the 96th
17 General Assembly shall be construed or interpreted to abate,
18 suspend, alter, or otherwise affect (i) any decision or (ii)
19 any condition that is rendered by the Illinois Commerce
20 Commission pursuant to Section 7-204 of the Illinois Public
21 Utilities Act between April 1, 2010 and July 1, 2010.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."