



Rep. Robert Rita

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1 AMENDMENT TO SENATE BILL 3464

2 AMENDMENT NO. _____. Amend Senate Bill 3464, on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 3. The Public Utilities Act is amended by changing
5 Sections 13-301 and 22-501 as follows:

6 (220 ILCS 5/13-301) (from Ch. 111 2/3, par. 13-301)

7 (Section scheduled to be repealed on July 1, 2010)

8 Sec. 13-301. Consistent with the findings and policy
9 established in paragraph (a) of Section 13-102 and paragraph
10 (a) of Section 13-103, and in order to ensure the attainment of
11 such policies, the Commission shall:

12 (a) participate in all federal programs intended to
13 preserve or extend universal telecommunications service,
14 unless such programs would place cost burdens on Illinois
15 customers of telecommunications services in excess of the
16 benefits they would receive through participation, provided,

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

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

14 (c) order all telecommunications carriers offering or
15 providing local exchange telecommunications service to propose
16 low-cost or budget service tariffs and any other rate design or
17 pricing mechanisms designed to facilitate customer access to
18 such telecommunications service, and shall after notice and
19 hearing, implement any such proposals which it finds likely to
20 achieve such purpose;

21 (d) investigate the necessity of and, if appropriate,
22 establish a universal service support fund from which local
23 exchange telecommunications carriers who pursuant to the
24 Twenty-Seventh Interim Order of the Commission in Docket No.
25 83-0142 or the orders of the Commission in Docket No. 97-0621
26 and Docket No. 98-0679 received funding and whose economic

1 costs of providing services for which universal service support
2 may be made available exceed the affordable rate established by
3 the Commission for such services may be eligible to receive
4 support, less any federal universal service support received
5 for the same or similar costs of providing the supported
6 services; provided, however, that if a universal service
7 support fund is established, the Commission shall require that
8 all costs of the fund be recovered from all local exchange and
9 interexchange telecommunications carriers certificated in
10 Illinois on a competitively neutral and nondiscriminatory
11 basis. In establishing any such universal service support fund,
12 the Commission shall, in addition to the determination of costs
13 for supported services, consider and make findings pursuant to
14 paragraphs (1), (2), and (4) of item (e) of this Section. Proxy
15 cost, as determined by the Commission, may be used for this
16 purpose. In determining cost recovery for any universal service
17 support fund, the Commission shall not permit recovery of such
18 costs from another certificated carrier for any service
19 purchased and used solely as an input to a service provided to
20 such certificated carrier's retail customers; ~~and~~

21 (e) investigate the necessity of and, if appropriate,
22 establish a universal service support fund in addition to any
23 fund that may be established pursuant to item (d) of this
24 Section; provided, however, that if a telecommunications
25 carrier receives universal service support pursuant to item (d)
26 of this Section, that telecommunications carrier shall not

1 receive universal service support pursuant to this item.
2 Recipients of any universal service support funding created by
3 this item shall be "eligible" telecommunications carriers, as
4 designated by the Commission in accordance with 47 U.S.C.
5 214(e)(2). Eligible telecommunications carriers providing
6 local exchange telecommunications service may be eligible to
7 receive support for such services, less any federal universal
8 service support received for the same or similar costs of
9 providing the supported services. If a fund is established, the
10 Commission shall require that the costs of such fund be
11 recovered from all telecommunications carriers, with the
12 exception of wireless carriers who are providers of two-way
13 cellular telecommunications service and who have not been
14 designated as eligible telecommunications carriers, on a
15 competitively neutral and non-discriminatory basis. In any
16 order creating a fund pursuant to this item, the Commission,
17 after notice and hearing, shall:

18 (1) Define the group of services to be declared
19 "supported telecommunications services" that constitute
20 "universal service". This group of services shall, at a
21 minimum, include those services as defined by the Federal
22 Communications Commission and as from time to time amended.
23 In addition, the Commission shall consider the range of
24 services currently offered by telecommunications carriers
25 offering local exchange telecommunications service, the
26 existing rate structures for the supported

1 telecommunications services, and the telecommunications
2 needs of Illinois consumers in determining the supported
3 telecommunications services. The Commission shall, from
4 time to time or upon request, review and, if appropriate,
5 revise the group of Illinois supported telecommunications
6 services and the terms of the fund to reflect changes or
7 enhancements in telecommunications needs, technologies,
8 and available services.

9 (2) Identify all implicit subsidies contained in rates
10 or charges of incumbent local exchange carriers, including
11 all subsidies in interexchange access charges, and
12 determine how such subsidies can be made explicit by the
13 creation of the fund.

14 (3) Identify the incumbent local exchange carriers'
15 economic costs of providing the supported
16 telecommunications services.

17 (4) Establish an affordable price for the supported
18 telecommunications services for the respective incumbent
19 local exchange carrier. The affordable price shall be no
20 less than the rates in effect at the time the Commission
21 creates a fund pursuant to this item. The Commission may
22 establish and utilize indices or models for updating the
23 affordable price for supported telecommunications
24 services.

25 (5) Identify the telecommunications carriers from whom
26 the costs of the fund shall be recovered and the mechanism

1 to be used to determine and establish a competitively
2 neutral and non-discriminatory funding basis. From time to
3 time, or upon request, the Commission shall consider
4 whether, based upon changes in technology or other factors,
5 additional telecommunications providers should contribute
6 to the fund. The Commission shall establish the basis upon
7 which telecommunications carriers contributing to the fund
8 shall recover contributions on a competitively neutral and
9 non-discriminatory basis. In determining cost recovery for
10 any universal support fund, the Commission shall not permit
11 recovery of such costs from another certificated carrier
12 for any service purchased and used solely as an input to a
13 service provided to such certificated carriers' retail
14 customers.

15 (6) Approve a plan for the administration and operation
16 of the fund by a neutral third party consistent with the
17 requirements of this item.

18 No fund shall be created pursuant to this item until
19 existing implicit subsidies, including, but not limited to,
20 those subsidies contained in interexchange access charges,
21 have been identified and eliminated through revisions to rates
22 or charges. Prior to May 1, 2000, such revisions to rates or
23 charges to eliminate implicit subsidies shall occur
24 contemporaneously with any funding established pursuant to
25 this item. However, if the Commission does not establish a
26 universal service support fund by May 1, 2000, the Commission

1 shall not be prevented from entering an order or taking other
2 actions to reduce or eliminate existing subsidies as well as
3 considering the effect of such reduction or elimination on
4 local exchange carriers; and -

5 (f) provide for a universal and emergency services support
6 program under which all payphone service providers operating
7 under certificates of service authority issued by the
8 Commission shall receive financial support for all local
9 exchange services identified in this subsection (f) that are
10 used in the provisioning of payphone services, other than for
11 payphones located at inmate institutions or airports, provided
12 that such payphone service provider submits itself to the
13 universal and emergency services support program
14 (participating provider). The General Assembly finds that the
15 continued provision of payphones is fundamental to the public
16 policy goals of providing universal access and emergency links
17 to the communications network in the public interest of
18 providing for the health, welfare, prosperity, and security of
19 Illinois citizens. Developments in the telecommunications
20 industry make it necessary to take steps to ensure the
21 continued availability of payphones as part of the overall
22 communications network. Therefore, no later than December 1,
23 2010, the Commission, after notice and hearing, shall have in
24 effect a universal and emergency services support program that
25 shall provide that all payphone lines of a participating
26 provider, other than those payphones located at inmate

1 institutions or airports, shall receive universal and
2 emergency services support in an amount equal to the charges
3 for the telephone line, the subscriber line charge, all usage
4 of up to 15 miles, and the features (collectively "local
5 charges") for each payphone each month, to be paid directly by
6 the fund for the universal and emergency services support
7 program to the local exchange carrier providing the telephone
8 subscriber line to the payphone. The participating provider
9 shall remain responsible for the remainder of any other
10 charges. The Commission shall require that all costs of the
11 fund for the universal and emergency services support program
12 be recovered from the same entities as those required for the
13 recovery of costs under subsection (d) of this Section on a
14 competitively neutral and nondiscriminatory basis. The funding
15 for the universal and emergency services support program for
16 this subsection may be through a separate fund or through
17 another fund established pursuant to this Article, as the
18 Commission deems to be the most efficient and effective,
19 provided that any inclusion in another fund established
20 pursuant to this Article is neither detrimental to, nor
21 diminishes the benefits of that fund to, the other
22 participants.

23 Any telecommunications carrier providing local exchange
24 telecommunications service which offers to its local exchange
25 customers a choice of two or more local exchange
26 telecommunications service offerings shall provide, to any

1 such customer requesting it, once a year without charge, a
2 report describing which local exchange telecommunications
3 service offering would result in the lowest bill for such
4 customer's local exchange service, based on such customer's
5 calling pattern and usage for the previous 6 months. At least
6 once a year, each such carrier shall provide a notice to each
7 of its local exchange telecommunications service customers
8 describing the availability of this report and the specific
9 procedures by which customers may receive it. Such report shall
10 only be available to current and future customers who have
11 received at least 6 months of continuous local exchange service
12 from such carrier.

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

14 (220 ILCS 5/22-501)

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

1 television, direct broadcast satellite, multipoint
2 distribution service, and other provider of video programming
3 shall only be subject to the provisions of this Article to the
4 extent permitted by federal law.

5 The following definitions apply to the terms used in this
6 Article:

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

10 "Cable or video provider" means any person or entity
11 providing cable service or video service pursuant to
12 authorization under (i) the Cable and Video Competition Law of
13 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
14 (iii) Section 5-1095 of the Counties Code; or (iv) a master
15 antenna television, satellite master antenna television,
16 direct broadcast satellite, multipoint distribution services,
17 and other providers of video programming, whatever their
18 technology. A cable or video provider shall not include a
19 landlord providing only broadcast video programming to a
20 single-family home or other residential dwelling consisting of
21 4 units or less.

22 "Franchise" has the same meaning as found in 47 U.S.C.
23 522(9).

24 "Local unit of government" means a city, village,
25 incorporated town, or a county.

26 "Normal business hours" means those hours during which most

1 similar businesses in the geographic area of the local unit of
2 government are open to serve customers. In all cases, "normal
3 business hours" must include some evening hours at least one
4 night per week or some weekend hours.

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

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

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

23 (a) General customer service standards:

24 (1) Cable or video providers shall establish general
25 standards related to customer service, which shall
26 include, but not be limited to, installation,

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

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

1 The cable or video provider shall provide this information
2 upon request.

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

21 (b) General customer service obligations:

22 (1) Cable or video providers shall render reasonably
23 efficient service, promptly make repairs, and interrupt
24 service only as necessary and for good cause, during
25 periods of minimum use of the system and for no more than
26 24 hours.

1 (2) All service representatives or any other person who
2 contacts customers or potential customers on behalf of the
3 cable or video provider shall have a visible identification
4 card with their name and photograph and shall orally
5 identify themselves upon first contact with the customer.
6 Customer service representatives shall orally identify
7 themselves to callers immediately following the greeting
8 during each telephone contact with the public.

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

1 deposited; or (iv) provide an address, toll-free telephone
2 number, or electronic address to accept bill payments and
3 correspondence and provide a method for customers to return
4 equipment to the cable or video provider at no cost to the
5 customer.

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

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

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

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

14 (c) Bills, payment, and termination:

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

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

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

23 (4) Cable or video providers may not terminate
24 residential service for nonpayment of a bill unless the
25 cable or video provider furnishes notice of the delinquency
26 and impending termination at least 21 days prior to the

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

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

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

26 (7) Any service terminated by a cable or video provider

1 without good cause shall be restored without any
2 reconnection fee, charge, or penalty; good cause for
3 termination includes, but is not limited to, failure to pay
4 a bill by the date specified in the notice of impending
5 termination, payment by check for which there are
6 insufficient funds, theft of service, abuse of equipment or
7 personnel, or other similar subscriber actions.

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

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

1 the imposition of an early termination charge, except the
2 cable or video provider may impose a charge or fee to
3 offset any rebates or credits received by the customer and
4 may impose monthly service or maintenance charges,
5 including pay-per-view and premium services charges,
6 during such 60-day period.

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

15 (d) Response to customer inquiries:

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

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

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

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

26 (4) If the cable or video provider receives notice that

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

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

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

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

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

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

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

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

1 even if the rescheduled appointment is not within normal
2 business hours.

3 (f) Public benefit obligation:

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

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

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

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

1 subdivisions (1) and (2) of subsection (e) of this Section for
2 cable services or video services. The performance data shall be
3 disaggregated for each requesting local unit of government or
4 local exchange, as that term is defined in Section 13-206 of
5 this Act, in which the cable or video providers have customers.

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

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

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

1 video providers shall have a rate structure for the provision
2 of cable or video service that is uniform throughout the area
3 within the boundaries of the local unit of government. This
4 subsection (j) is not intended to prohibit bulk discounts to
5 multiple dwelling units or to prohibit reasonable discounts to
6 senior citizens or other economically disadvantaged groups.

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

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

26 (m) Cable or video providers shall not discriminate in the

1 provision of services for the hearing and visually impaired,
2 and shall comply with the accessibility requirements of 47
3 U.S.C. 613. Cable or video providers shall deliver and pick-up
4 or provide customers with pre-paid shipping and packaging for
5 the return of converters and other necessary equipment at the
6 home of customers with disabilities. Cable or video providers
7 shall provide free use of a converter or remote control unit to
8 mobility impaired customers.

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

26 (2) Upon customer request, the cable or video provider

1 shall, without charge, fully scramble or otherwise fully
2 block the audio and video programming of each channel
3 carrying such programming so that a person who is not a
4 subscriber does not receive the channel or programming.

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

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

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

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

1 unless the cable or video provider has provided to the customer
2 a notice, separately or included in any other customer service
3 notice, that clearly and conspicuously describes the
4 customer's ability to prohibit the disclosure. Cable or video
5 providers shall provide an address and telephone number for a
6 customer to use without a toll charge to prevent disclosure of
7 the customer's name and address in mailing lists or for other
8 commercial purposes not reasonably related to the conduct of
9 its business to other businesses or affiliates of the cable or
10 video provider. Cable or video providers shall comply with the
11 consumer privacy requirements of the Communications Consumer
12 Privacy Act, the Restricted Call Registry Act, and 47 U.S.C.
13 551 that are in effect as of June 30, 2007 (the effective date
14 of Public Act 95-9) and as amended thereafter.

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

1 of government, enforcement may be pursued as provided in
2 subdivision (4) of subsection (r) of this Section.

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

10 (1) The local unit of government may, by ordinance,
11 provide a schedule of penalties for any material breach of
12 this Section by cable or video providers in addition to the
13 penalties provided herein. No monetary penalties shall be
14 assessed for a material breach if it is out of the
15 reasonable control of the cable or video providers or its
16 affiliate. Monetary penalties adopted in an ordinance
17 pursuant to this Section shall apply on a competitively
18 neutral basis to all providers of cable service or video
19 service within the local unit of government's
20 jurisdiction. In no event shall the penalties imposed under
21 this subsection (r) exceed \$750 for each day of the
22 material breach, and these penalties shall not exceed
23 \$25,000 for each occurrence of a material breach per
24 customer.

25 (2) For purposes of this Section, "material breach"
26 means any substantial failure of a cable or video service

1 provider to comply with service quality and other standards
2 specified in any provision of this Act. The Attorney
3 General or the local unit of government shall give the
4 cable or video provider written notice of any alleged
5 material breaches of this Act and allow such provider at
6 least 30 days from receipt of the notice to remedy the
7 specified material breach.

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

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

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

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

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

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

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

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

9 (6) Failure to comply with scrambling requirements:
10 \$50.00 per month.

11 (7) Violation of customer service and billing
12 standards in subsections (c) and (d) of this Section:
13 \$25.00 per occurrence.

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

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

24 (u) This Article applies to all cable and video providers
25 in the State, including but not limited to those operating
26 under a local franchise as that term is used in 47 U.S.C.

1 522(9), those operating under authorization pursuant to
2 Section 11-42-11 of the Illinois Municipal Code, those
3 operating under authorization pursuant to Section 5-1095 of the
4 Counties Code, and those operating under a State-issued
5 authorization pursuant to Article XXI of this Act.
6 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)".