

1 AN ACT concerning regulation.

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

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

7 (20 ILCS 661/20)

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

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

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

16 (A) identify geographic gaps in high speed  
17 Internet service through a method of GIS mapping of  
18 service availability and GIS analysis at the census  
19 block level; ~~and~~

20 (B) provide a baseline assessment of statewide  
21 high speed Internet deployment in terms of percentage  
22 of Illinois households with high speed Internet  
23 availability; and ~~-~~

1           (C) collect from Facilities-based Providers of  
2           Broadband Connections to End User Locations the  
3           information provided pursuant to the agreements  
4           entered into with the non-profit organization as of the  
5           effective date of this amendatory Act of the 96th  
6           General Assembly or similar information from  
7           Facilities-based Providers of Broadband Connections to  
8           End User Locations that do not have the agreements on  
9           said date.

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

14           (2) Track and identify, through customer interviews  
15           and surveys and other publicly available sources,  
16           statewide residential and business adoption of high speed  
17           Internet, computers, and related information technology  
18           and any barriers to adoption.

19           (3) Build and facilitate in each county or designated  
20           region a local technology planning team with members  
21           representing a cross section of the community, including,  
22           but not limited to, representatives of business, K-12  
23           education, health care, libraries, higher education,  
24           community-based organizations, local government, tourism,  
25           parks and recreation, and agriculture. Each team shall  
26           benchmark technology use across relevant community

1 sectors, set goals for improved technology use within each  
2 sector, and develop a plan for achieving its goals, with  
3 specific recommendations for online application  
4 development and demand creation.

5 (4) Collaborate with high speed Internet providers and  
6 technology companies to encourage deployment and use,  
7 especially in underserved areas, by aggregating local  
8 demand, mapping analysis, and creating market intelligence  
9 to improve the business case for providers to deploy.

10 (5) Collaborate with the Department in developing a  
11 program to increase computer ownership and broadband  
12 access for disenfranchised populations across the State.  
13 The program may include grants to local community  
14 technology centers that provide technology training,  
15 promote computer ownership, and increase broadband access.

16 (6) Collaborate with the Department and the Illinois  
17 Commerce Commission regarding the collection of the  
18 information required by this Section to assist in  
19 monitoring and analyzing the broadband markets and the  
20 status of competition and deployment of broadband services  
21 to consumers in the State, including the format of  
22 information requested, provided the Commission enters into  
23 the proprietary and confidentiality agreements governing  
24 such information.

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

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

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

9           (e) The nonprofit organization and its Board of Directors  
10 shall exist separately and independently from the Department  
11 and any other governmental entity, but shall cooperate with  
12 other public or private entities it deems appropriate in  
13 carrying out its duties.

14           (f) Notwithstanding anything in this Act or any other Act  
15 to the contrary, any information that is designated  
16 confidential or proprietary by an entity providing the  
17 information to the nonprofit organization or any other entity  
18 to accomplish the objectives of this Act shall be deemed  
19 confidential, proprietary, and a trade secret and treated by  
20 the nonprofit organization or anyone else possessing the  
21 information as such and shall not be disclosed.

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

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

1 (20 ILCS 661/25)

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

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

17 Section 10. The Public Utilities Act is amended by changing  
18 Sections 13-101, 13-202, 13-301, 13-406, 13-407, 13-503,  
19 13-505, 13-509, 13-703, 13-704, 13-712, 13-1200, and 22-501 and  
20 by adding Sections 13-234, 13-235, 13-401.1, 13-506.2, 13-804,  
21 13-900.1, and 13-900.2 as follows:

22 (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

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

1           Sec. 13-101. Application of Act to telecommunications  
2 rates and services. Except to the extent modified or  
3 supplemented by the specific provisions of this Article, the  
4 Sections of this Act pertaining to public utilities, public  
5 utility rates and services, and the regulation thereof, are  
6 fully and equally applicable to noncompetitive  
7 telecommunications rates and services, and the regulation  
8 thereof, except where the context clearly renders such  
9 provisions inapplicable. Except to the extent modified or  
10 supplemented by the specific provisions of this Article,  
11 Articles I through V, Sections 8-301, 8-305, 8-502, 8-503,  
12 8-505, 8-509, 8-509.5, 8-510, 9-221, 9-222, 9-222.1, 9-222.2,  
13 9-250, and 9-252.1, and Article ~~Articles X and XI~~ of this Act  
14 are fully and equally applicable to competitive  
15 telecommunications rates and services, and the regulation  
16 thereof except that Section 9-250 shall not apply to  
17 competitive retail telecommunications services; in addition,  
18 as to competitive telecommunications rates and services, and  
19 the regulation thereof, and with the exception of competitive  
20 retail telecommunications service rates and services, all  
21 rules and regulations made by a telecommunications carrier  
22 affecting or pertaining to its charges or service ~~to the public~~  
23 shall be just and reasonable, ~~provided that nothing in this~~  
24 ~~Section shall be construed to prevent a telecommunications~~  
25 ~~carrier from accepting payment electronically or by the use of~~  
26 ~~a customer preferred financially accredited credit or debit~~

1 ~~methodology~~. As of the effective date of this amendatory Act of  
2 the 92nd General Assembly, Sections 4-202, 4-203, and 5-202 of  
3 this Act shall cease to apply to telecommunications rates and  
4 services.

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

6 (220 ILCS 5/13-202) (from Ch. 111 2/3, par. 13-202)

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

8 Sec. 13-202. "Telecommunications carrier" means and  
9 includes every corporation, company, association, joint stock  
10 company or association, firm, partnership or individual, their  
11 lessees, trustees or receivers appointed by any court  
12 whatsoever that owns, controls, operates or manages, within  
13 this State, directly or indirectly, for public use, any plant,  
14 equipment or property used or to be used for or in connection  
15 with, or owns or controls any franchise, license, permit or  
16 right to engage in the provision of, telecommunications  
17 services between points within the State which are specified by  
18 the user. "Telecommunications carrier" includes an Electing  
19 Provider, as defined in Section 13-506.2. Telecommunications  
20 carrier does not include, however:

21 (a) telecommunications carriers that are owned and  
22 operated by any political subdivision, public or private  
23 institution of higher education or municipal corporation of  
24 this State, for their own use, or telecommunications carriers  
25 that are owned by such political subdivision, public or private

1 institution of higher education, or municipal corporation and  
2 operated by any of its lessees or operating agents, for their  
3 own use;

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

9 (c) a company or person which provides telecommunications  
10 services solely to itself and its affiliates or members or  
11 between points in the same building, or between closely located  
12 buildings, affiliated through substantial common ownership,  
13 control or development; or

14 (d) a company or person engaged in the delivery of  
15 community antenna television services as described in  
16 subdivision (c) of Section 13-203, except with respect to the  
17 provision of telecommunications services by that company or  
18 person.

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

20 (220 ILCS 5/13-234 new)

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

22 Sec. 13-234. Interconnected voice over Internet protocol  
23 service. "Interconnected voice over Internet protocol service"  
24 or "Interconnected VoIP service" has the meaning prescribed in  
25 47 CFR 9.3 as defined on the effective date of this amendatory



1 Act of the 96th General Assembly or as amended thereafter.

2 (220 ILCS 5/13-235 new)

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

4 Sec. 13-235. Interconnected voice over Internet protocol  
5 provider. "Interconnected voice over Internet protocol  
6 provider" or "Interconnected VoIP provider" means and includes  
7 every corporation, company, association, joint stock company  
8 or association, firm, partnership, or individual, their  
9 lessees, trustees, or receivers appointed by any court  
10 whatsoever that owns, controls, operates, manages, or provides  
11 within this State, directly or indirectly, Interconnected  
12 voice over Internet protocol service.

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

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

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

16 (1) Consistent with the findings and policy established in  
17 paragraph (a) of Section 13-102 and paragraph (a) of Section  
18 13-103, and in order to ensure the attainment of such policies,  
19 the Commission shall:

20 (a) participate in all federal programs intended to  
21 preserve or extend universal telecommunications service,  
22 unless such programs would place cost burdens on Illinois  
23 customers of telecommunications services in excess of the  
24 benefits they would receive through participation,

1 provided, however, the Commission shall not approve or  
2 permit the imposition of any surcharge or other fee  
3 designed to subsidize or provide a waiver for subscriber  
4 line charges; and shall report on such programs together  
5 with an assessment of their adequacy and the advisability  
6 of participating therein in its annual report to the  
7 General Assembly, or more often as necessary;

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

14 (c) order all telecommunications carriers offering or  
15 providing local exchange telecommunications service to  
16 propose low-cost or budget service tariffs and any other  
17 rate design or pricing mechanisms designed to facilitate  
18 customer access to such telecommunications service,  
19 provided that services offered by any telecommunications  
20 carrier at the rates, terms, and conditions specified in  
21 Section 13-506.2 or Section 13-518 of this Article shall  
22 constitute compliance with this Section. A  
23 telecommunications carrier may seek Commission approval of  
24 other low-cost or budget service tariffs or rate design or  
25 pricing mechanisms to comply with this Section ~~and shall~~  
26 ~~after notice and hearing, implement any such proposals~~

1 ~~which it finds likely to achieve such purpose;~~

2 (d) investigate the necessity of and, if appropriate,  
3 establish a universal service support fund from which local  
4 exchange telecommunications carriers who pursuant to the  
5 Twenty-Seventh Interim Order of the Commission in Docket  
6 No. 83-0142 or the orders of the Commission in Docket No.  
7 97-0621 and Docket No. 98-0679 received funding and whose  
8 economic costs of providing services for which universal  
9 service support may be made available exceed the affordable  
10 rate established by the Commission for such services may be  
11 eligible to receive support, less any federal universal  
12 service support received for the same or similar costs of  
13 providing the supported services; provided, however, that  
14 if a universal service support fund is established, the  
15 Commission shall require that all costs of the fund be  
16 recovered from all local exchange and interexchange  
17 telecommunications carriers certificated in Illinois on a  
18 competitively neutral and nondiscriminatory basis. In  
19 establishing any such universal service support fund, the  
20 Commission shall, in addition to the determination of costs  
21 for supported services, consider and make findings  
22 pursuant to subsection (2) ~~paragraphs (1), (2), and (4) of~~  
23 ~~item (e)~~ of this Section. Proxy cost, as determined by the  
24 Commission, may be used for this purpose. In determining  
25 cost recovery for any universal service support fund, the  
26 Commission shall not permit recovery of such costs from

1 another certificated carrier for any service purchased and  
2 used solely as an input to a service provided to such  
3 certificated carrier's retail customers.  ~~and~~

4 ~~(2) (c) investigate the necessity of and, if appropriate,~~  
5 ~~establish a universal service support fund in addition to any~~  
6 ~~fund that may be established pursuant to item (d) of this~~  
7 ~~Section; provided, however, that if a telecommunications~~  
8 ~~carrier receives universal service support pursuant to item (d)~~  
9 ~~of this Section, that telecommunications carrier shall not~~  
10 ~~receive universal service support pursuant to this item.~~  
11 ~~Recipients of any universal service support funding created by~~  
12 ~~this item shall be "eligible" telecommunications carriers, as~~  
13 ~~designated by the Commission in accordance with 47 U.S.C.~~  
14 ~~214(e) (2). Eligible telecommunications carriers providing~~  
15 ~~local exchange telecommunications service may be eligible to~~  
16 ~~receive support for such services, less any federal universal~~  
17 ~~service support received for the same or similar costs of~~  
18 ~~providing the supported services. If a fund is established, the~~  
19 ~~Commission shall require that the costs of such fund be~~  
20 ~~recovered from all telecommunications carriers, with the~~  
21 ~~exception of wireless carriers who are providers of two way~~  
22 ~~cellular telecommunications service and who have not been~~  
23 ~~designated as eligible telecommunications carriers, on a~~  
24 ~~competitively neutral and non-discriminatory basis. In any~~  
25 order creating a fund pursuant to paragraph (d) of subsection  
26 (1) this item, the Commission, after notice and hearing, shall:

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

18          (b) ~~(2)~~ Identify all implicit subsidies contained in  
19          rates or charges of incumbent local exchange carriers,  
20          including all subsidies in interexchange access charges,  
21          and determine how such subsidies can be made explicit by  
22          the creation of the fund.

23          ~~(3) Identify the incumbent local exchange carriers'~~  
24          ~~economic costs of providing the supported~~  
25          ~~telecommunications services.~~

26          (c) ~~(4)~~ Establish an affordable price for the supported

1 telecommunications services for the respective incumbent  
2 local exchange carrier. The affordable price shall be no  
3 less than the rates in effect at the time the Commission  
4 creates a fund pursuant to this item. The Commission may  
5 establish and utilize indices or models for updating the  
6 affordable price for supported telecommunications  
7 services.

8 ~~(5) Identify the telecommunications carriers from whom~~  
9 ~~the costs of the fund shall be recovered and the mechanism~~  
10 ~~to be used to determine and establish a competitively~~  
11 ~~neutral and non-discriminatory funding basis. From time to~~  
12 ~~time, or upon request, the Commission shall consider~~  
13 ~~whether, based upon changes in technology or other factors,~~  
14 ~~additional telecommunications providers should contribute~~  
15 ~~to the fund. The Commission shall establish the basis upon~~  
16 ~~which telecommunications carriers contributing to the fund~~  
17 ~~shall recover contributions on a competitively neutral and~~  
18 ~~non-discriminatory basis. In determining cost recovery for~~  
19 ~~any universal support fund, the Commission shall not permit~~  
20 ~~recovery of such costs from another certificated carrier~~  
21 ~~for any service purchased and used solely as an input to a~~  
22 ~~service provided to such certificated carriers' retail~~  
23 ~~customers.~~

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

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

14       ~~Any telecommunications carrier providing local exchange~~  
15 ~~telecommunications service which offers to its local exchange~~  
16 ~~customers a choice of two or more local exchange~~  
17 ~~telecommunications service offerings shall provide, to any~~  
18 ~~such customer requesting it, once a year without charge, a~~  
19 ~~report describing which local exchange telecommunications~~  
20 ~~service offering would result in the lowest bill for such~~  
21 ~~customer's local exchange service, based on such customer's~~  
22 ~~calling pattern and usage for the previous 6 months. At least~~  
23 ~~once a year, each such carrier shall provide a notice to each~~  
24 ~~of its local exchange telecommunications service customers~~  
25 ~~describing the availability of this report and the specific~~  
26 ~~procedures by which customers may receive it. Such report shall~~

1 ~~only be available to current and future customers who have~~  
2 ~~received at least 6 months of continuous local exchange service~~  
3 ~~from such carrier.~~

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

5 (220 ILCS 5/13-401.1 new)

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

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

9 (a) An Interconnected VoIP provider providing fixed or  
10 non-nomadic service in Illinois on December 1, 2010 shall  
11 register with the Commission no later than January 1, 2011. All  
12 other Interconnected VoIP providers providing fixed or  
13 non-nomadic service in Illinois shall register with the  
14 Commission at least 30 days before providing service in  
15 Illinois. The Commission shall prescribe a registration form no  
16 later than October 1, 2010. The registration form prescribed by  
17 the Commission shall only require the following information:

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

21 (2) the provider's address and telephone number, along  
22 with contact information for the person responsible for  
23 ongoing communications with the Commission;

24 (3) a description of the provider's dispute resolution  
25 process and, if any, the telephone number to initiate the



1 dispute resolution process; and

2 (4) a description of each exchange of a local exchange  
3 company, in whole or in part, or the cities, towns, or  
4 geographic areas, in whole or in part, in which the  
5 provider is offering or proposes to offer Interconnected  
6 VoIP service.

7 A provider must notify the Commission of any change in the  
8 information identified in paragraphs (1), (2), (3), or (4) of  
9 this subsection (a) within 5 business days after any such  
10 change.

11 (b) A provider shall charge and collect from its end-user  
12 customers, and remit to the appropriate authority, fees and  
13 surcharges in the same manner as are charged and collected upon  
14 end-user customers of local exchange telecommunications  
15 service and remitted by local exchange telecommunications  
16 companies for local enhanced 9-1-1 surcharges.

17 (c) A provider may designate information that it submits in  
18 its registration form or subsequent reports as confidential or  
19 proprietary, provided that the provider states the reasons the  
20 confidential designation is necessary. The Commission shall  
21 provide adequate protection for such information pursuant to  
22 Section 4-404 of this Act. If the Commission or any other party  
23 seeks public disclosure of information designated as  
24 confidential, the Commission shall consider the confidential  
25 designation in a proceeding under the Illinois Administrative  
26 Procedure Act, and the burden of proof to demonstrate that the

1 designated information is confidential shall be upon the  
2 provider. Designated information shall remain confidential  
3 pending the Commission's determination of whether the  
4 information is entitled to confidential treatment. Information  
5 designated as confidential shall be provided to local units of  
6 government for purposes of assessing compliance with this  
7 Article as permitted under a protective order issued by the  
8 Commission pursuant to the Commission's rules and to the  
9 Attorney General pursuant to Section 6.5 of the Attorney  
10 General Act. Information designated as confidential under this  
11 Section or determined to be confidential upon Commission review  
12 shall only be disclosed pursuant to a valid and enforceable  
13 subpoena or court order or as required by the Freedom of  
14 Information Act.

15 (d) Notwithstanding any other provision of law to the  
16 contrary, the Commission shall have the authority, after notice  
17 and hearing, to revoke or suspend the registration of any  
18 provider that fails to comply with the requirements of this  
19 Section.

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

22 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

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

24 Sec. 13-406. Abandonment of service. No telecommunications  
25 carrier offering or providing noncompetitive

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

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

1 (220 ILCS 5/13-407) (from Ch. 111 2/3, par. 13-407)

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

3 Sec. 13-407. Commission study and report. The Commission  
4 shall monitor and analyze patterns of entry and exit and  
5 changes in patterns of entry and exit for each relevant market  
6 for telecommunications services, including emerging high speed  
7 telecommunications markets and broadband services. The  
8 Commission, ~~and~~ shall include its findings together with  
9 appropriate recommendations for legislative action in its  
10 annual report to the General Assembly. The Commission shall  
11 provide an analysis of entry and exit, along with changes in  
12 patterns of entry and exit, for broadband services in its  
13 annual report to the General Assembly.

14 In preparing its annual report, the Commission may obtain  
15 any information on broadband services that has been collected  
16 or is in the possession of the Department of Commerce and  
17 Economic Opportunity pursuant to the High Speed Internet  
18 Services and Information Technology Act. The Commission shall  
19 coordinate with the Department of Commerce and Economic  
20 Opportunity in collecting information to avoid a duplication of  
21 efforts.

22 The Commission shall also monitor and analyze the status of  
23 deployment of services to consumers, and any resulting "digital  
24 divisions" between consumers, including any changes or trends  
25 therein. The Commission shall include its findings together  
26 with appropriate recommendations for legislative action in its

1 annual report to the General Assembly. In preparing this  
2 analysis the Commission shall evaluate information provided by  
3 certificated telecommunications carriers, registered  
4 Interconnected VoIP providers, and Facilities-based Providers  
5 of Broadband Connections to End User Locations that pertains to  
6 the state of competition in telecommunications markets  
7 including, but not limited to:

8 (1) the number and type of firms providing  
9 telecommunications services and ~~, including~~ broadband  
10 ~~telecommunications~~ services, within the State;

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

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

15 (4) the technologies or methods by which these firms  
16 provide these services, including descriptions of  
17 technologies in place and under development, and the degree  
18 to which firms rely on other wholesale providers to provide  
19 service to their own customers. ~~and~~

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

22 The Commission shall at a minimum assess the variability in  
23 this information according to geography, examining variability  
24 by exchange, wirecenter, or zip code, and by customer class,  
25 examining, at a minimum, the variability between residential  
26 and small, medium, and large business customers. The Commission

1 shall provide an analysis of market trends by collecting this  
2 information from certificated telecommunications carriers,  
3 registered Interconnected VoIP providers, and Facilities-based  
4 Providers of Broadband Connections to End User Locations ~~firms~~  
5 ~~providing telecommunications services~~ within the State. The  
6 Commission shall also collect all information, in a format  
7 determined by the Commission, that the Commission deems  
8 necessary to assist in monitoring and analyzing the  
9 telecommunications markets and broadband market, along with  
10 ~~and~~ the status of competition and deployment of  
11 telecommunications services and broadband services to  
12 consumers in the State.

13 Notwithstanding any other provision of this Act,  
14 certificated telecommunications carriers and registered  
15 Interconnected VoIP providers shall report to the Commission  
16 such information, with the exception of broadband information,  
17 requested by the Commission necessary to satisfy the reporting  
18 requirements of items (1) through (4) of this Section. The  
19 Commission may coordinate and work with the Department of  
20 Commerce and Economic Opportunity to avoid duplication of  
21 collection of information that is collected pursuant to the  
22 High Speed Internet Services and Information Technology Act.

23 For the purposes of this Section:

24 "Broadband connections" include wired lines or  
25 wireless channels that enable the end user to receive  
26 information from or send information to the Internet at

1 information transfer rates exceeding 200 kbps in at least  
2 one direction.

3 "End user" includes a residential, business,  
4 institutional, or government entity who uses broadband  
5 services for its own purposes and who does not resell such  
6 services to other entities or incorporate such services  
7 into retail Internet-access services. For purposes of this  
8 Section, an Internet Service Provider (ISP) is not an end  
9 user of a broadband connection.

10 "Facilities-based Provider of Broadband Connections to  
11 End User Locations" means an entity that meets any of the  
12 following conditions:

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

15 (ii) It obtains unbundled network elements (UNEs),  
16 special access lines, or other leased facilities that  
17 terminate at the end user location and provisions or  
18 equips them as broadband.

19 (iii) It provisions or equips a broadband wireless  
20 channel to the end user location over licensed or  
21 unlicensed spectrum.

22 "Facilities-based Provider of Broadband Connections to  
23 End User Locations" does not include providers of  
24 terrestrial fixed wireless services (such as Wi-Fi and  
25 other wireless Ethernet, or wireless local area network,  
26 applications) that only enable local distribution and

1       sharing of a premises broadband facility and does not  
2       include air-to-ground services.

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

4             (220 ILCS 5/13-503) (from Ch. 111 2/3, par. 13-503)

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

6       Sec. 13-503. Information available to the public. With  
7       respect to rates or other charges made, demanded or received  
8       for any telecommunications service offered, provided or to be  
9       provided, whether such service is competitive or  
10       noncompetitive, telecommunications carriers shall comply with  
11       the publication and filing provisions of Sections 9-101, 9-102,  
12       and 9-103. Telecommunications carriers shall make all tariffs  
13       available electronically to the public without requiring a  
14       password or other means of registration. A telecommunications  
15       carrier's website shall, if applicable, provide in a  
16       conspicuous manner information on the rates, charges, terms,  
17       and conditions of service available and a toll-free telephone  
18       number that may be used to contact an agent for assistance with  
19       obtaining rate or other charge information or the terms and  
20       conditions of service.

21       (Source: P.A. 84-1063.)

22             (220 ILCS 5/13-505) (from Ch. 111 2/3, par. 13-505)

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

24       Sec. 13-505. Rate changes; competitive services. ~~(a)~~ Any



1 proposed increase or decrease in rates or charges, or proposed  
2 change in any classification or tariff resulting in an increase  
3 or decrease in rates or charges, for a competitive  
4 telecommunications service shall be permitted upon the filing  
5 of the proposed rate, charge, classification, or tariff. Notice  
6 ~~Prior notice~~ of an increase shall be given, no later than the  
7 prior billing cycle, to all potentially affected customers by  
8 mail, publication in a newspaper of general circulation, or  
9 equivalent means of notice, including electronic if the  
10 customer has elected electronic billing.

11 ~~(b) If a hearing is held pursuant to Section 9-250~~  
12 ~~regarding the reasonableness of an increase in the rates or~~  
13 ~~charges of a competitive local exchange service, then the~~  
14 ~~telecommunications carrier providing the service shall have~~  
15 ~~the burden of proof to establish the justness and~~  
16 ~~reasonableness of the proposed rate or charge.~~

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

18 (220 ILCS 5/13-506.2 new)

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

20 Sec. 13-506.2. Market regulation for competitive retail  
21 services.

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

23 (1) "Electing Provider" means a telecommunications  
24 carrier that is subject to either rate regulation pursuant  
25 to Section 13-504 or Section 13-505 or alternative

1 regulation pursuant to Section 13-506.1 and that elects to  
2 have the rates, terms, and conditions of its competitive  
3 retail telecommunications services solely determined and  
4 regulated pursuant to the terms of this Article.

5 (2) "Basic local exchange service" means either a  
6 stand-alone residence network access line and per-call  
7 usage or, for any geographic area in which such stand-alone  
8 service is not offered, a stand-alone flat rate residence  
9 network access line for which local calls are not charged  
10 for frequency or duration. Extended Area Service shall be  
11 included in basic local exchange service.

12 (b) Election for market regulation. Notwithstanding any  
13 other provision of this Act, an Electing Provider may elect to  
14 have the rates, terms, and conditions of its competitive retail  
15 telecommunications services solely determined and regulated  
16 pursuant to the terms of this Section by filing written notice  
17 of its election for market regulation with the Commission. The  
18 notice of election shall designate the geographic area of the  
19 Electing Provider's service territory where the market  
20 regulation shall apply, either on a state-wide basis or in one  
21 or more specified Market Service Areas ("MSA") or Exchange  
22 areas. An Electing Provider shall not make an election for  
23 market regulation under this Section unless it commits in its  
24 written notice of election for market regulation to fulfill the  
25 conditions and requirements in this Section in each geographic  
26 area in which market regulation is elected. Immediately upon

1 filing the notice of election for market regulation, the  
2 Electing Provider shall be subject to the jurisdiction of the  
3 Commission to the extent expressly provided in this Section.

4 (c) Competitive classification. Market regulation shall  
5 only be available for competitive retail telecommunications  
6 services as provided in this subsection.

7 (1) For geographic areas in which telecommunications  
8 services provided by the Electing Provider were classified  
9 as competitive either through legislative action or a  
10 tariff filing pursuant to Section 13-502 prior to January  
11 1, 2010, and that are included in the Electing Provider's  
12 notice of election pursuant to subsection (b) of this  
13 Section, such services, and all recurring and nonrecurring  
14 charges associated with, related to or used in connection  
15 with such services, shall be classified as competitive  
16 without further Commission review. For services classified  
17 as competitive pursuant to this subsection, the  
18 requirements or conditions in any order or decision  
19 rendered by the Commission pursuant to Section 13-502 prior  
20 to the effective date of this amendatory Act of the 96th  
21 General Assembly, except for the commitments made by the  
22 Electing Provider in such order or decision concerning the  
23 optional packages required in subsection (d) of this  
24 Section and basic local exchange service as defined in this  
25 Section, shall no longer be in effect and no Commission  
26 investigation, review, or proceeding under Section 13-502

1       shall be continued, conducted, or maintained with respect  
2       to such services, charges, requirements, or conditions.

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

13       (3) If an Electing Provider was previously subject to  
14       alternative regulation pursuant to Section 13-506.1 of  
15       this Article, the alternative regulation plan shall  
16       terminate in whole for all services subject to that plan  
17       and be of no force or effect, without further Commission  
18       review or action, when the Electing Provider's residential  
19       local exchange telecommunications service in each MSA in  
20       its telecommunications service area in the State has been  
21       classified as competitive pursuant to either subdivision  
22       (c) (1) or (c) (2) of this Section.

23       (4) The service packages described in Section 13-518  
24       shall be classified as competitive for purposes of this  
25       Section if offered by an Electing Provider in a geographic  
26       area in which local exchange telecommunications service

1 has been classified as competitive pursuant to either  
2 subdivision (c)(1) or (c)(2) of this Section.

3 (d) Consumer choice safe harbor options.

4 (1) An Electing Provider in each of the MSA or Exchange  
5 areas classified as competitive pursuant to subdivision  
6 (c)(1) or (c)(2) of this Section shall offer to all  
7 residential customers who choose to subscribe the  
8 following optional packages of services priced at the same  
9 rate levels in effect on January 1, 2010:

10 (A) A basic package, which shall consist of a  
11 stand-alone residential network access line and 30  
12 local calls. If the Electing Provider offers a  
13 stand-alone residential access line and local usage on  
14 a per call basis, the price for the basic package shall  
15 be the Electing Provider's applicable price in effect  
16 on January 1, 2010 for the sum of a residential access  
17 line and 30 local calls, additional calls over 30 calls  
18 shall be provided at the current per call rate.  
19 However, this basic package is not required if  
20 stand-alone residential network access lines or  
21 per-call local usage are not offered by the Electing  
22 Provider in the geographic area on January 1, 2010 or  
23 if the Electing Provider has not increased its  
24 stand-alone network access line and local usage rates,  
25 including Extended Area Service rates, since January  
26 1, 2010.

1           (B) An extra package, which shall consist of  
2           residential basic local exchange network access line  
3           and unlimited local calls. The price for the extra  
4           package shall be the Electing Provider's applicable  
5           price in effect on January 1, 2010 for a residential  
6           access line with unlimited local calls.

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

21          (2) For those geographic areas in which local exchange  
22          telecommunications services were classified as competitive  
23          on the effective date of this amendatory Act of the 96th  
24          General Assembly, an Electing Provider in each such MSA or  
25          Exchange area shall be subject to the same terms and  
26          conditions as provided in commitments made by the Electing

1 Provider in connection with such previous competitive  
2 classifications, which shall apply with equal force under  
3 this Section, except as follows: (i) the limits on price  
4 increases on the optional packages required by this Section  
5 shall be extended consistent with subsection (d) (1) of this  
6 Section and (ii) the price for the extra package required  
7 by subsection (d) (1) (B) shall be reduced by one dollar from  
8 the price in effect on January 1, 2010. In addition, if an  
9 Electing Provider obtains a competitive classification  
10 pursuant to subsection (c) (1) and (c) (2), the price for the  
11 optional packages shall be determined in such area in  
12 compliance with subsection (d) (1), except the price for the  
13 plus package required by subsection (d) (1) (C) shall be the  
14 lower of the price for such area or the price of the plus  
15 package in effect on January 1, 2010 for areas classified  
16 as competitive pursuant to subsection (c) (1).

17 (3) To the extent that the requirements in Section  
18 13-518 applied to a telecommunications carrier prior to the  
19 effective date of this Section and that telecommunications  
20 carrier becomes an Electing Provider in accordance with the  
21 provisions of this Section, the requirements in Section  
22 13-518 shall cease to apply to that Electing Provider in  
23 those geographic areas included in the Electing Provider's  
24 notice of election pursuant to subsection (b) of this  
25 Section.

26 (4) An Electing Provider shall make the optional

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

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

25 (6) An Electing Provider shall provide to the  
26 Commission semi-annual subscribership reports as of June



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

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

18       (e) Service quality and customer credits for basic local  
19       exchange service.

20       (1) An Electing Provider shall meet the following  
21       service quality standards in providing basic local  
22       exchange service, which for purposes of this subsection  
23       (e), includes both basic local exchange service and the  
24       consumer choice safe harbor options required by subsection  
25       (d) of this Section.

26       (A) Install basic local exchange service within 5

1 business days after receipt of an order from the  
2 customer unless the customer requests an installation  
3 date that is beyond 5 business days after placing the  
4 order for basic service and to inform the customer of  
5 the Electing Provider's duty to install service within  
6 this timeframe. If installation of service is  
7 requested on or by a date more than 5 business days in  
8 the future, the Electing Provider shall install  
9 service by the date requested.

10 (B) Restore basic local exchange service for the  
11 customer within 30 hours after receiving notice that  
12 the customer is out of service.

13 (C) Keep all repair and installation appointments  
14 for basic local exchange service if a customer premises  
15 visit requires a customer to be present. The  
16 appointment window shall be either a specific time or,  
17 at a maximum, a 4-hour time block during evening,  
18 weekend, and normal business hours.

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

21 (2) Customers shall be credited by the Electing  
22 Provider for violations of basic local exchange service  
23 quality standards described in subdivision (e)(1) of this  
24 Section. The credits shall be applied automatically on the  
25 statement issued to the customer for the next monthly  
26 billing cycle following the violation or following the

1 discovery of the violation. The next monthly billing cycle  
2 following the violation or the discovery of the violation  
3 means the billing cycle immediately following the billing  
4 cycle in process at the time of the violation or discovery  
5 of the violation, provided the total time between the  
6 violation or discovery of the violation and the issuance of  
7 the credit shall not exceed 60 calendar days. The Electing  
8 Provider is responsible for providing the credits and the  
9 customer is under no obligation to request such credits.  
10 The following credits shall apply:

11 (A) If an Electing Provider fails to repair an  
12 out-of-service condition for basic local exchange  
13 service within 30 hours, the Electing Provider shall  
14 provide a credit to the customer. If the service  
15 disruption is for more than 30 hours, but not more than  
16 48 hours, the credit must be equal to a pro-rata  
17 portion of the monthly recurring charges for all basic  
18 local exchange services disrupted. If the service  
19 disruption is for more than 48 hours, but not more than  
20 72 hours, the credit must be equal to at least 33% of  
21 one month's recurring charges for all local services  
22 disrupted. If the service disruption is for more than  
23 72 hours, but not more than 96 hours, the credit must  
24 be equal to at least 67% of one month's recurring  
25 charges for all basic local exchange services  
26 disrupted. If the service disruption is for more than

1           96 hours, but not more than 120 hours, the credit must  
2           be equal to one month's recurring charges for all basic  
3           local exchange services disrupted. For each day or  
4           portion thereof that the service disruption continues  
5           beyond the initial 120-hour period, the Electing  
6           Provider shall also provide an additional credit of \$20  
7           per calendar day.

8           (B) If an Electing Provider fails to install basic  
9           local exchange service as required under subdivision  
10           (e)(1) of this Section, the Electing Provider shall  
11           waive 50% of any installation charges, or in the  
12           absence of an installation charge or where  
13           installation is pursuant to the Link Up program, the  
14           Electing Provider shall provide a credit of \$25. If an  
15           Electing Provider fails to install service within 10  
16           business days after the service application is placed,  
17           or fails to install service within 5 business days  
18           after the customer's requested installation date, if  
19           the requested date was more than 5 business days after  
20           the date of the order, the Electing Provider shall  
21           waive 100% of the installation charge, or in the  
22           absence of an installation charge or where  
23           installation is provided pursuant to the Link Up  
24           program, the Electing Provider shall provide a credit  
25           of \$50. For each day that the failure to install  
26           service continues beyond the initial 10 business days,

1 or beyond 5 business days after the customer's  
2 requested installation date, if the requested date was  
3 more than 5 business days after the date of the order,  
4 the Electing Provider shall also provide an additional  
5 credit of \$20 per calendar day until the basic local  
6 exchange service is installed.

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

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

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

21 (ii) occurs as a result of a malfunction of  
22 customer-owned telephone equipment or inside  
23 wiring;

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

1           (iv) is extended by the Electing Provider's  
2           inability to gain access to the customer's  
3           premises due to the customer missing an  
4           appointment, provided that the violation is not  
5           further extended by the Electing Provider;

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

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

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

22           (3) Each Electing Provider shall provide to the  
23           Commission on a quarterly basis and in a form suitable for  
24           posting on the Commission's website in conformance with the  
25           rules adopted by the Commission and in effect on April 1,  
26           2010, a public report that includes the following data for

1 basic local exchange service quality of service:

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

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

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

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

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

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

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

17 (vii) the number of exemptions claimed for  
18 each of the categories identified in subdivision  
19 (e) (2) (D).

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

23 (i) the total dollar amount of any customer  
24 credits paid;

25 (ii) the number of installations after 5  
26 business days;

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

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

5                   (v) the number of exemptions claimed for each  
6                   of the categories identified in subdivision  
7                   (e) (2) (D).

8                   (C) With regard to credits due in accordance with  
9                   subdivision (e) (2) (C) as a result of missed  
10                   appointments:

11                   (i) the total dollar amount of any customer  
12                   credits paid;

13                   (ii) the number of any customers receiving  
14                   credits; and

15                   (iii) the number of exemptions claimed for  
16                   each of the categories identified in subdivision  
17                   (e) (2) (D).

18                   (D) The Electing Provider's annual report required  
19                   by this subsection shall also include, for  
20                   informational reporting, the performance data  
21                   described in subdivisions (e) (2) (A), (e) (2) (B), and  
22                   (e) (2) (C), and trouble reports per 100 access lines  
23                   calculated using the Commission's existing applicable  
24                   rules and regulations for such measures, including the  
25                   requirements for service standards established in this  
26                   Section.



1           (4) It is the intent of the General Assembly that the  
2           service quality rules and customer credits in this  
3           subsection (e) of this Section and other enforcement  
4           mechanisms, including fines and penalties authorized by  
5           Section 13-305, shall apply on a nondiscriminatory basis to  
6           all Electing Providers. Accordingly, notwithstanding any  
7           provision of any service quality rules promulgated by the  
8           Commission, any alternative regulation plan adopted by the  
9           Commission, or any other order of the Commission, any  
10           Electing Provider that is subject to any other order of the  
11           Commission and that violates or fails to comply with the  
12           service quality standards promulgated pursuant to this  
13           subsection (e) or any other order of the Commission shall  
14           not be subject to any fines, penalties, customer credits,  
15           or enforcement mechanisms other than such fines or  
16           penalties or customer credits as may be imposed by the  
17           Commission in accordance with the provisions of this  
18           subsection (e) and Section 13-305, which are to be  
19           generally applicable to all Electing Providers. The amount  
20           of any fines or penalties imposed by the Commission for  
21           failure to comply with the requirements of this subsection  
22           (e) shall be an appropriate amount, taking into account, at  
23           a minimum, the Electing Provider's gross annual intrastate  
24           revenue; the frequency, duration, and recurrence of the  
25           violation; and the relative harm caused to the affected  
26           customers or other users of the network. In imposing fines

1 and penalties, the Commission shall take into account  
2 compensation or credits paid by the Electing Provider to  
3 its customers pursuant to this subsection (e) in  
4 compensation for any violation found pursuant to this  
5 subsection (e), and in any event the fine or penalty shall  
6 not exceed an amount equal to the maximum amount of a civil  
7 penalty that may be imposed under Section 13-305.

8 (f) Commission jurisdiction upon election for market  
9 regulation. Except as otherwise expressly stated in this  
10 Section, the Commission shall thereafter have no jurisdiction  
11 or authority over any aspect of competitive retail  
12 telecommunications service of an Electing Provider in those  
13 geographic areas included in the Electing Provider's notice of  
14 election pursuant to subsection (b) of this Section, heretofore  
15 subject to the jurisdiction of the Commission, including but  
16 not limited to, any requirements of this Article related to the  
17 terms, conditions, rates, quality of service, availability,  
18 classification or any other aspect of any of the Electing  
19 Provider's competitive retail telecommunications services. No  
20 Electing Provider shall commit any unfair or deceptive act or  
21 practice in connection with any aspect of the offering or  
22 provision of any competitive retail telecommunications  
23 service. Nothing in this Article shall limit or affect any  
24 provisions in the Consumer Fraud and Deceptive Business  
25 Practices Act with respect to any unfair or deceptive act or  
26 practice by an Electing Provider.

1       (g) Commission authority over access services upon  
2 election for market regulation.

3       (1) As part of its Notice of Election for Market  
4 Regulation, the Electing Provider shall reduce its  
5 intrastate switched access rates to rates no higher than  
6 its interstate switched access rates in 4 installments. The  
7 first reduction must be made 30 days after submission of  
8 its complete application for Notice of Election for Market  
9 Regulation, and the Electing Provider must reduce its  
10 intrastate switched access rates by an amount equal to 33%  
11 of the difference between its current intrastate switched  
12 access rates and its current interstate switched access  
13 rates. The second reduction must be made no later than one  
14 year after the first reduction, and the Electing Provider  
15 must reduce its then current intrastate switched access  
16 rates by an amount equal to 41% of the difference between  
17 its then current intrastate switched access rates and its  
18 then current interstate switched access rates. The third  
19 reduction must be made no later than one year after the  
20 second reduction, and the Electing Provider must reduce its  
21 then current intrastate switched access rates by an amount  
22 equal to 50% of the difference between its then current  
23 intrastate switched access rate and its then current  
24 interstate switched access rates. The fourth reduction  
25 must be made on or before June 30, 2013, and the Electing  
26 Provider must reduce its intrastate switched access rate to

1 mirror its then current interstate switched access rates  
2 and rate structure. Following the fourth reduction, each  
3 Electing Provider must continue to set its intrastate  
4 switched access rates to mirror its interstate switched  
5 access rates and rate structure. For purposes of this  
6 subsection, the rate for intrastate switched access  
7 service means the composite, per-minute rate for that  
8 service, including all applicable fixed and  
9 traffic-sensitive charges, including, but not limited to,  
10 carrier common line charges.

11 (2) Nothing in paragraph (1) of this subsection (g)  
12 prohibits an Electing Provider from electing to offer  
13 intrastate switched access service at rates lower than its  
14 interstate switched access rates.

15 (3) The Commission shall have no authority to order an  
16 Electing Provider to set its rates for intrastate switched  
17 access at a level lower than its interstate switched access  
18 rates.

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

24 (h) Safety of service equipment and facilities.

25 (1) An Electing Provider shall furnish, provide, and  
26 maintain such service instrumentalities, equipment, and

1 facilities as shall promote the safety, health, comfort,  
2 and convenience of its patrons, employees, and public and  
3 as shall be in all respects adequate, reliable, and  
4 efficient without discrimination or delay. Every Electing  
5 Provider shall provide service and facilities that are in  
6 all respects environmentally safe.

7 (2) The Commission is authorized to conduct an  
8 investigation of any Electing Provider or part thereof. The  
9 investigation may examine the reasonableness, prudence, or  
10 efficiency of any aspect of the Electing Provider's  
11 operations or functions that may affect the adequacy,  
12 safety, efficiency, or reliability of telecommunications  
13 service. The Commission may conduct or order an  
14 investigation only when it has reasonable grounds to  
15 believe that the investigation is necessary to assure that  
16 the Electing Provider is providing adequate, efficient,  
17 reliable, and safe service. The Commission shall, before  
18 initiating any such investigation, issue an order  
19 describing the grounds for the investigation and the  
20 appropriate scope and nature of the investigation, which  
21 shall be reasonably related to the grounds relied upon by  
22 the Commission in its order.

23 (i) Tariffs. No Electing Provider shall offer or provide  
24 telecommunications service unless and until a tariff is filed  
25 with the Commission that describes the nature of the service,  
26 applicable rates and other charges, terms, and conditions of

1 service and the exchange, exchanges, or other geographical area  
2 or areas in which the service shall be offered or provided. The  
3 Commission may prescribe the form of such tariff and any  
4 additional data or information that shall be included in the  
5 form. Revenue from retail competitive services received from an  
6 Electing Provider pursuant to such tariffs shall be gross  
7 revenue for purposes of Section 2-202 of this Act.

8 (j) Application of Article VII. The provisions of Sections  
9 7-101, 7-102, 7-103, 7-104, 7-204, 7-205, and 7-206 of this Act  
10 are applicable to an Electing Provider offering or providing  
11 retail telecommunications service, and the Commission's  
12 regulation thereof, except that (1) the approval of contracts  
13 and arrangements with affiliated interests required by  
14 paragraph (3) of Section 7-101 shall not apply to such  
15 telecommunications carriers provided that, except as provided  
16 in item (2), those contracts and arrangements shall be filed  
17 with the Commission; (2) affiliated interest contracts or  
18 arrangements entered into by such telecommunications carriers  
19 where the increased obligation thereunder does not exceed the  
20 lesser of \$5,000,000 or 5% of such carrier's prior annual  
21 revenue from noncompetitive services are not required to be  
22 filed with the Commission; and (3) any consent and approval of  
23 the Commission required by Section 7-102 is not required for  
24 the sale, lease, assignment, or transfer by any Electing  
25 Provider of any real property that is not necessary or useful  
26 in the performance of its duties to the public.

1       (k) Notwithstanding other provisions of this Section, the  
2       Commission retains its existing authority to enforce the  
3       provisions, conditions, and requirements of the following  
4       Sections of this Article: 13-101, 13-103, 13-201, 13-301,  
5       13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,  
6       13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,  
7       13-404.2, 13-405, 13-406, 13-501.5, 13-505, 13-509, 13-510,  
8       13-512, 13-513, 13-514, 13-515, 13-516, 13-519, 13-702,  
9       13-703, 13-704, 13-705, 13-706, 13-707, 13-709, 13-713,  
10       13-801, 13-804, 13-900, 13-900.1, 13-900.2, 13-901, 13-902,  
11       and 13-903, which are fully and equally applicable to Electing  
12       Providers subject to the provisions of this Section. On the  
13       effective date of this amendatory Act of the 96th General  
14       Assembly, the following Sections of this Article shall cease to  
15       apply to Electing Providers: 13-302, 13-405.1, 13-501, 13-502,  
16       13-502.5, 13-503, 13-504, 13-505.2, 13-505.3, 13-505.4,  
17       13-505.5, 13-505.6, 13-506.1, 13-507, 13-507.1, 13-508,  
18       13-508.1, 13-517, 13-518, 13-601, 13-701, and 13-712.

19           (220 ILCS 5/13-509) (from Ch. 111 2/3, par. 13-509)

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

21       Sec. 13-509. Agreements for provisions of competitive  
22       telecommunications services differing from tariffs. A  
23       telecommunications carrier may negotiate with customers or  
24       prospective customers to provide competitive  
25       telecommunications service, and in so doing, may offer or agree

1 to provide such service on such terms and for such rates or  
2 charges as are reasonable, without regard to any tariffs it may  
3 have filed with the Commission with respect to such services.  
4 Upon request of the Commission ~~Within 30 days after executing~~  
5 ~~any such agreement,~~ the telecommunications carrier shall  
6 submit to the Commission written notice of a list of any such  
7 agreements (which list may be filed electronically) within the  
8 past year. The notice shall identify the general nature of all  
9 such agreements, ~~the parties to each agreement, and a general~~  
10 ~~description of differences between each agreement and the~~  
11 ~~related tariff.~~ A copy of each such agreement ~~and any cost~~  
12 ~~support required to be filed with the agreement by some other~~  
13 ~~Section of this Act~~ shall be provided to the Commission within  
14 10 business days after a request for review of the agreement is  
15 made by the Commission or is made to the Commission by another  
16 telecommunications carrier or by a party to such agreement.  
17 ~~Upon submitting notice to the Commission of any such agreement,~~  
18 ~~the telecommunications carrier shall thereafter provide~~  
19 ~~service according to the terms thereof, unless the Commission~~  
20 ~~finds, after notice and hearing, that the continued provision~~  
21 ~~of service pursuant to such agreement would substantially and~~  
22 ~~adversely affect the financial integrity of the~~  
23 ~~telecommunications carrier or would violate any other~~  
24 ~~provision of this Act.~~

25 Any agreement or notice entered into or submitted pursuant  
26 to the provisions of this Section may, in the Commission's



1 discretion, be accorded proprietary treatment.

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

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

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

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

17 (b) The Commission shall design and implement a program,  
18 whereby each telecommunications carrier providing local  
19 exchange service shall provide a telecommunications relay  
20 system, using third party intervention to connect those persons  
21 having a hearing or speech disability with persons of normal  
22 hearing by way of intercommunications devices and the telephone  
23 system, making available reasonable access to all phases of  
24 public telephone service to persons who have a hearing or  
25 speech disability. In order to design a telecommunications

1 relay system which will meet the requirements of those persons  
2 with a hearing or speech disability available at a reasonable  
3 cost, the Commission shall initiate an investigation and  
4 conduct public hearings to determine the most cost-effective  
5 method of providing telecommunications relay service to those  
6 persons who have a hearing or speech disability when using  
7 telecommunications devices and therein solicit the advice,  
8 counsel, and physical assistance of Statewide nonprofit  
9 consumer organizations that serve persons with hearing or  
10 speech disabilities in such hearings and during the development  
11 and implementation of the system. The Commission shall phase in  
12 this program, on a geographical basis, as soon as is  
13 practicable, but no later than June 30, 1990.

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

19 (d) The Commission shall determine and specify those  
20 organizations serving the needs of those persons having a  
21 hearing or speech disability that shall receive a  
22 telecommunications device and in which offices the equipment  
23 shall be installed in the case of an organization having more  
24 than one office. For the purposes of this Section,  
25 "organizations serving the needs of those persons with hearing  
26 or speech disabilities" means centers for independent living as

1 described in Section 12a of the Disabled Persons Rehabilitation  
2 Act and not-for-profit organizations whose primary purpose is  
3 serving the needs of those persons with hearing or speech  
4 disabilities. The Commission shall direct the  
5 telecommunications carriers subject to its jurisdiction and  
6 this Section to comply with its determinations and  
7 specifications in this regard.

8 (e) As used in this Section, the phrase "telecommunications  
9 carrier providing local exchange service" includes, without  
10 otherwise limiting the meaning of the term, telecommunications  
11 carriers which are purely mutual concerns, having no rates or  
12 charges for services, but paying the operating expenses by  
13 assessment upon the members of such a company and no other  
14 person.

15 (f) Interconnected VoIP service providers in Illinois  
16 shall collect and remit assessments determined in accordance  
17 with this Section in a competitively neutral manner in the same  
18 manner as a telecommunications carrier providing local  
19 exchange service. Interconnected VoIP services shall not be  
20 considered an intrastate telecommunications service for the  
21 purposes of this Section in a manner inconsistent with federal  
22 law or Federal Communications Commission regulation.

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

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

1 (220 ILCS 5/13-704) (from Ch. 111 2/3, par. 13-704)

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

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

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

19 (220 ILCS 5/13-712)

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

21 Sec. 13-712. Basic local exchange service quality;  
22 customer credits.

23 (a) It is the intent of the General Assembly that every  
24 telecommunications carrier meet minimum service quality  
25 standards in providing basic local exchange service on a

1 non-discriminatory basis to all classes of customers.

2 (b) Definitions:

3 (1) (Blank) ~~"Alternative telephone service" means,~~  
4 ~~except where technically impracticable, a wireless~~  
5 ~~telephone capable of making local calls, and may also~~  
6 ~~include, but is not limited to, call forwarding, voice~~  
7 ~~mail, or paging services.~~

8 (2) "Basic local exchange service" means residential  
9 and business lines used for local exchange  
10 telecommunications service as defined in Section 13-204 of  
11 this Act, excluding:

12 (A) services that employ advanced  
13 telecommunications capability as defined in Section  
14 706(c)(1) of the federal Telecommunications Act of  
15 1996;

16 (B) vertical services;

17 (C) company official lines; and

18 (D) records work only.

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

22 (c) The Commission shall promulgate service quality rules  
23 for basic local exchange service, which may include fines,  
24 penalties, customer credits, and other enforcement mechanisms.  
25 In developing such service quality rules, the Commission shall  
26 consider, at a minimum, the carrier's gross annual intrastate

1 revenue; the frequency, duration, and recurrence of the  
2 violation; and the relative harm caused to the affected  
3 customer or other users of the network. In imposing fines, the  
4 Commission shall take into account compensation or credits paid  
5 by the telecommunications carrier to its customers pursuant to  
6 this Section in compensation for the violation found pursuant  
7 to this Section. These rules shall become effective within one  
8 year after the effective date of this amendatory Act of the  
9 92nd General Assembly.

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

12 (1) Install basic local exchange service within 5  
13 business days after receipt of an order from the customer  
14 unless the customer requests an installation date that is  
15 beyond 5 business days after placing the order for basic  
16 service and to inform the customer of its duty to install  
17 service within this timeframe. If installation of service  
18 is requested on or by a date more than 5 business days in  
19 the future, the telecommunications carrier shall install  
20 service by the date requested. A telecommunications  
21 carrier offering basic local exchange service utilizing  
22 the network or network elements of another carrier shall  
23 install new lines for basic local exchange service within 3  
24 business days after provisioning of the line or lines by  
25 the carrier whose network or network elements are being  
26 utilized is complete. This subdivision (d)(1) does not

1 apply to the migration of a customer between  
2 telecommunications carriers, so long as the customer  
3 maintains dial tone.

4 (2) Restore basic local exchange service for a customer  
5 within 30 ~~24~~ hours of receiving notice that a customer is  
6 out of service. This provision applies to service  
7 disruptions that occur when a customer switches existing  
8 basic local exchange service from one carrier to another.

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

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

14 (e) The rules shall include provisions for customers to be  
15 credited by the telecommunications carrier for violations of  
16 basic local exchange service quality standards as described in  
17 subsection (d). The credits shall be applied on the statement  
18 issued to the customer for the next monthly billing cycle  
19 following the violation or following the discovery of the  
20 violation. The performance levels established in subsection  
21 (c) are solely for the purposes of consumer credits and shall  
22 not be used as performance levels for the purposes of assessing  
23 penalties under Section 13-305. At a minimum, the rules shall  
24 include the following:

25 (1) If a carrier fails to repair an out-of-service  
26 condition for basic local exchange service within 30 ~~24~~

1 hours, the carrier shall provide a credit to the customer.  
2 If the service disruption is for over 30 hours but less  
3 than 48 hours ~~or less~~, the credit must be equal to a  
4 pro-rata portion of the monthly recurring charges for all  
5 local services disrupted. If the service disruption is for  
6 more than 48 hours, but not more than 72 hours, the credit  
7 must be equal to at least 33% of one month's recurring  
8 charges for all local services disrupted. If the service  
9 disruption is for more than 72 hours, but not more than 96  
10 hours, the credit must be equal to at least 67% of one  
11 month's recurring charges for all local services  
12 disrupted. If the service disruption is for more than 96  
13 hours, but not more than 120 hours, the credit must be  
14 equal to one month's recurring charges for all local  
15 services disrupted. For each day or portion thereof that  
16 the service disruption continues beyond the initial  
17 120-hour period, the carrier shall also provide ~~either~~  
18 ~~alternative telephone service or~~ an additional credit of  
19 \$20 per day, ~~at the customers option.~~

20 (2) If a carrier fails to install basic local exchange  
21 service as required under subdivision (d)(1), the carrier  
22 shall waive 50% of any installation charges, or in the  
23 absence of an installation charge or where installation is  
24 pursuant to the Link Up program, the carrier shall provide  
25 a credit of \$25. If a carrier fails to install service  
26 within 10 business days after the service application is



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

16 (3) If a carrier fails to keep a scheduled repair or  
17 installation appointment when a customer premises visit  
18 requires a customer to be present, the carrier shall credit  
19 the customer \$25 ~~\$50~~ per missed appointment. A credit  
20 required by this subsection does not apply when the carrier  
21 provides the customer ~~with 24-hour~~ notice of its inability  
22 to keep the appointment no later than 8 p.m. of the day  
23 prior to the scheduled date of the appointment.

24 (4) If the violation of a basic local exchange service  
25 quality standard is caused by a carrier other than the  
26 carrier providing retail service to the customer, the

1 carrier providing retail service to the customer shall  
2 credit the customer as provided in this Section. The  
3 carrier causing the violation shall reimburse the carrier  
4 providing retail service the amount credited the customer.  
5 When applicable, an interconnection agreement shall govern  
6 compensation between the carrier causing the violation, in  
7 whole or in part, and the retail carrier providing the  
8 credit to the customer.

9 (5) (Blank) ~~When alternative telephone service is~~  
10 ~~appropriate, the customer may select one of the alternative~~  
11 ~~telephone services offered by the carrier. The alternative~~  
12 ~~telephone service shall be provided at no cost to the~~  
13 ~~customer for the provision of local service.~~

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

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

18 (ii) occurs as a result of a malfunction of  
19 customer-owned telephone equipment or inside wiring;

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

22 (iv) is extended by the carrier's inability to gain  
23 access to the customer's premises due to the customer  
24 missing an appointment, provided that the violation is  
25 not further extended by the carrier;

26 (v) occurs as a result of a customer request to

1 change the scheduled appointment, provided that the  
2 violation is not further extended by the carrier;

3 (vi) occurs as a result of a carrier's right to  
4 refuse service to a customer as provided in Commission  
5 rules; or

6 (vii) occurs as a result of a lack of facilities  
7 where a customer requests service at a geographically  
8 remote location, a customer requests service in a  
9 geographic area where the carrier is not currently  
10 offering service, or there are insufficient facilities  
11 to meet the customer's request for service, subject to  
12 a carrier's obligation for reasonable facilities  
13 planning.

14 (7) The provisions of this subsection are cumulative  
15 and shall not in any way diminish or replace other civil or  
16 administrative remedies available to a customer or a class  
17 of customers.

18 (f) The rules shall require each telecommunications  
19 carrier to provide to the Commission, on a quarterly basis and  
20 in a form suitable for posting on the Commission's website, a  
21 public report that includes performance data for basic local  
22 exchange service quality of service. The performance data shall  
23 be disaggregated for each geographic area and each customer  
24 class of the State for which the telecommunications carrier  
25 internally monitored performance data as of a date 120 days  
26 preceding the effective date of this amendatory Act of the 92nd

1 General Assembly. The report shall include, at a minimum,  
2 performance data on basic local exchange service  
3 installations, lines out of service for more than 30 ~~24~~ hours,  
4 carrier response to customer calls, trouble reports, and missed  
5 repair and installation commitments.

6 (g) The Commission shall establish and implement carrier to  
7 carrier wholesale service quality rules and establish remedies  
8 to ensure enforcement of the rules.

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

10 (220 ILCS 5/13-804 new)

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

12 Sec. 13-804. Broadband investment. Increased investment  
13 into broadband infrastructure is critical to the economic  
14 development of this State and a key component to the retention  
15 of existing jobs and the creation of new jobs. The removal of  
16 regulatory uncertainty will attract greater private-sector  
17 investment in broadband infrastructure. Notwithstanding other  
18 provisions of this Article:

19 (A) the Commission shall have the authority to certify  
20 providers of wireless services, including, but not limited  
21 to, private radio service, public mobile service, or  
22 commercial mobile service, as those terms are defined in 47  
23 U.S.C. 332 on the effective date of this amendatory Act of  
24 the 96th General Assembly or as amended thereafter, to  
25 provide telecommunications services in Illinois;

1           (B) the Commission shall have the authority to certify  
2           providers of wireless services, including, but not limited  
3           to, private radio service, public mobile service, or  
4           commercial mobile service, as those terms are defined in 47  
5           U.S.C. 332 on the effective date of this amendatory Act of  
6           the 96th General Assembly or as amended thereafter, as  
7           eligible telecommunications carriers in Illinois, as that  
8           term has the meaning prescribed in 47 U.S.C. 214 on the  
9           effective date of this amendatory Act of the 96th General  
10          Assembly or as amended thereafter;

11          (C) the Commission shall have the authority to register  
12          providers of fixed or non-nomadic Interconnected VoIP  
13          service as Interconnected VoIP service providers in  
14          Illinois in accordance with Section 401.1 of this Article;

15          (D) the Commission shall have the authority to require  
16          providers of Interconnected VoIP service to participate in  
17          hearing and speech disability programs; and

18          (E) the Commission shall have the authority to access  
19          information provided to the non-profit organization under  
20          Section 20 of the High Speed Internet Services and  
21          Information Technology Act, provided the Commission enters  
22          into a proprietary and confidentiality agreement governing  
23          such information.

24          Except to the extent expressly permitted by and consistent  
25          with federal law, the regulations of the Federal Communications  
26          Commission, this Article, Article XXI or XXII of this Act, or

1 this amendatory Act of the 96th General Assembly, the  
2 Commission shall not regulate the rates, terms, conditions,  
3 quality of service, availability, classification, or any other  
4 aspect of service regarding (i) broadband services, (ii)  
5 Interconnected VoIP services, (iii) information services, as  
6 defined in 47 U.S.C. 153(20) on the effective date of this  
7 amendatory Act of the 96th General Assembly or as amended  
8 thereafter, or (iv) wireless services, including, but not  
9 limited to, private radio service, public mobile service, or  
10 commercial mobile service, as those terms are defined in 47  
11 U.S.C. 332 on the effective date of this amendatory Act of the  
12 96th General Assembly or as amended thereafter.

13 (220 ILCS 5/13-900.1 new)

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

15 Sec. 13-900.1. Authority over 9-1-1 rates and terms of  
16 service. Notwithstanding any other provision of this Article,  
17 the Commission retains its full authority over the rates and  
18 service quality as they apply to 9-1-1 system providers,  
19 including the Commission's existing authority over  
20 interconnection with 9-1-1 system providers and 9-1-1 systems.  
21 The rates, terms, and conditions for 9-1-1 service shall be  
22 tariffed and shall be provided in the manner prescribed by this  
23 Act and shall be subject to the applicable laws, including  
24 rules or regulations adopted and orders issued by the  
25 Commission or the Federal Communications Commission. The

1 Commission retains this full authority regardless of the  
2 technologies utilized or deployed by 9-1-1 system providers.

3 (220 ILCS 5/13-900.2 new)

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

5 Sec. 13-900.2. Access services.

6 (a) This Section shall apply to switched access rates  
7 charged by all carriers other than Electing Providers whose  
8 switched access rates are governed by subsection (g) of Section  
9 13-506.2 of this Act.

10 (b) Except as otherwise provided in subsection (c) of this  
11 Section, the rates of any telecommunications carrier,  
12 including, but not limited to, competitive local exchange  
13 carriers, providing intrastate switched access service shall  
14 be reduced to rates no higher than the carrier's rates for  
15 interstate switched access service as follows:

16 (1) by January 1, 2011, each telecommunications  
17 carrier must reduce its intrastate switched access rates by  
18 an amount equal to 50% of the difference between its then  
19 current intrastate switched access rates and its then  
20 current interstate switched access rates;

21 (2) by January 1, 2012, each telecommunications  
22 carrier must further reduce its intrastate switched access  
23 rates by an amount equal to 50% of the difference between  
24 its then current intrastate switched access rates and its  
25 then current interstate switched access rates;

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

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

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

17           (d) Nothing in subsection (b) of this Section prohibits a  
18           telecommunications carrier from electing to offer intrastate  
19           switched access service at rates lower than its interstate  
20           rates.

21           (e) The Commission shall have no authority to order a  
22           telecommunications carrier to set its rates for intrastate  
23           switched access at a level lower than its interstate switched  
24           access rates.



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

2 Sec. 13-1200. Repealer. This Article is repealed July 1,  
3 2013 ~~2010~~.

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

5 (220 ILCS 5/22-501)

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

21 The following definitions apply to the terms used in this  
22 Article:

23 "Basic cable or video service" means any service offering  
24 or tier that includes the retransmission of local television  
25 broadcast signals.

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

13 "Franchise" has the same meaning as found in 47 U.S.C.  
14 522(9).

15 "Local unit of government" means a city, village,  
16 incorporated town, or a county.

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

22 "Normal operating conditions" means those service  
23 conditions that are within the control of cable or video  
24 providers. Those conditions that are not within the control of  
25 cable or video providers include, but are not limited to,  
26 natural disasters, civil disturbances, power outages,

1 telephone network outages, and severe or unusual weather  
2 conditions. Those conditions that are ordinarily within the  
3 control of cable or video providers include, but are not  
4 limited to, special promotions, pay-per-view events, rate  
5 increases, regular peak or seasonal demand periods, and  
6 maintenance or upgrade of the cable service or video service  
7 network.

8 "Service interruption" means the loss of picture or sound  
9 on one or more cable service or video service on one or more  
10 cable or video channels.

11 "Service line drop" means the point of connection between a  
12 premises and the cable or video network that enables the  
13 premises to receive cable service or video service.

14 (a) General customer service standards:

15 (1) Cable or video providers shall establish general  
16 standards related to customer service, which shall  
17 include, but not be limited to, installation,  
18 disconnection, service and repair obligations; appointment  
19 hours and employee ID requirements; customer service  
20 telephone numbers and hours; procedures for billing,  
21 charges, deposits, refunds, and credits; procedures for  
22 termination of service; notice of deletion of programming  
23 service; changes related to transmission of programming;  
24 changes or increases in rates; the use and availability of  
25 parental control or lock-out devices; the use and  
26 availability of an A/B switch if applicable; complaint

1 procedures and procedures for bill dispute resolution; a  
2 description of the rights and remedies available to  
3 consumers if the cable or video provider does not  
4 materially meet its customer service standards; and  
5 special services for customers with visual, hearing, or  
6 mobility disabilities.

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

20 (3) Cable or video providers shall provide notice  
21 concerning their general customer service standards to all  
22 customers. This notice shall be offered when service is  
23 first activated and annually thereafter. The information  
24 in the notice shall include all of the information  
25 specified in paragraph (1) of this subsection (a), as well  
26 as the following: a listing of services offered by the

1 cable or video providers, which shall clearly describe  
2 programming for all services and all levels of service; the  
3 rates for all services and levels of service; a telephone  
4 number through which customers may subscribe to, change, or  
5 terminate service, request customer service, or seek  
6 general or billing information; instructions on the use of  
7 the cable or video services; and a description of rights  
8 and remedies that the cable or video providers shall make  
9 available to their customers if they do not materially meet  
10 the general customer service standards described in this  
11 Act.

12 (b) General customer service obligations:

13 (1) Cable or video providers shall render reasonably  
14 efficient service, promptly make repairs, and interrupt  
15 service only as necessary and for good cause, during  
16 periods of minimum use of the system and for no more than  
17 24 hours.

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

26 (3) The cable or video providers shall: (i) maintain a

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

23 (4) In each contact with a customer, the service  
24 representatives or any other person who contacts customers  
25 or potential customers on behalf of the cable or video  
26 provider shall state the estimated cost of the service,

1 repair, or installation orally prior to delivery of the  
2 service or before any work is performed, shall provide the  
3 customer with an oral statement of the total charges before  
4 terminating the telephone call or other contact in which a  
5 service is ordered, whether in-person or over the Internet,  
6 and shall provide a written statement of the total charges  
7 before leaving the location at which the work was  
8 performed. In the event that the cost of service is a  
9 promotional price or is for a limited period of time, the  
10 cost of service at the end of the promotion or limited  
11 period of time shall be disclosed.

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

24 (6) Cable or video providers shall provide clear visual  
25 and audio reception that meets or exceeds applicable  
26 Federal Communications Commission technical standards. If

1 a customer experiences poor video or audio reception due to  
2 the equipment of the cable or video provider, the cable or  
3 video provider shall promptly repair the problem at its own  
4 expense.

5 (c) Bills, payment, and termination:

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

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

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

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



1 date of the bill for service.

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

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

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

25 (8) Cable or video providers shall cease charging a  
26 customer for any or all services within one business day

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

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

24 (10) Cable and video providers shall guarantee  
25 customer satisfaction for new or upgraded service and the  
26 customer shall receive a pro-rata credit in an amount equal

1 to the pro-rata charge for the remaining days of service  
2 being disconnected or replaced upon the customers request  
3 if the customer is dissatisfied with the service and  
4 requests to discontinue the service within the first 60  
5 days after subscribing to the upgraded service.

6 (d) Response to customer inquiries:

7 (1) Cable or video providers will maintain a toll-free  
8 telephone access line that is available to customers 24  
9 hours a day, 7 days a week to accept calls regarding  
10 installation, termination, service, and complaints.  
11 Trained, knowledgeable, qualified service representatives  
12 of the cable or video providers will be available to  
13 respond to customer telephone inquiries during normal  
14 business hours. Customer service representatives shall be  
15 able to provide credit, waive fees, schedule appointments,  
16 and change billing cycles. Any difficulties that cannot be  
17 resolved by the customer service representatives shall be  
18 referred to a supervisor who shall make his or her best  
19 efforts to resolve the issue immediately. If the supervisor  
20 does not resolve the issue to the customer's satisfaction,  
21 the customer shall be informed of the cable or video  
22 provider's complaint procedures and procedures for billing  
23 dispute resolution and given a description of the rights  
24 and remedies available to customers to enforce the terms of  
25 this Article, including the customer's rights to have the  
26 complaint reviewed by the local unit of government, to

1 request mediation, and to review in a court of competent  
2 jurisdiction.

3 (2) After normal business hours, the access line may be  
4 answered by a service or an automated response system,  
5 including an answering machine. Inquiries received by  
6 telephone or e-mail after normal business hours shall be  
7 responded to by a trained service representative on the  
8 next business day. The cable or video provider shall  
9 respond to a written billing inquiry within 10 days of  
10 receipt of the inquiry.

11 (3) Cable or video providers shall provide customers  
12 seeking non-standard installations with a total  
13 installation cost estimate and an estimated date of  
14 completion. The actual charge to the customer shall not  
15 exceed 10% of the estimated cost without the written  
16 consent of the customer.

17 (4) If the cable or video provider receives notice that  
18 an unsafe condition exists with respect to its equipment,  
19 it shall investigate such condition immediately and shall  
20 take such measures as are necessary to remove or eliminate  
21 the unsafe condition. The cable or video provider shall  
22 inform the local unit of government promptly, but no later  
23 than 2 hours after it receives notification of an unsafe  
24 condition that it has not remedied.

25 (5) Under normal operating conditions, telephone  
26 answer time by the cable or video provider's customer

1 representative, including wait time, shall not exceed 30  
2 seconds when the connection is made. If the call needs to  
3 be transferred, transfer time shall not exceed 30 seconds.  
4 These standards shall be met no less than 90% of the time  
5 under normal operating conditions, measured on a quarterly  
6 basis.

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

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

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

18 (2) Excluding conditions beyond the control of the  
19 cable or video providers, the cable or video providers will  
20 begin working on "service interruptions" promptly and in no  
21 event later than 24 hours after the interruption is  
22 reported by the customer or otherwise becomes known to the  
23 cable or video providers. Cable or video providers must  
24 begin actions to correct other service problems the next  
25 business day after notification of the service problem and  
26 correct the problem within 48 hours after the interruption

1 is reported by the customer 95% of the time, measured on a  
2 quarterly basis.

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

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

20 (f) Public benefit obligation:

21 (1) All cable or video providers offering service  
22 pursuant to the Cable and Video Competition Law of 2007,  
23 the Illinois Municipal Code, or the Counties Code shall  
24 provide a free service line drop and free basic service to  
25 all current and future public buildings within their  
26 footprint, including, but not limited to, all local unit of

1 government buildings, public libraries, and public primary  
2 and secondary schools, whether owned or leased by that  
3 local unit of government ("eligible buildings"). Such  
4 service shall be used in a manner consistent with the  
5 government purpose for the eligible building and shall not  
6 be resold.

7 (2) This obligation only applies to those cable or  
8 video service providers whose cable service or video  
9 service systems pass eligible buildings and its cable or  
10 video service is generally available to residential  
11 subscribers in the same local unit of government in which  
12 the eligible building is located. The burden of providing  
13 such service at each eligible building shall be shared by  
14 all cable and video providers whose systems pass the  
15 eligible buildings in an equitable and competitively  
16 neutral manner, and nothing herein shall require  
17 duplicative installations by more than one cable or video  
18 provider at each eligible building. Cable or video  
19 providers operating in a local unit of government shall  
20 meet as necessary and determine who will provide service to  
21 eligible buildings under this subsection (f). If the cable  
22 or video providers are unable to reach an agreement, they  
23 shall meet with the local unit of government, which shall  
24 determine which cable or video providers will serve each  
25 eligible building. The local unit of government shall bear  
26 the costs of any inside wiring or video equipment costs not

1 ordinarily provided as part of the cable or video  
2 provider's basic offering.

3 (g) After the cable or video providers have offered service  
4 for one year, the cable or video providers shall make an annual  
5 report to the Commission, to the local unit of government, and  
6 to the Attorney General that it is meeting the standards  
7 specified in this Article, identifying the number of complaints  
8 it received over the prior year in the State and specifying the  
9 number of complaints related to each of the following: (1)  
10 billing, charges, refunds, and credits; (2) installation or  
11 termination of service; (3) quality of service and repair; (4)  
12 programming; and (5) miscellaneous complaints that do not fall  
13 within these categories. Thereafter, the cable or video  
14 providers shall also provide, upon request by the local unit of  
15 government where service is offered and to the Attorney  
16 General, an annual public report that includes performance data  
17 described in subdivisions (5) and (6) of subsection (d) and  
18 subdivisions (1) and (2) of subsection (e) of this Section for  
19 cable services or video services. The performance data shall be  
20 disaggregated for each requesting local unit of government or  
21 local exchange, as that term is defined in Section 13-206 of  
22 this Act, in which the cable or video providers have customers.

23 (h) To the extent consistent with federal law, cable or  
24 video providers shall offer the lowest-cost basic cable or  
25 video service as a stand-alone service to residential customers  
26 at reasonable rates. Cable or video providers shall not require



1 the subscription to any service other than the lowest-cost  
2 basic service or to any telecommunications or information  
3 service, as a condition of access to cable or video service,  
4 including programming offered on a per channel or per program  
5 basis. Cable or video providers shall not discriminate between  
6 subscribers to the lowest-cost basic service, subscribers to  
7 other cable services or video services, and other subscribers  
8 with regard to the rates charged for cable or video programming  
9 offered on a per channel or per program basis.

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

17 (j) To the extent consistent with federal law, cable or  
18 video providers shall have a rate structure for the provision  
19 of cable or video service that is uniform throughout the area  
20 within the boundaries of the local unit of government. This  
21 subsection (j) is not intended to prohibit bulk discounts to  
22 multiple dwelling units or to prohibit reasonable discounts to  
23 senior citizens or other economically disadvantaged groups.

24 (k) To the extent consistent with federal law, cable or  
25 video providers shall not charge a subscriber for any service  
26 or equipment that the subscriber has not affirmatively

1 requested by name. For purposes of this subsection (k), a  
2 subscriber's failure to refuse a cable or video provider's  
3 proposal to provide service or equipment shall not be deemed to  
4 be an affirmative request for such service or equipment.

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

17 (m) Cable or video providers shall not discriminate in the  
18 provision of services for the hearing and visually impaired,  
19 and shall comply with the accessibility requirements of 47  
20 U.S.C. 613. Cable or video providers shall deliver and pick-up  
21 or provide customers with pre-paid shipping and packaging for  
22 the return of converters and other necessary equipment at the  
23 home of customers with disabilities. Cable or video providers  
24 shall provide free use of a converter or remote control unit to  
25 mobility impaired customers.

26 (n) (1) To the extent consistent with federal law, cable or

1 video providers shall comply with the provisions of 47 U.S.C.  
2 532(h) and (j). The cable or video providers shall not exercise  
3 any editorial control over any video programming provided  
4 pursuant to this Section, or in any other way consider the  
5 content of such programming, except that a cable or video  
6 provider may refuse to transmit any leased access program or  
7 portion of a leased access program that contains obscenity,  
8 indecency, or nudity and may consider such content to the  
9 minimum extent necessary to establish a reasonable price for  
10 the commercial use of designated channel capacity by an  
11 unaffiliated person. This subsection (n) shall permit cable or  
12 video providers to enforce prospectively a written and  
13 published policy of prohibiting programming that the cable or  
14 video provider reasonably believes describes or depicts sexual  
15 or excretory activities or organs in a patently offensive  
16 manner as measured by contemporary community standards.

17 (2) Upon customer request, the cable or video provider  
18 shall, without charge, fully scramble or otherwise fully  
19 block the audio and video programming of each channel  
20 carrying such programming so that a person who is not a  
21 subscriber does not receive the channel or programming.

22 (3) In providing sexually explicit adult programming  
23 or other programming that is indecent on any channel of its  
24 service primarily dedicated to sexually oriented  
25 programming, the cable or video provider shall fully  
26 scramble or otherwise fully block the video and audio

1 portion of such channel so that a person who is not a  
2 subscriber to such channel or programming does not receive  
3 it.

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

7 (o) Cable or video providers will maintain a listing,  
8 specific to the level of street address, of the areas where its  
9 cable or video services are available. Customers who inquire  
10 about purchasing cable or video service shall be informed about  
11 whether the cable or video provider's cable or video services  
12 are currently available to them at their specific location.

13 (p) Cable or video providers shall not disclose the name,  
14 address, telephone number or other personally identifying  
15 information of a cable service or video service customer to be  
16 used in mailing lists or to be used for other commercial  
17 purposes not reasonably related to the conduct of its business  
18 unless the cable or video provider has provided to the customer  
19 a notice, separately or included in any other customer service  
20 notice, that clearly and conspicuously describes the  
21 customer's ability to prohibit the disclosure. Cable or video  
22 providers shall provide an address and telephone number for a  
23 customer to use without a toll charge to prevent disclosure of  
24 the customer's name and address in mailing lists or for other  
25 commercial purposes not reasonably related to the conduct of  
26 its business to other businesses or affiliates of the cable or

1 video provider. Cable or video providers shall comply with the  
2 consumer privacy requirements of the Communications Consumer  
3 Privacy Act, the Restricted Call Registry Act, and 47 U.S.C.  
4 551 that are in effect as of June 30, 2007 (the effective date  
5 of Public Act 95-9) and as amended thereafter.

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

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

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

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

25           (3) A material breach, for the purposes of assessing  
26 penalties, shall be deemed to have occurred for each day

1 that a material breach has not been remedied by the cable  
2 service or video service provider after the expiration of  
3 the period specified in subdivision (2) of this subsection  
4 (r) in each local unit of government's jurisdiction,  
5 irrespective of the number of customers affected.

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

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

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

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

12 (2) Failure to install service within 7 days: Waiver of  
13 50% of the installation fee or the monthly fee for the  
14 lowest-cost basic service, whichever is greater. Failure  
15 to install service within 14 days: Waiver of 100% of the  
16 installation fee or the monthly fee for the lowest-cost  
17 basic service, whichever is greater.

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

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

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

26 (6) Failure to comply with scrambling requirements:



1           \$50.00 per month.

2           (7) Violation of customer service and billing  
3 standards in subsections (c) and (d) of this Section:  
4 \$25.00 per occurrence.

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

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

15           (u) This Article applies to all cable and video providers  
16 in the State, including but not limited to those operating  
17 under a local franchise as that term is used in 47 U.S.C.  
18 522(9), those operating under authorization pursuant to  
19 Section 11-42-11 of the Illinois Municipal Code, those  
20 operating under authorization pursuant to Section 5-1095 of the  
21 Counties Code, and those operating under a State-issued  
22 authorization pursuant to Article XXI of this Act.

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

24           (220 ILCS 5/13-402.1 rep.)

25           (220 ILCS 5/13-408 rep.)

1 (220 ILCS 5/13-409 rep.)

2 (220 ILCS 5/13-505.1 rep.)

3 (220 ILCS 5/13-505.7 rep.)

4 (220 ILCS 5/13-506 rep.)

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

6 (220 ILCS 5/13-802 rep.)

7 Section 15. The Public Utilities Act is amended by  
8 repealing Sections 13-402.1, 13-408, 13-409, 13-505.1,  
9 13-505.7, 13-506, 13-511, and 13-802.

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

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.