



Rep. Kelly Burke

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1 AMENDMENT TO SENATE BILL 1664

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1664 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wireless Emergency Telephone Safety Act is  
5 amended by changing Section 70 and by adding Section 85 as  
6 follows:

7 (50 ILCS 751/70)

8 (Section scheduled to be repealed on July 1, 2013)

9 Sec. 70. Repealer. This Act is repealed on July 1, 2014  
10 ~~2013.~~

11 (Source: P.A. 97-1163, eff. 2-4-13.)

12 (50 ILCS 751/85 new)

13 Sec. 85. 9-1-1 Services Advisory Board. There is hereby  
14 created the 9-1-1 Services Advisory Board. The Board shall work  
15 with the Commission to determine the 9-1-1 costs necessary for

1 every 9-1-1 system to adequately function and shall submit, by  
2 February 1, 2014, recommendations on whether there is a need to  
3 consolidate 9-1-1 functions to the General Assembly. The Board  
4 shall consist of 11 members appointed by the Governor as  
5 follows:

6 (1) the Executive Director of the Illinois Commerce  
7 Commission, or his or her designee;

8 (2) one member representing the Illinois chapter of the  
9 National Emergency Number Association;

10 (3) one member representing the Illinois chapter of the  
11 Association of Public-Safety Communications Officials;

12 (4) one member representing a county 9-1-1 system from  
13 a county with a population of 50,000 or less;

14 (5) one member representing a county 9-1-1 system from  
15 a county with a population between 50,000 and 250,000;

16 (6) one member representing a county 9-1-1 system from  
17 a county with a population of 250,000 or more;

18 (7) one member representing an incumbent local  
19 exchange 9-1-1 system provider;

20 (8) one member representing a non-incumbent local  
21 exchange 9-1-1 system provider;

22 (9) one member representing a large wireless carrier;

23 (10) one member representing a small wireless carrier;

24 and

25 (11) one member representing the Illinois  
26 Telecommunications Association.

1           The Board is abolished on July 1, 2014.

2           Section 10. The Public Utilities Act is amended by changing  
3 Sections 13-101, 13-501, 13-501.5, 13-503, 13-505, 13-506.2,  
4 13-509, 13-514, 13-515, 13-516, 13-712, 13-1200, 21-401,  
5 21-801, 21-1101, 21-1201, 21-1502, 21-1601, and 22-501 and by  
6 adding Sections 13-802.1 and 21-1502 as follows:

7           (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

8           (Section scheduled to be repealed on July 1, 2013)

9           Sec. 13-101. Application of Act to telecommunications  
10 rates and services. The ~~Except to the extent modified or~~  
11 ~~supplemented by the specific provisions of this Article, the~~  
12 Sections of this Act pertaining to public utilities, public  
13 utility rates and services, and the regulation thereof, are  
14 fully and equally applicable to noncompetitive  
15 telecommunications rates and services, and the regulation  
16 thereof, except to the extent modified or supplemented by the  
17 specific provisions of this Article or where the context  
18 clearly renders such provisions inapplicable. ~~Except to the~~  
19 ~~extent modified or supplemented by the specific provisions of~~  
20 ~~this Article, Articles I through IV~~ ~~W~~, Sections 5-101, 5-106,  
21 5-108, 5-110, 5-201, 5-202.1, 5-203, 8-301, 8-305, 8-501,  
22 8-502, 8-503, 8-505, 8-509, 8-509.5, 8-510, 9-221, 9-222,  
23 9-222.1, 9-222.2, 9-241, 9-250, and 9-252.1, and Article X of  
24 this Act are fully and equally applicable to the noncompetitive

1 and competitive services of an Electing Provider and to  
2 competitive telecommunications rates and services, and the  
3 regulation thereof except that Section 5-109 shall apply to the  
4 services of an Electing Provider and to competitive  
5 telecommunications rates and services only to the extent that  
6 the Commission requires annual reports authorized by Section  
7 5-109, provided the telecommunications provider may use  
8 generally accepted accounting practices or accounting systems  
9 it uses for financial reporting purposes in the annual report,  
10 and except that Sections 8-505 and 9-250 shall not apply to  
11 competitive retail telecommunications services and Sections  
12 8-501 and 9-241 shall not apply to competitive services; in  
13 addition, as to competitive telecommunications rates and  
14 services, and the regulation thereof, and with the exception of  
15 competitive retail telecommunications service rates and  
16 services, all rules and regulations made by a  
17 telecommunications carrier affecting or pertaining to its  
18 charges or service shall be just and reasonable. As of the  
19 effective date of this amendatory Act of the 92nd General  
20 Assembly, Sections 4-202, 4-203, and 5-202 of this Act shall  
21 cease to apply to telecommunications rates and services.

22 (Source: P.A. 96-927, eff. 6-15-10.)

23 (220 ILCS 5/13-501) (from Ch. 111 2/3, par. 13-501)

24 (Section scheduled to be repealed on July 1, 2013)

25 Sec. 13-501. Tariff; filing.

1 (a) No telecommunications carrier shall offer or provide  
2 noncompetitive telecommunications service, telecommunications  
3 service subject to subsection (g) of Section 13-506.2 or  
4 Section 13-900.1 or 13-900.2 of this Act, or telecommunications  
5 service referred to in an interconnection agreement as a  
6 tariffed service unless and until a tariff is filed with the  
7 Commission which describes the nature of the service,  
8 applicable rates and other charges, terms and conditions of  
9 service, and the exchange, exchanges or other geographical area  
10 or areas in which the service shall be offered or provided. The  
11 Commission may prescribe the form of such tariff and any  
12 additional data or information which shall be included therein.

13 (b) After a hearing regarding a telecommunications service  
14 subject to subsection (a) of this Section, the Commission has  
15 the discretion to impose an interim or permanent tariff on a  
16 telecommunications carrier as part of the order in the case.  
17 When a tariff is imposed as part of the order in a case, the  
18 tariff shall remain in full force and effect until a compliance  
19 tariff, or superseding tariff, is filed by the  
20 telecommunications carrier and, after notice to the parties in  
21 the case and after a compliance hearing is held, is found by  
22 the Commission to be in compliance with the Commission's order.

23 (c) A telecommunications carrier shall offer or provide  
24 telecommunications service that is not subject to subsection  
25 (a) of this Section pursuant to either a tariff filed with the  
26 Commission or a written service offering that shall be

1 available on the telecommunications carrier's website as  
2 required by Section 13-503 of this Act and that describes the  
3 nature of the service, applicable rates and other charges,  
4 terms and conditions of service. Revenue from competitive  
5 retail telecommunications service received by a  
6 telecommunications carrier pursuant to either a tariff or a  
7 written service offering shall be gross revenue for purposes of  
8 Section 2-202 of this Act.

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

10 (220 ILCS 5/13-501.5)

11 (Section scheduled to be repealed on July 1, 2013)

12 Sec. 13-501.5. Directory assistance service for the blind.  
13 ~~A Within 180 days after the effective date of this amendatory~~  
14 ~~Act of the 93rd General Assembly, a telecommunications carrier~~  
15 that provides directory assistance service shall provide in its  
16 tariffs or its written service offering pursuant to subsection  
17 (c) of Section 13-501 of this Act for that service that  
18 directory assistance shall be provided at no charge to its  
19 customers who are legally blind for telephone numbers of  
20 customers located within the same calling area, as described in  
21 the telecommunications carrier's tariff.

22 (Source: P.A. 93-82, eff. 7-2-03.)

23 (220 ILCS 5/13-503) (from Ch. 111 2/3, par. 13-503)

24 (Section scheduled to be repealed on July 1, 2013)

1           Sec. 13-503. Information available to the public. With  
2           respect to rates or other charges made, demanded, or received  
3           for any telecommunications service offered, provided, or to be  
4           provided, that is subject to subsection (a) of Section 13-501  
5           of this Act ~~whether such service is competitive or~~  
6           ~~noncompetitive~~, telecommunications carriers shall comply with  
7           the publication and filing provisions of Sections 9-101, 9-102,  
8           9-102.1, and 9-201 of this Act ~~9-103~~. Except for the provision  
9           of services offered or provided by payphone providers pursuant  
10           to a tariff, telecommunications ~~Telecommunications~~ carriers  
11           shall make all tariffs and all written service offerings for  
12           competitive telecommunications service available  
13           electronically to the public without requiring a password or  
14           other means of registration. A telecommunications carrier's  
15           website shall, if applicable, provide in a conspicuous manner  
16           information on the rates, charges, terms, and conditions of  
17           service available and a toll-free telephone number that may be  
18           used to contact an agent for assistance with obtaining rate or  
19           other charge information or the terms and conditions of  
20           service.

21           (Source: P.A. 96-927, eff. 6-15-10.)

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

23           (Section scheduled to be repealed on July 1, 2013)

24           Sec. 13-505. Rate changes; competitive services. Any  
25           proposed increase or decrease in rates or charges, or proposed

1 change in any classification, written service offering, or  
2 tariff resulting in an increase or decrease in rates or  
3 charges, for a competitive telecommunications service shall be  
4 permitted upon the filing with the Commission or posting on the  
5 telecommunications carrier's website of the proposed rate,  
6 charge, classification, written service offering, or tariff  
7 pursuant to Section 13-501 of this Act. Notice of an increase  
8 shall be given, no later than the prior billing cycle, to all  
9 potentially affected customers by mail, ~~publication in a~~  
10 ~~newspaper of general circulation,~~ or equivalent means of  
11 notice, including electronic if the customer has elected  
12 electronic billing. Additional notice by publication in a  
13 newspaper of general circulation may also be given.

14 (Source: P.A. 96-927, eff. 6-15-10.)

15 (220 ILCS 5/13-506.2)

16 (Section scheduled to be repealed on July 1, 2013)

17 Sec. 13-506.2. Market regulation for competitive retail  
18 services.

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

20 (1) "Electing Provider" means a telecommunications  
21 carrier that is subject to either rate regulation pursuant  
22 to Section 13-504 or Section 13-505 or alternative  
23 regulation pursuant to Section 13-506.1 and that elects to  
24 have the rates, terms, and conditions of its competitive  
25 retail telecommunications services solely determined and



1 regulated pursuant to the terms of this Article.

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

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

1 (c) Competitive classification. Market regulation shall  
2 ~~only~~ be available for competitive retail telecommunications  
3 services as provided in this subsection.

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

26 (2) For those geographic areas in which residential

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

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

20 (4) The service packages described in Section 13-518  
21 shall be classified as competitive for purposes of this  
22 Section if offered by an Electing Provider in a geographic  
23 area in which local exchange telecommunications service  
24 has been classified as competitive pursuant to either  
25 subdivision (c) (1) or (c) (2) of this Section.

26 (5) Where a service, or its functional equivalent, or a

1 substitute service offered by a carrier that is not an  
2 Electing Provider or the incumbent local exchange carrier  
3 for that area is also being offered by an Electing Provider  
4 for some identifiable class or group of customers in an  
5 exchange, group of exchanges, or some other clearly defined  
6 geographical area, the service offered by a carrier that is  
7 not an Electing Provider or the incumbent local exchange  
8 carrier for that area shall be classified as competitive  
9 without further Commission review.

10 (6) Notwithstanding any other provision of this Act,  
11 retail telecommunications services classified as  
12 competitive pursuant to Section 13-502 or subdivision  
13 (c)(5) of this Section shall have their rates, terms, and  
14 conditions solely determined and regulated pursuant to the  
15 terms of this Section in the same manner and to the same  
16 extent as the competitive retail telecommunications  
17 services of an Electing Provider, except that subsections  
18 (d), (g), and (j) of this Section shall not apply to a  
19 carrier that is not an Electing Provider or to the  
20 competitive telecommunications services of a carrier that  
21 is not an Electing Provider. The access services of a  
22 carrier that is not an Electing Provider shall remain  
23 subject to Section 13-900.2. The requirements in  
24 subdivision (e)(3) of this Section shall not apply to  
25 retail telecommunications services classified as  
26 competitive pursuant to Section 13-502 or subdivision

1       (c) (5) of this Section, except that, upon request from the  
2       Commission, the telecommunications carrier providing  
3       competitive retail telecommunications services shall  
4       provide a report showing the number of credits and  
5       exemptions for the requested time period.

6       (d) Consumer choice safe harbor options.

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

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

1 stand-alone network access line and local usage rates,  
2 including Extended Area Service rates, since January  
3 1, 2010.

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

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

24 (2) For those geographic areas in which local exchange  
25 telecommunications services were classified as competitive  
26 on the effective date of this amendatory Act of the 96th

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

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

1 notice of election pursuant to subsection (b) of this  
2 Section.

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

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



1 access lines.

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

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

21 (e) Service quality and customer credits for basic local  
22 exchange service.

23 (1) An Electing Provider shall meet the following  
24 service quality standards in providing basic local  
25 exchange service, which for purposes of this subsection  
26 (e), includes both basic local exchange service and the

1 consumer choice safe harbor options required by subsection  
2 (d) of this Section.

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

13 (B) Restore basic local exchange service for the  
14 customer within 30 hours after receiving notice that  
15 the customer is out of service.

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

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

24 (2) Customers shall be credited by the Electing  
25 Provider for violations of basic local exchange service  
26 quality standards described in subdivision (e)(1) of this

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

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

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

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

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

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

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

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

24 (ii) occurs as a result of a malfunction of  
25 customer-owned telephone equipment or inside  
26 wiring;

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

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

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

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

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

25 (3) Each Electing Provider shall provide to the  
26 Commission on a quarterly basis and in a form suitable for

1 posting on the Commission's website in conformance with the  
2 rules adopted by the Commission and in effect on April 1,  
3 2010, a public report that includes the following data for  
4 basic local exchange service quality of service:

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

8 (i) the total dollar amount of any customer  
9 credits paid;

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

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

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

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

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

20 (vii) the number of exemptions claimed for  
21 each of the categories identified in subdivision  
22 (e) (2) (D).

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

26 (i) the total dollar amount of any customer

1 credits paid;

2 (ii) the number of installations after 5  
3 business days;

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

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

8 (v) the number of exemptions claimed for each  
9 of the categories identified in subdivision  
10 (e) (2) (D).

11 (C) With regard to credits due in accordance with  
12 subdivision (e) (2) (C) as a result of missed  
13 appointments:

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

16 (ii) the number of any customers receiving  
17 credits; and

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

21 (D) The Electing Provider's annual report required  
22 by this subsection shall also include, for  
23 informational reporting, the performance data  
24 described in subdivisions (e) (2) (A), (e) (2) (B), and  
25 (e) (2) (C), and trouble reports per 100 access lines  
26 calculated using the Commission's existing applicable



1 rules and regulations for such measures, including the  
2 requirements for service standards established in this  
3 Section.

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

1 revenue; the frequency, duration, and recurrence of the  
2 violation; and the relative harm caused to the affected  
3 customers or other users of the network. In imposing fines  
4 and penalties, the Commission shall take into account  
5 compensation or credits paid by the Electing Provider to  
6 its customers pursuant to this subsection (e) in  
7 compensation for any violation found pursuant to this  
8 subsection (e), and in any event the fine or penalty shall  
9 not exceed an amount equal to the maximum amount of a civil  
10 penalty that may be imposed under Section 13-305.

11 (5) An Electing Provider in each of the MSA or Exchange  
12 areas classified as competitive pursuant to subsection (c)  
13 of this Section shall fulfill the requirements in  
14 subdivision (e)(3) of this Section for 3 years after its  
15 notice of election becomes effective. After such 3 years,  
16 the requirements in subdivision (e)(3) of this Section  
17 shall not apply to such Electing Provider, except that,  
18 upon request from the Commission, the Electing Provider  
19 shall provide a report showing the number of credits and  
20 exemptions for the requested time period.

21 (f) Commission jurisdiction over competitive retail  
22 telecommunications services ~~upon election for market~~  
23 ~~regulation~~. Except as otherwise expressly stated in this  
24 Section, the Commission shall thereafter have no jurisdiction  
25 or authority over any aspect of competitive retail  
26 telecommunications service of an Electing Provider in those

1 geographic areas included in the Electing Provider's notice of  
2 election pursuant to subsection (b) of this Section or of a  
3 retail telecommunications service classified as competitive  
4 pursuant to Section 13-502 or subdivision (c)(5) of this  
5 Section, heretofore subject to the jurisdiction of the  
6 Commission, including but not limited to, any requirements of  
7 this Article related to the terms, conditions, rates, quality  
8 of service, availability, classification or any other aspect of  
9 any ~~of the Electing Provider's~~ competitive retail  
10 telecommunications services. No telecommunications carrier  
11 ~~Electing Provider~~ shall commit any unfair or deceptive act or  
12 practice in connection with any aspect of the offering or  
13 provision of any competitive retail telecommunications  
14 service. Nothing in this Article shall limit or affect any  
15 provisions in the Consumer Fraud and Deceptive Business  
16 Practices Act with respect to any unfair or deceptive act or  
17 practice by a telecommunications carrier ~~an Electing Provider~~.

18 (g) Commission authority over access services upon  
19 election for market regulation.

20 (1) As part of its Notice of Election for Market  
21 Regulation, the Electing Provider shall reduce its  
22 intrastate switched access rates to rates no higher than  
23 its interstate switched access rates in 4 installments. The  
24 first reduction must be made 30 days after submission of  
25 its complete application for Notice of Election for Market  
26 Regulation, and the Electing Provider must reduce its

1 intrastate switched access rates by an amount equal to 33%  
2 of the difference between its current intrastate switched  
3 access rates and its current interstate switched access  
4 rates. The second reduction must be made no later than one  
5 year after the first reduction, and the Electing Provider  
6 must reduce its then current intrastate switched access  
7 rates by an amount equal to 41% of the difference between  
8 its then current intrastate switched access rates and its  
9 then current interstate switched access rates. The third  
10 reduction must be made no later than one year after the  
11 second reduction, and the Electing Provider must reduce its  
12 then current intrastate switched access rates by an amount  
13 equal to 50% of the difference between its then current  
14 intrastate switched access rate and its then current  
15 interstate switched access rates. The fourth reduction  
16 must be made on or before June 30, 2013, and the Electing  
17 Provider must reduce its intrastate switched access rate to  
18 mirror its then current interstate switched access rates  
19 and rate structure. Following the fourth reduction, each  
20 Electing Provider must continue to set its intrastate  
21 switched access rates to mirror its interstate switched  
22 access rates and rate structure. For purposes of this  
23 subsection, the rate for intrastate switched access  
24 service means the composite, per-minute rate for that  
25 service, including all applicable fixed and  
26 traffic-sensitive charges, including, but not limited to,

1 carrier common line charges.

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

6 (3) The Commission shall have no authority to order an  
7 Electing Provider to set its rates for intrastate switched  
8 access at a level lower than its interstate switched access  
9 rates.

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

15 (h) Safety of service equipment and facilities.

16 (1) An Electing Provider shall furnish, provide, and  
17 maintain such service instrumentalities, equipment, and  
18 facilities as shall promote the safety, health, comfort,  
19 and convenience of its patrons, employees, and public and  
20 as shall be in all respects adequate, reliable, and  
21 efficient without discrimination or delay. Every Electing  
22 Provider shall provide service and facilities that are in  
23 all respects environmentally safe.

24 (2) The Commission is authorized to conduct an  
25 investigation of any Electing Provider or part thereof. The  
26 investigation may examine the reasonableness, prudence, or

1 efficiency of any aspect of the Electing Provider's  
2 operations or functions that may affect the adequacy,  
3 safety, efficiency, or reliability of telecommunications  
4 service. The Commission may conduct or order an  
5 investigation only when it has reasonable grounds to  
6 believe that the investigation is necessary to assure that  
7 the Electing Provider is providing adequate, efficient,  
8 reliable, and safe service. The Commission shall, before  
9 initiating any such investigation, issue an order  
10 describing the grounds for the investigation and the  
11 appropriate scope and nature of the investigation, which  
12 shall be reasonably related to the grounds relied upon by  
13 the Commission in its order.

14 (i) (Blank). ~~Tariffs. No Electing Provider shall offer or~~  
15 ~~provide telecommunications service unless and until a tariff is~~  
16 ~~filed with the Commission that describes the nature of the~~  
17 ~~service, applicable rates and other charges, terms, and~~  
18 ~~conditions of service and the exchange, exchanges, or other~~  
19 ~~geographical area or areas in which the service shall be~~  
20 ~~offered or provided. The Commission may prescribe the form of~~  
21 ~~such tariff and any additional data or information that shall~~  
22 ~~be included in the form. Revenue from retail competitive~~  
23 ~~services received from an Electing Provider pursuant to such~~  
24 ~~tariffs shall be gross revenue for purposes of Section 2-202 of~~  
25 ~~this Act.~~

26 (j) Application of Article VII. The provisions of Sections

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

19 (k) Notwithstanding other provisions of this Section, the  
20 Commission retains its existing authority to enforce the  
21 provisions, conditions, and requirements of the following  
22 Sections of this Article: 13-101, 13-103, 13-201, 13-301,  
23 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,  
24 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,  
25 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,  
26 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,

1 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,  
2 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,  
3 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully  
4 and equally applicable to Electing Providers and to  
5 telecommunications carriers providing retail  
6 telecommunications service classified as competitive pursuant  
7 to Section 13-502 or subdivision (c) (5) of this Section subject  
8 to the provisions of this Section. On the effective date of  
9 this amendatory Act of the 98th ~~96th~~ General Assembly, the  
10 following Sections of this Article shall cease to apply to  
11 Electing Providers and to telecommunications carriers  
12 providing retail telecommunications service classified as  
13 competitive pursuant to Section 13-502 or subdivision (c) (5) of  
14 this Section: 13-302, 13-405.1, ~~13-501~~, 13-502, 13-502.5,  
15 ~~13-503~~, 13-504, 13-505.2, 13-505.3, 13-505.4, 13-505.5,  
16 13-505.6, 13-506.1, 13-507, 13-507.1, 13-508, 13-508.1,  
17 13-517, 13-518, 13-601, 13-701, and 13-712.

18 (Source: P.A. 96-927, eff. 6-15-10.)

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

20 (Section scheduled to be repealed on July 1, 2013)

21 Sec. 13-509. Agreements for provisions of competitive  
22 telecommunications services differing from tariffs or written  
23 service offerings. A telecommunications carrier may negotiate  
24 with customers or 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 or written service offerings  
4 posted on the telecommunications carrier's website pursuant to  
5 Section 13-501(c) of this Act with respect to such services.  
6 Upon request of the Commission, the telecommunications carrier  
7 shall submit to the Commission written notice of a list of any  
8 such agreements (which list may be filed electronically) within  
9 the past year. The notice shall identify the general nature of  
10 all such agreements. A copy of each such agreement shall be  
11 provided to the Commission within 10 business days after a  
12 request for review of the agreement is made by the Commission  
13 or is made to the Commission by another telecommunications  
14 carrier or by a party to such agreement.

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

18 (Source: P.A. 96-927, eff. 6-15-10.)

19 (220 ILCS 5/13-514)

20 (Section scheduled to be repealed on July 1, 2013)

21 Sec. 13-514. Prohibited Actions of Telecommunications  
22 Carriers. A telecommunications carrier shall not knowingly  
23 impede the development of competition in any  
24 telecommunications service market. The following prohibited  
25 actions are considered per se impediments to the development of

1 competition; however, the Commission is not limited in any  
2 manner to these enumerated impediments and may consider other  
3 actions which impede competition to be prohibited:

4 (1) unreasonably refusing or delaying interconnections or  
5 collocation or providing inferior connections to another  
6 telecommunications carrier;

7 (2) unreasonably impairing the speed, quality, or  
8 efficiency of services used by another telecommunications  
9 carrier;

10 (3) unreasonably denying a request of another provider for  
11 information regarding the technical design and features,  
12 geographic coverage, information necessary for the design of  
13 equipment, and traffic capabilities of the local exchange  
14 network except for proprietary information unless such  
15 information is subject to a proprietary agreement or protective  
16 order;

17 (4) unreasonably delaying access in connecting another  
18 telecommunications carrier to the local exchange network whose  
19 product or service requires novel or specialized access  
20 requirements;

21 (5) unreasonably refusing or delaying access by any person  
22 to another telecommunications carrier;

23 (6) unreasonably acting or failing to act in a manner that  
24 has a substantial adverse effect on the ability of another  
25 telecommunications carrier to provide service to its  
26 customers;

1           (7) unreasonably failing to offer services to customers in  
2 a local exchange, where a telecommunications carrier is  
3 certificated to provide service and has entered into an  
4 interconnection agreement for the provision of local exchange  
5 telecommunications services, with the intent to delay or impede  
6 the ability of the incumbent local exchange telecommunications  
7 carrier to provide inter-LATA telecommunications services;

8           (8) violating the terms of or unreasonably delaying  
9 implementation of an interconnection agreement entered into  
10 pursuant to Section 252 of the federal Telecommunications Act  
11 of 1996 ~~in a manner that unreasonably delays, increases the~~  
12 ~~cost, or impedes the availability of telecommunications~~  
13 ~~services to consumers;~~

14           (9) unreasonably refusing or delaying access to or  
15 provision of operation support systems to another  
16 telecommunications carrier or providing inferior operation  
17 support systems to another telecommunications carrier;

18           (10) unreasonably failing to offer network elements that  
19 the Commission or the Federal Communications Commission has  
20 determined must be offered on an unbundled basis to another  
21 telecommunications carrier in a manner consistent with the  
22 Commission's or Federal Communications Commission's orders or  
23 rules requiring such offerings;

24           (11) violating the obligations of Section 13-801; and

25           (12) violating an order of the Commission regarding matters  
26 between telecommunications carriers.

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

2 (220 ILCS 5/13-515)

3 (Section scheduled to be repealed on July 1, 2013)

4 Sec. 13-515. Enforcement.

5 (a) The following expedited procedures shall be used to  
6 enforce the provisions of Section 13-514 of this Act, provided  
7 that, for a violation of paragraph (8) of Section 13-514 to  
8 qualify for the expedited procedures of this Section, the  
9 violation must be in a manner that unreasonably delays,  
10 increases the cost, or impedes the availability of  
11 telecommunications services to consumers. However, the  
12 Commission, the complainant, and the respondent may mutually  
13 agree to adjust the procedures established in this Section.

14 (b) (Blank).

15 (c) No complaint may be filed under this Section until the  
16 complainant has first notified the respondent of the alleged  
17 violation and offered the respondent 48 hours to correct the  
18 situation. Provision of notice and the opportunity to correct  
19 the situation creates a rebuttable presumption of knowledge  
20 under Section 13-514. After the filing of a complaint under  
21 this Section, the parties may agree to follow the mediation  
22 process under Section 10-101.1 of this Act. The time periods  
23 specified in subdivision (d) (7) of this Section shall be tolled  
24 during the time spent in mediation under Section 10-101.1.

25 (d) A telecommunications carrier may file a complaint with

1 the Commission alleging a violation of Section 13-514 in  
2 accordance with this subsection:

3 (1) The complaint shall be filed with the Chief Clerk  
4 of the Commission and shall be served in hand upon the  
5 respondent, the executive director, and the general  
6 counsel of the Commission at the time of the filing.

7 (2) A complaint filed under this subsection shall  
8 include a statement that the requirements of subsection (c)  
9 have been fulfilled and that the respondent did not correct  
10 the situation as requested.

11 (3) Reasonable discovery specific to the issue of the  
12 complaint may commence upon filing of the complaint.  
13 Requests for discovery must be served in hand and responses  
14 to discovery must be provided in hand to the requester  
15 within 14 days after a request for discovery is made.

16 (4) An answer and any other responsive pleading to the  
17 complaint shall be filed with the Commission and served in  
18 hand at the same time upon the complainant, the executive  
19 director, and the general counsel of the Commission within  
20 7 days after the date on which the complaint is filed.

21 (5) If the answer or responsive pleading raises the  
22 issue that the complaint violates subsection (i) of this  
23 Section, the complainant may file a reply to such  
24 allegation within 3 days after actual service of such  
25 answer or responsive pleading. Within 4 days after the time  
26 for filing a reply has expired, the hearing officer or

1 arbitrator shall either issue a written decision  
2 dismissing the complaint as frivolous in violation of  
3 subsection (i) of this Section including the reasons for  
4 such disposition or shall issue an order directing that the  
5 complaint shall proceed.

6 (6) A pre-hearing conference shall be held within 14  
7 days after the date on which the complaint is filed.

8 (7) The hearing shall commence within 30 days of the  
9 date on which the complaint is filed. The hearing may be  
10 conducted by a hearing examiner or by an arbitrator.  
11 Parties and the Commission staff shall be entitled to  
12 present evidence and legal argument in oral or written form  
13 as deemed appropriate by the hearing examiner or  
14 arbitrator. The hearing examiner or arbitrator shall issue  
15 a written decision within 60 days after the date on which  
16 the complaint is filed. The decision shall include reasons  
17 for the disposition of the complaint and, if a violation of  
18 Section 13-514 is found, directions and a deadline for  
19 correction of the violation.

20 (8) Any party may file a petition requesting the  
21 Commission to review the decision of the hearing examiner  
22 or arbitrator within 5 days of such decision. Any party may  
23 file a response to a petition for review within 3 business  
24 days after actual service of the petition. After the time  
25 for filing of the petition for review, but no later than 15  
26 days after the decision of the hearing examiner or

1           arbitrator, the Commission shall decide to adopt the  
2           decision of the hearing examiner or arbitrator or shall  
3           issue its own final order.

4           (e) If the alleged violation has a substantial adverse  
5           effect on the ability of the complainant to provide service to  
6           customers, the complainant may include in its complaint a  
7           request for an order for emergency relief. The Commission,  
8           acting through its designated hearing examiner or arbitrator,  
9           shall act upon such a request within 2 business days of the  
10          filing of the complaint. An order for emergency relief may be  
11          granted, without an evidentiary hearing, upon a verified  
12          factual showing that the party seeking relief will likely  
13          succeed on the merits, that the party will suffer irreparable  
14          harm in its ability to serve customers if emergency relief is  
15          not granted, and that the order is in the public interest. An  
16          order for emergency relief shall include a finding that the  
17          requirements of this subsection have been fulfilled and shall  
18          specify the directives that must be fulfilled by the respondent  
19          and deadlines for meeting those directives. The decision of the  
20          hearing examiner or arbitrator to grant or deny emergency  
21          relief shall be considered an order of the Commission unless  
22          the Commission enters its own order within 2 calendar days of  
23          the decision of the hearing examiner or arbitrator. The order  
24          for emergency relief may require the responding party to act or  
25          refrain from acting so as to protect the provision of  
26          competitive service offerings to customers. Any action

1 required by an emergency relief order must be technically  
2 feasible and economically reasonable and the respondent must be  
3 given a reasonable period of time to comply with the order.

4 (f) The Commission is authorized to obtain outside  
5 resources including, but not limited to, arbitrators and  
6 consultants for the purposes of the hearings authorized by this  
7 Section. Any arbitrator or consultant obtained by the  
8 Commission shall be approved by both parties to the hearing.  
9 The cost of such outside resources including, but not limited  
10 to, arbitrators and consultants shall be borne by the parties.  
11 The Commission shall review the bill for reasonableness and  
12 assess the parties for reasonable costs dividing the costs  
13 according to the resolution of the complaint brought under this  
14 Section. Such costs shall be paid by the parties directly to  
15 the arbitrators, consultants, and other providers of outside  
16 resources within 60 days after receiving notice of the  
17 assessments from the Commission. Interest at the statutory rate  
18 shall accrue after expiration of the 60-day period. The  
19 Commission, arbitrators, consultants, or other providers of  
20 outside resources may apply to a court of competent  
21 jurisdiction for an order requiring payment.

22 (g) The Commission shall assess the parties under this  
23 subsection for all of the Commission's costs of investigation  
24 and conduct of the proceedings brought under this Section  
25 including, but not limited to, the prorated salaries of staff,  
26 attorneys, hearing examiners, and support personnel and



1 including any travel and per diem, directly attributable to the  
2 complaint brought pursuant to this Section, but excluding those  
3 costs provided for in subsection (f), dividing the costs  
4 according to the resolution of the complaint brought under this  
5 Section. All assessments made under this subsection shall be  
6 paid into the Public Utility Fund within 60 days after  
7 receiving notice of the assessments from the Commission.  
8 Interest at the statutory rate shall accrue after the  
9 expiration of the 60 day period. The Commission is authorized  
10 to apply to a court of competent jurisdiction for an order  
11 requiring payment.

12 (h) If the Commission determines that there is an imminent  
13 threat to competition or to the public interest, the Commission  
14 may, notwithstanding any other provision of this Act, seek  
15 temporary, preliminary, or permanent injunctive relief from a  
16 court of competent jurisdiction either prior to or after the  
17 hearing.

18 (i) A party shall not bring or defend a proceeding brought  
19 under this Section or assert or controvert an issue in a  
20 proceeding brought under this Section, unless there is a  
21 non-frivolous basis for doing so. By presenting a pleading,  
22 written motion, or other paper in complaint or defense of the  
23 actions or inaction of a party under this Section, a party is  
24 certifying to the Commission that to the best of that party's  
25 knowledge, information, and belief, formed after a reasonable  
26 inquiry of the subject matter of the complaint or defense, that

1 the complaint or defense is well grounded in law and fact, and  
2 under the circumstances:

3 (1) it is not being presented to harass the other  
4 party, cause unnecessary delay in the provision of  
5 competitive telecommunications services to consumers, or  
6 create needless increases in the cost of litigation; and

7 (2) the allegations and other factual contentions have  
8 evidentiary support or, if specifically so identified, are  
9 likely to have evidentiary support after reasonable  
10 opportunity for further investigation or discovery as  
11 defined herein.

12 (j) If, after notice and a reasonable opportunity to  
13 respond, the Commission determines that subsection (i) has been  
14 violated, the Commission shall impose appropriate sanctions  
15 upon the party or parties that have violated subsection (i) or  
16 are responsible for the violation. The sanctions shall be not  
17 more than \$30,000, plus the amount of expenses accrued by the  
18 Commission for conducting the hearing. Payment of sanctions  
19 imposed under this subsection shall be made to the Common  
20 School Fund within 30 days of imposition of such sanctions.

21 (k) An appeal of a Commission Order made pursuant to this  
22 Section shall not effectuate a stay of the Order unless a court  
23 of competent jurisdiction specifically finds that the party  
24 seeking the stay will likely succeed on the merits, that the  
25 party will suffer irreparable harm without the stay, and that  
26 the stay is in the public interest.

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

2 (220 ILCS 5/13-516)

3 (Section scheduled to be repealed on July 1, 2013)

4 Sec. 13-516. Enforcement remedies for prohibited actions  
5 by telecommunications carriers.

6 (a) In addition to any other provision of this Act, all of  
7 the following remedies may be applied for violations of Section  
8 13-514, provided that, for a violation of paragraph (8) of  
9 Section 13-514 to qualify for the remedies in this Section, the  
10 violation must be in a manner that unreasonably delays,  
11 increases the cost, or impedes the availability of  
12 telecommunications services to consumers.:

13 (1) A Commission order directing the violating  
14 telecommunications carrier to cease and desist from  
15 violating the Act or a Commission order or rule.

16 (2) Notwithstanding any other provision of this Act,  
17 for a second and any subsequent violation of Section 13-514  
18 committed by a telecommunications carrier after the  
19 effective date of this amendatory Act of the 92nd General  
20 Assembly, the Commission may impose penalties of up to  
21 \$30,000 or 0.00825% of the telecommunications carrier's  
22 gross intrastate annual telecommunications revenue,  
23 whichever is greater, per violation unless the  
24 telecommunications carrier has fewer than 35,000  
25 subscriber access lines, in which case the civil penalty

1 may not exceed \$2,000 per violation. The second and any  
2 subsequent violation of Section 13-514 need not be of the  
3 same nature or provision of the Section for a penalty to be  
4 imposed. Matters resolved through voluntary mediation  
5 pursuant to Section 10-101.1 shall not be considered as a  
6 violation of Section 13-514 in computing eligibility for  
7 imposition of a penalty under this subdivision (a) (2). Each  
8 day of a continuing offense shall be treated as a separate  
9 violation for purposes of levying any penalty under this  
10 Section. The period for which the penalty shall be levied  
11 shall commence on the day the telecommunications carrier  
12 first violated Section 13-514 or on the day of the notice  
13 provided to the telecommunications carrier pursuant to  
14 subsection (c) of Section 13-515, whichever is later, and  
15 shall continue until the telecommunications carrier is in  
16 compliance with the Commission order. In assessing a  
17 penalty under this subdivision (a) (2), the Commission may  
18 consider mitigating factors, including those specified in  
19 items (1) through (4) of subsection (a) of Section 13-304.

20 (3) The Commission shall award damages, attorney's  
21 fees, and costs to any telecommunications carrier that was  
22 subjected to a violation of Section 13-514.

23 (b) The Commission may waive penalties imposed under  
24 subdivision (a) (2) if it makes a written finding as to its  
25 reasons for waiving the penalty. Reasons for waiving a penalty  
26 shall include, but not be limited to, technological

1 infeasibility and acts of God.

2 (c) The Commission shall establish by rule procedures for  
3 the imposition of remedies under subsection (a) that, at a  
4 minimum, provide for notice, hearing and a written order  
5 relating to the imposition of remedies.

6 (d) Unless enforcement of an order entered by the  
7 Commission under Section 13-515 otherwise directs or is stayed  
8 by the Commission or by an appellate court reviewing the  
9 Commission's order, at any time after 30 days from the entry of  
10 the order, either the Commission, or the telecommunications  
11 carrier found by the Commission to have been subjected to a  
12 violation of Section 13-514, or both, is authorized to petition  
13 a court of competent jurisdiction for an order at law or in  
14 equity requiring enforcement of the Commission order. The court  
15 shall determine (1) whether the Commission entered the order  
16 identified in the petition and (2) whether the violating  
17 telecommunications carrier has complied with the Commission's  
18 order. A certified copy of a Commission order shall be prima  
19 facie evidence that the Commission entered the order so  
20 certified. Pending the court's resolution of the petition, the  
21 court may award temporary or preliminary injunctive relief, or  
22 such other equitable relief as may be necessary, to effectively  
23 implement and enforce the Commission's order in a timely  
24 manner.

25 If after a hearing the court finds that the Commission  
26 entered the order identified in the petition and that the

1 violating telecommunications carrier has not complied with the  
2 Commission's order, the court shall enter judgment requiring  
3 the violating telecommunications carrier to comply with the  
4 Commission's order and order such relief at law or in equity as  
5 the court deems necessary to effectively implement and enforce  
6 the Commission's order in a timely manner. The court shall also  
7 award to the petitioner, or petitioners, attorney's fees and  
8 costs, which shall be taxed and collected as part of the costs  
9 of the case.

10 If the court finds that the violating telecommunications  
11 carrier has failed to comply with the timely payment of  
12 damages, attorney's fees, or costs ordered by the Commission,  
13 the court shall order the violating telecommunications carrier  
14 to pay to the telecommunications carrier or carriers awarded  
15 the damages, fees, or costs by the Commission additional  
16 damages for the sake of example and by way of punishment for  
17 the failure to timely comply with the order of the Commission,  
18 unless the court finds a reasonable basis for the violating  
19 telecommunications carrier's failure to make timely payment  
20 according to the Commission's order, in which instance the  
21 court shall establish a new date for payment to be made.

22 (e) Payment of damages, attorney's fees, and costs imposed  
23 under subsection (a) shall be made within 30 days after  
24 issuance of the Commission order imposing the penalties,  
25 damages, attorney's fees, or costs, unless otherwise directed  
26 by the Commission or a reviewing court under an appeal taken

1 pursuant to Article X. Payment of penalties imposed under  
2 subsection (a) shall be made to the Common School Fund within  
3 30 days of issuance of the Commission order imposing the  
4 penalties.

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

6 (220 ILCS 5/13-712)

7 (Section scheduled to be repealed on July 1, 2013)

8 Sec. 13-712. Basic local exchange service quality;  
9 customer credits.

10 (a) It is the intent of the General Assembly that every  
11 telecommunications carrier meet minimum service quality  
12 standards in providing noncompetitive basic local exchange  
13 service on a non-discriminatory basis to all classes of  
14 customers.

15 (b) Definitions:

16 (1) (Blank).

17 (2) "Basic local exchange service" means residential  
18 and business lines used for local exchange  
19 telecommunications service as defined in Section 13-204 of  
20 this Act, that have not been classified as competitive  
21 pursuant to either Section 13-502 or subdivision (c) (5) of  
22 Section 13-506.2 of this Act, excluding:

23 (A) services that employ advanced  
24 telecommunications capability as defined in Section  
25 706(c) (1) of the federal Telecommunications Act of

1           1996;

2           (B) vertical services;

3           (C) company official lines; and

4           (D) records work only.

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

8           (c) The Commission shall promulgate service quality rules  
9           for basic local exchange service, which may include fines,  
10          penalties, customer credits, and other enforcement mechanisms.  
11          In developing such service quality rules, the Commission shall  
12          consider, at a minimum, the carrier's gross annual intrastate  
13          revenue; the frequency, duration, and recurrence of the  
14          violation; and the relative harm caused to the affected  
15          customer or other users of the network. In imposing fines, the  
16          Commission shall take into account compensation or credits paid  
17          by the telecommunications carrier to its customers pursuant to  
18          this Section in compensation for the violation found pursuant  
19          to this Section. These rules shall become effective within one  
20          year after the effective date of this amendatory Act of the  
21          92nd General Assembly.

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

24                 (1) Install basic local exchange service within 5  
25                 business days after receipt of an order from the customer  
26                 unless the customer requests an installation date that is



1 beyond 5 business days after placing the order for basic  
2 service and to inform the customer of its duty to install  
3 service within this timeframe. If installation of service  
4 is requested on or by a date more than 5 business days in  
5 the future, the telecommunications carrier shall install  
6 service by the date requested. A telecommunications  
7 carrier offering basic local exchange service utilizing  
8 the network or network elements of another carrier shall  
9 install new lines for basic local exchange service within 3  
10 business days after provisioning of the line or lines by  
11 the carrier whose network or network elements are being  
12 utilized is complete. This subdivision (d)(1) does not  
13 apply to the migration of a customer between  
14 telecommunications carriers, so long as the customer  
15 maintains dial tone.

16 (2) Restore basic local exchange service for a customer  
17 within 30 hours of receiving notice that a customer is out  
18 of service. This provision applies to service disruptions  
19 that occur when a customer switches existing basic local  
20 exchange service from one carrier to another.

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

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

26 (e) The rules shall include provisions for customers to be

1 credited by the telecommunications carrier for violations of  
2 basic local exchange service quality standards as described in  
3 subsection (d). The credits shall be applied on the statement  
4 issued to the customer for the next monthly billing cycle  
5 following the violation or following the discovery of the  
6 violation. The performance levels established in subsection  
7 (c) are solely for the purposes of consumer credits and shall  
8 not be used as performance levels for the purposes of assessing  
9 penalties under Section 13-305. At a minimum, the rules shall  
10 include the following:

11 (1) If a carrier fails to repair an out-of-service  
12 condition for basic local exchange service within 30 hours,  
13 the carrier shall provide a credit to the customer. If the  
14 service disruption is for over 30 hours but less than 48  
15 hours, the credit must be equal to a pro-rata portion of  
16 the monthly recurring charges for all local services  
17 disrupted. If the service disruption is for more than 48  
18 hours, but not more than 72 hours, the credit must be equal  
19 to at least 33% of one month's recurring charges for all  
20 local services disrupted. If the service disruption is for  
21 more than 72 hours, but not more than 96 hours, the credit  
22 must be equal to at least 67% of one month's recurring  
23 charges for all local services disrupted. If the service  
24 disruption is for more than 96 hours, but not more than 120  
25 hours, the credit must be equal to one month's recurring  
26 charges for all local services disrupted. For each day or

1       portion thereof that the service disruption continues  
2       beyond the initial 120-hour period, the carrier shall also  
3       provide an additional credit of \$20 per day.

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

25      (3) If a carrier fails to keep a scheduled repair or  
26      installation appointment when a customer premises visit

1 requires a customer to be present, the carrier shall credit  
2 the customer \$25 per missed appointment. A credit required  
3 by this subsection does not apply when the carrier provides  
4 the customer notice of its inability to keep the  
5 appointment no later than 8 p.m. of the day prior to the  
6 scheduled date of the appointment.

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

18 (5) (Blank).

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

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

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

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

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

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

8 (vi) occurs as a result of a carrier's right to  
9 refuse service to a customer as provided in Commission  
10 rules; or

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

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

23 (f) The rules shall require each telecommunications  
24 carrier to provide to the Commission, on a quarterly basis and  
25 in a form suitable for posting on the Commission's website, a  
26 public report that includes performance data for basic local

1 exchange service quality of service. The performance data shall  
2 be disaggregated for each geographic area and each customer  
3 class of the State for which the telecommunications carrier  
4 internally monitored performance data as of a date 120 days  
5 preceding the effective date of this amendatory Act of the 92nd  
6 General Assembly. The report shall include, at a minimum,  
7 performance data on basic local exchange service  
8 installations, lines out of service for more than 30 hours,  
9 carrier response to customer calls, trouble reports, and missed  
10 repair and installation commitments.

11 (g) The Commission shall establish and implement carrier to  
12 carrier wholesale service quality rules and establish remedies  
13 to ensure enforcement of the rules.

14 (Source: P.A. 96-927, eff. 6-15-10.)

15 (220 ILCS 5/13-802.1 new)

16 Sec. 13-802.1. Depreciation; examination and audit;  
17 agreement conditions; Federal Telecommunications Act of 1996.

18 (a) In performing any cost analysis authorized pursuant to  
19 this Act, the Commission may ascertain and determine and by  
20 order fix the proper and adequate rate of depreciation of the  
21 property for a telecommunications carrier for the purpose of  
22 such cost analysis.

23 (b) The Commission may provide for the examination and  
24 audit of all accounts. Items subject to the Commission's  
25 regulatory requirements shall be so allocated in the manner

1 prescribed by the Commission. The officers and employees of the  
2 Commission shall have the authority under the direction of the  
3 Commission to inspect and examine any and all books, accounts,  
4 papers, records, and memoranda kept by the telecommunications  
5 carrier.

6 (c) The Commission is authorized to adopt rules and  
7 regulations concerning the conditions to be contained in and  
8 become a part of contracts for noncompetitive  
9 telecommunications services in a manner consistent with this  
10 Act and federal law.

11 (d) The Commission shall have the authority to, and shall  
12 engage in, all state regulatory actions needed to implement and  
13 enforce the federal Telecommunications Act of 1996 consistent  
14 with federal law, including, but not limited to, the  
15 negotiation, arbitration, implementation, resolution of  
16 disputes and enforcement of interconnection agreements arising  
17 under Sections 251 and 252 of the federal Telecommunications  
18 Act of 1996.

19 (220 ILCS 5/13-1200)

20 (Section scheduled to be repealed on July 1, 2013)

21 Sec. 13-1200. Repealer. This Article is repealed July 1,  
22 2015 ~~2013~~.

23 (Source: P.A. 95-9, eff. 6-30-07; 96-24, eff. 6-30-09; 96-927,  
24 eff. 6-15-10.)

1 (220 ILCS 5/21-401)

2 (Section scheduled to be repealed on October 1, 2013)

3 Sec. 21-401. Applications.

4 (a) (1) A person or entity seeking to provide cable service  
5 or video service pursuant to this Article shall not use the  
6 public rights-of-way for the installation or construction of  
7 facilities for the provision of cable service or video service  
8 or offer cable service or video service until it has obtained a  
9 State-issued authorization to offer or provide cable or video  
10 service under this Section, except as provided for in item (2)  
11 of this subsection (a). All cable or video providers offering  
12 or providing service in this State shall have authorization  
13 pursuant to either (i) the Cable and Video Competition Law of  
14 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
15 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
16 5-1095 of the Counties Code (55 ILCS 5/5-1095).

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

24 (b) The application to the Commission for State-issued  
25 authorization shall contain a completed affidavit submitted by  
26 the applicant and signed by an officer or general partner of



1 the applicant affirming all of the following:

2 (1) That the applicant has filed or will timely file  
3 with the Federal Communications Commission all forms  
4 required by that agency in advance of offering cable  
5 service or video service in this State.

6 (2) That the applicant agrees to comply with all  
7 applicable federal and State statutes and regulations.

8 (3) That the applicant agrees to comply with all  
9 applicable local unit of government regulations.

10 (4) An exact description of the cable service or video  
11 service area where the cable service or video service will  
12 be offered during the term of the State-issued  
13 authorization. The service area shall be identified in  
14 terms of either (i) exchanges, as that term is defined in  
15 Section 13-206 of this Act; (ii) a collection of United  
16 States Census Bureau Block numbers (13 digit); (iii) if the  
17 area is smaller than the areas identified in either (i) or  
18 (ii), by geographic information system digital boundaries  
19 meeting or exceeding national map accuracy standards; or  
20 (iv) local unit of government. The description shall  
21 include the number of low-income households within the  
22 service area or footprint. If an applicant is a an  
23 incumbent cable operator, the incumbent cable operator and  
24 any successor-in-interest shall be obligated to provide  
25 access to cable services or video services within any local  
26 units of government at the same levels required by the

1 local franchising authorities for the local unit of  
2 government on June 30, 2007 (the effective date of Public  
3 Act 95-9), and its application shall provide a description  
4 of an area no smaller than the service areas contained in  
5 its franchise or franchises within the jurisdiction of the  
6 local unit of government in which it seeks to offer cable  
7 or video service.

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

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

22 (7) The expected date that cable service or video  
23 service will be initially offered in the area identified in  
24 item (4) of this subsection (b). In the event that a holder  
25 does not offer cable services or video services within 3  
26 months after the expected date, it shall amend its

1 application and update the expected date service will be  
2 offered and explain the delay in offering cable services or  
3 video services.

4 (8) For any entity that received State-issued  
5 authorization prior to this amendatory Act of the 98th  
6 General Assembly as a cable operator and that intends to  
7 proceed as a cable operator under this Article, the entity  
8 shall file a written affidavit with the Commission and  
9 shall serve a copy of the affidavit with any local units of  
10 government affected by the authorization within 30 days  
11 after the effective date of this amendatory Act of the 98th  
12 General Assembly stating that the holder will be providing  
13 cable service under the State-issued authorization.

14 The application shall include adequate assurance that the  
15 applicant possesses the financial, managerial, legal, and  
16 technical qualifications necessary to construct and operate  
17 the proposed system, to promptly repair any damage to the  
18 public right-of-way caused by the applicant, and to pay the  
19 cost of removal of its facilities. To accomplish these  
20 requirements, the applicant may, at the time the applicant  
21 seeks to use the public rights-of-way in that jurisdiction, be  
22 required by the State of Illinois or later be required by the  
23 local unit of government, or both, to post a bond, produce a  
24 certificate of insurance, or otherwise demonstrate its  
25 financial responsibility.

26 The application shall include the applicant's general

1 standards related to customer service required by Section  
2 22-501 of this Act, which shall include, but not be limited to,  
3 installation, disconnection, service and repair obligations;  
4 appointment hours; employee ID requirements; customer service  
5 telephone numbers and hours; procedures for billing, charges,  
6 deposits, refunds, and credits; procedures for termination of  
7 service; notice of deletion of programming service and changes  
8 related to transmission of programming or changes or increases  
9 in rates; use and availability of parental control or lock-out  
10 devices; complaint procedures and procedures for bill dispute  
11 resolution and a description of the rights and remedies  
12 available to consumers if the holder does not materially meet  
13 their customer service standards; and special services for  
14 customers with visual, hearing, or mobility disabilities.

15 (c)(1) The applicant may designate information that it  
16 submits in its application or subsequent reports as  
17 confidential or proprietary, provided that the applicant  
18 states the reasons the confidential designation is necessary.  
19 The Commission shall provide adequate protection for such  
20 information pursuant to Section 4-404 of this Act. If the  
21 Commission, a local unit of government, or any other party  
22 seeks public disclosure of information designated as  
23 confidential, the Commission shall consider the confidential  
24 designation in a proceeding under the Illinois Administrative  
25 Procedure Act, and the burden of proof to demonstrate that the  
26 designated information is confidential shall be upon the

1 applicant. Designated information shall remain confidential  
2 pending the Commission's determination of whether the  
3 information is entitled to confidential treatment. Information  
4 designated as confidential shall be provided to local units of  
5 government for purposes of assessing compliance with this  
6 Article as permitted under a Protective Order issued by the  
7 Commission pursuant to the Commission's rules and to the  
8 Attorney General pursuant to Section 6.5 of the Attorney  
9 General Act (15 ILCS 205/6.5). Information designated as  
10 confidential under this Section or determined to be  
11 confidential upon Commission review shall only be disclosed  
12 pursuant to a valid and enforceable subpoena or court order or  
13 as required by the Freedom of Information Act. Nothing herein  
14 shall delay the application approval timeframes set forth in  
15 this Article.

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

21 (d)(1) The Commission shall post all applications it  
22 receives under this Article on its web site within 5 business  
23 days.

24 (2) The Commission shall notify an applicant for a  
25 cable service or video service authorization whether the  
26 applicant's application and affidavit are complete on or

1 before the 15th business day after the applicant submits  
2 the application. If the application and affidavit are not  
3 complete, the Commission shall state in its notice all of  
4 the reasons the application or affidavit are incomplete,  
5 and the applicant shall resubmit a complete application.  
6 The Commission shall have 30 days after submission by the  
7 applicant of a complete application and affidavit to issue  
8 the service authorization. If the Commission does not  
9 notify the applicant regarding the completeness of the  
10 application and affidavit or issue the service  
11 authorization within the time periods required under this  
12 subsection, the application and affidavit shall be  
13 considered complete and the service authorization issued  
14 upon the expiration of the 30th day.

15 (e) Any ~~The~~ authorization issued by the Commission will  
16 expire on December 31, 2015 ~~the date listed in Section 21-1601~~  
17 ~~of this Act~~ and shall contain or include all of the following:

18 (1) A grant of authority, including an authorization  
19 issued prior to this amendatory Act of the 98th General  
20 Assembly, to provide cable service or video service in the  
21 service area footprint as requested in the application,  
22 subject to the provisions of this Article in existence on  
23 the date the grant of authority was issued, and any  
24 modifications to this Article enacted at any time prior to  
25 the date in Section 21-1601 of this Act, and to the laws of  
26 the State and the ordinances, rules, and regulations of the

1 local units of government.

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

7 (3) A statement that the grant of authority is subject  
8 to lawful operation of the cable service or video service  
9 by the applicant, its affiliated entities, or its  
10 successors-in-interest.

11 (4) The Commission shall notify a local unit of  
12 government within 3 business days of the grant of any  
13 authorization within a service area footprint if that  
14 authorization includes any part of the local unit of  
15 government's jurisdictional boundaries and state whether  
16 the holder will be providing video service or cable service  
17 under the authorization.

18 (f) The authorization issued pursuant to this Section by  
19 the Commission may be transferred to any successor-in-interest  
20 to the applicant to which it is initially granted without  
21 further Commission action if the successor-in-interest (i)  
22 submits an application and the information required by  
23 subsection (b) of this Section for the successor-in-interest  
24 and (ii) is not in violation of this Article or of any federal,  
25 State, or local law, ordinance, rule, or regulation. A  
26 successor-in-interest shall file its application and notice of

1 transfer with the Commission and the relevant local units of  
2 government no less than 15 business days prior to the  
3 completion of the transfer. The Commission is not required or  
4 authorized to act upon the notice of transfer; however, the  
5 transfer is not effective until the Commission approves the  
6 successor-in-interest's application. A local unit of  
7 government or the Attorney General may seek to bar a transfer  
8 of ownership by filing suit in a court of competent  
9 jurisdiction predicated on the existence of a material and  
10 continuing breach of this Article by the holder, a pattern of  
11 noncompliance with customer service standards by the potential  
12 successor-in-interest, or the insolvency of the potential  
13 successor-in-interest. If a transfer is made when there are  
14 violations of this Article or of any federal, State, or local  
15 law, ordinance, rule, or regulation, the successor-in-interest  
16 shall be subject to 3 times the penalties provided for in this  
17 Article.

18 (g) The authorization issued pursuant to Section 21-401 of  
19 this Article by the Commission may be terminated, or its cable  
20 service or video service area footprint may be modified, by the  
21 cable service provider or video service provider by submitting  
22 notice to the Commission and to the relevant local unit of  
23 government containing a description of the change on the same  
24 terms as the initial description pursuant to item (4) of  
25 subsection (b) of this Section. The Commission is not required  
26 or authorized to act upon that notice. It shall be a violation



1 of this Article for a holder to discriminate against potential  
2 residential subscribers because of the race or income of the  
3 residents in the local area in which the group resides by  
4 terminating or modifying its cable service or video service  
5 area footprint. It shall be a violation of this Article for a  
6 holder to terminate or modify its cable service or video  
7 service area footprint if it leaves an area with no cable  
8 service or video service from any provider.

9 (h) The Commission's authority to administer this Article  
10 is limited to the powers and duties explicitly provided under  
11 this Article. Its authority under this Article does not include  
12 or limit the powers and duties that the Commission has under  
13 the other Articles of this Act, the Illinois Administrative  
14 Procedure Act, or any other law or regulation to conduct  
15 proceedings, other than as provided in subsection (c), or has  
16 to promulgate rules or regulations. The Commission shall not  
17 have the authority to limit or expand the obligations and  
18 requirements provided in this Section or to regulate or control  
19 a person or entity to the extent that person or entity is  
20 providing cable service or video service, except as provided in  
21 this Article.

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

23 (220 ILCS 5/21-801)

24 (Section scheduled to be repealed on October 1, 2013)

25 Sec. 21-801. Applicable fees payable to the local unit of

1 government.

2 (a) Prior to offering cable service or video service in a  
3 local unit of government's jurisdiction, a holder shall notify  
4 the local unit of government. The notice shall be given to the  
5 local unit of government at least 10 days before the holder  
6 begins to offer cable service or video service within the  
7 boundaries of that local unit of government.

8 (b) In any local unit of government in which a holder  
9 offers cable service or video service on a commercial basis,  
10 the holder shall be liable for and pay the service provider fee  
11 to the local unit of government. The local unit of government  
12 shall adopt an ordinance imposing such a fee. The holder's  
13 liability for the fee shall commence on the first day of the  
14 calendar month that is at least 30 days after the holder  
15 receives such ordinance. The ordinance shall be sent by mail,  
16 postage prepaid, to the address listed on the holder's  
17 application provided to the local unit of government pursuant  
18 to item (6) of subsection (b) of Section 21-401 of this Act.  
19 The fee authorized by this Section shall be 5% of gross  
20 revenues or the same as the fee paid to the local unit of  
21 government by any incumbent cable operator providing cable  
22 service. The payment of the service provider fee shall be due  
23 on a quarterly basis, 45 days after the close of the calendar  
24 quarter. If mailed, the fee is considered paid on the date it  
25 is postmarked. Except as provided in this Article, the local  
26 unit of government may not demand any additional fees or

1 charges from the holder and may not demand the use of any other  
2 calculation method other than allowed under this Article.

3 (c) For purposes of this Article, "gross revenues" means  
4 all consideration of any kind or nature, including, without  
5 limitation, cash, credits, property, and in-kind contributions  
6 received by the holder for the operation of a cable or video  
7 system to provide cable service or video service within the  
8 holder's cable service or video service area within the local  
9 unit of government's jurisdiction.

10 (1) Gross revenues shall include the following:

11 (i) Recurring charges for cable service or video  
12 service.

13 (ii) Event-based charges for cable service or  
14 video service, including, but not limited to,  
15 pay-per-view and video-on-demand charges.

16 (iii) Rental of set-top boxes and other cable  
17 service or video service equipment.

18 (iv) Service charges related to the provision of  
19 cable service or video service, including, but not  
20 limited to, activation, installation, and repair  
21 charges.

22 (v) Administrative charges related to the  
23 provision of cable service or video service, including  
24 but not limited to service order and service  
25 termination charges.

26 (vi) Late payment fees or charges, insufficient

1 funds check charges, and other charges assessed to  
2 recover the costs of collecting delinquent payments.

3 (vii) A pro rata portion of all revenue derived by  
4 the holder or its affiliates pursuant to compensation  
5 arrangements for advertising or for promotion or  
6 exhibition of any products or services derived from the  
7 operation of the holder's network to provide cable  
8 service or video service within the local unit of  
9 government's jurisdiction. The allocation shall be  
10 based on the number of subscribers in the local unit of  
11 government divided by the total number of subscribers  
12 in relation to the relevant regional or national  
13 compensation arrangement.

14 (viii) Compensation received by the holder that is  
15 derived from the operation of the holder's network to  
16 provide cable service or video service with respect to  
17 commissions that are received by the holder as  
18 compensation for promotion or exhibition of any  
19 products or services on the holder's network, such as a  
20 "home shopping" or similar channel, subject to item  
21 (ix) of this paragraph (1).

22 (ix) In the case of a cable service or video  
23 service that is bundled or integrated functionally  
24 with other services, capabilities, or applications,  
25 the portion of the holder's revenue attributable to the  
26 other services, capabilities, or applications shall be

1 included in gross revenue unless the holder can  
2 reasonably identify the division or exclusion of the  
3 revenue from its books and records that are kept in the  
4 regular course of business.

5 (x) The service provider fee permitted by  
6 subsection (b) of this Section.

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

8 (i) Revenues not actually received, even if  
9 billed, such as bad debt, subject to item (vi) of  
10 paragraph (1) of this subsection (c).

11 (ii) Refunds, discounts, or other price  
12 adjustments that reduce the amount of gross revenues  
13 received by the holder of the State-issued  
14 authorization to the extent the refund, rebate,  
15 credit, or discount is attributable to cable service or  
16 video service.

17 (iii) Regardless of whether the services are  
18 bundled, packaged, or functionally integrated with  
19 cable service or video service, any revenues received  
20 from services not classified as cable service or video  
21 service, including, without limitation, revenue  
22 received from telecommunications services, information  
23 services, or the provision of directory or Internet  
24 advertising, including yellow pages, white pages,  
25 banner advertisement, and electronic publishing, or  
26 any other revenues attributed by the holder to noncable

1 service or nonvideo service in accordance with the  
2 holder's books and records and records kept in the  
3 regular course of business and any applicable laws,  
4 rules, regulations, standards, or orders.

5 (iv) The sale of cable services or video services  
6 for resale in which the purchaser is required to  
7 collect the service provider fee from the purchaser's  
8 subscribers to the extent the purchaser certifies in  
9 writing that it will resell the service within the  
10 local unit of government's jurisdiction and pay the fee  
11 permitted by subsection (b) of this Section with  
12 respect to the service.

13 (v) Any tax or fee of general applicability imposed  
14 upon the subscribers or the transaction by a city,  
15 State, federal, or any other governmental entity and  
16 collected by the holder of the State-issued  
17 authorization and required to be remitted to the taxing  
18 entity, including sales and use taxes.

19 (vi) Security deposits collected from subscribers.

20 (vii) Amounts paid by subscribers to "home  
21 shopping" or similar vendors for merchandise sold  
22 through any home shopping channel offered as part of  
23 the cable service or video service.

24 (3) Revenue of an affiliate of a holder shall be  
25 included in the calculation of gross revenues to the extent  
26 the treatment of the revenue as revenue of the affiliate

1           rather than the holder has the effect of evading the  
2           payment of the fee permitted by subsection (b) of this  
3           Section which would otherwise be paid by the cable service  
4           or video service.

5           (d) (1) Except for a holder providing cable service that is  
6           subject to the fee in subsection (i) of this Section, the ~~The~~  
7           holder shall pay to the local unit of government or the entity  
8           designated by that local unit of government to manage public,  
9           education, and government access, upon request as support for  
10          public, education, and government access, a fee equal to no  
11          less than (i) 1% of gross revenues or (ii) if greater, the  
12          percentage of gross revenues that incumbent cable operators pay  
13          to the local unit of government or its designee for public,  
14          education, and government access support in the local unit of  
15          government's jurisdiction. For purposes of item (ii) of  
16          paragraph (1) of this subsection (d), the percentage of gross  
17          revenues that all incumbent cable operators pay shall be equal  
18          to the annual sum of the payments that incumbent cable  
19          operators in the service area are obligated to pay by  
20          franchises and agreements or by contracts with the local  
21          government designee for public, education and government  
22          access in effect on January 1, 2007, including the total of any  
23          lump sum payments required to be made over the term of each  
24          franchise or agreement divided by the number of years of the  
25          applicable term, divided by the annual sum of such incumbent  
26          cable operator's or operators' gross revenues during the

1 immediately prior calendar year. The sum of payments includes  
2 any payments that an incumbent cable operator is required to  
3 pay pursuant to item (3) of subsection (c) of Section 21-301.

4 (2) A local unit of government may require all holders  
5 of a State-issued authorization and all cable operators  
6 franchised by that local unit of government on June 30,  
7 2007 (the effective date of this Section) in the franchise  
8 area to provide to the local unit of government, or to the  
9 entity designated by that local unit of government to  
10 manage public, education, and government access,  
11 information sufficient to calculate the public, education,  
12 and government access equivalent fee and any credits under  
13 paragraph (1) of this subsection (d).

14 (3) The fee shall be due on a quarterly basis and paid  
15 45 days after the close of the calendar quarter. Each  
16 payment shall include a statement explaining the basis for  
17 the calculation of the fee. If mailed, the fee is  
18 considered paid on the date it is postmarked. The liability  
19 of the holder for payment of the fee under this subsection  
20 shall commence on the same date as the payment of the  
21 service provider fee pursuant to subsection (b) of this  
22 Section.

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

26 (f) The holder may identify and collect the amount of the



1 public, education, and government programming support fee as a  
2 separate line item on the regular bill of each subscriber.

3 (g) All determinations and computations under this Section  
4 shall be made pursuant to the definition of gross revenues set  
5 forth in this Section and shall be made pursuant to generally  
6 accepted accounting principles.

7 (h) Nothing contained in this Article shall be construed to  
8 exempt a holder from any tax that is or may later be imposed by  
9 the local unit of government, including any tax that is or may  
10 later be required to be paid by or through the holder with  
11 respect to cable service or video service. A State-issued  
12 authorization shall not affect any requirement of the holder  
13 with respect to payment of the local unit of government's  
14 simplified municipal telecommunications tax or any other tax as  
15 it applies to any telephone service provided by the holder. A  
16 State-issued authorization shall not affect any requirement of  
17 the holder with respect to payment of the local unit of  
18 government's 911 or E911 fees, taxes, or charges.

19 (i) Except for a municipality having a population of  
20 2,000,000 or more, the fee imposed under paragraph (1) of  
21 subsection (d) by a local unit of government against a holder  
22 who is a cable operator shall be as follows:

23 (1) the fee shall be collected and paid only for  
24 capital costs that are considered lawful under Subchapter  
25 VI of the federal Communications Act of 1934, as amended,  
26 and as implemented by the Federal Communications

1       Commission;

2           (2) the local unit of government shall impose any fee  
3       by ordinance; and

4           (3) the fee may not exceed 1% of gross revenue; if,  
5       however, on the date that an incumbent cable operator files  
6       an application under Section 21-401, the incumbent cable  
7       operator is operating under a franchise agreement that  
8       imposes a fee for support for capital costs for public,  
9       education, and government access facilities obligations in  
10       excess of 1% of gross revenue, then the cable operator  
11       shall continue to provide support for capital costs for  
12       public, education, and government access facilities  
13       obligations at the rate stated in such agreement.

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

15       (220 ILCS 5/21-1101)

16       (Section scheduled to be repealed on October 1, 2013)

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

18       (a) The holder of a State-issued authorization shall not  
19       deny access to cable service or video service to any potential  
20       residential subscribers because of the race or income of the  
21       residents in the local area in which the potential subscribers  
22       reside.

23       (b) (Blank). ~~(1) If the holder is using telecommunications~~  
24       ~~facilities to provide cable or video service and has 1,000,000~~  
25       ~~or less telecommunications access lines in this State, but more~~

1 ~~than 300,000 telecommunications access lines in this State, the~~  
2 ~~holder shall provide access to its cable or video service to a~~  
3 ~~number of households equal to at least 25% of its~~  
4 ~~telecommunications access lines in this State within 3 years~~  
5 ~~after the date a holder receives a State issued authorization~~  
6 ~~from the Commission and to a number not less than 35% of these~~  
7 ~~households within 5 years after the date a holder receives a~~  
8 ~~State issued authorization from the Commission; provided that~~  
9 ~~the holder of a State issued authorization is not required to~~  
10 ~~meet the 35% requirement in this paragraph (1) until 2 years~~  
11 ~~after at least 15% of the households with access to the~~  
12 ~~holder's video service subscribe to the service for 6~~  
13 ~~consecutive months. The holder's obligation to provide such~~  
14 ~~access in the State shall be distributed, as the holder~~  
15 ~~determines, within 3 different designated market areas.~~

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

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

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

8 ~~(3) The number of telecommunication access lines in~~  
9 ~~this Section shall be based on the number of access lines~~  
10 ~~that exist as of June 30, 2007 (the effective date of~~  
11 ~~Public Act 95-9).~~

12 (c)(1) If the holder of a State-issued authorization is  
13 using telecommunications facilities to provide cable or video  
14 service and has more than 1,000,000 telecommunications access  
15 lines in this State, the holder shall provide access to its  
16 cable or video service to a number of households equal to at  
17 least 35% of the households in the holder's telecommunications  
18 service area in the State within 3 years after the date a  
19 holder receives a State-issued authorization from the  
20 Commission and to a number not less than 50% of these  
21 households within 5 years after the date a holder receives a  
22 State-issued authorization from the Commission; provided that  
23 the holder of a State-issued authorization is not required to  
24 meet the 50% requirement in this paragraph (1) until 2 years  
25 after at least 15% of the households with access to the  
26 holder's video service subscribe to the service for 6

1 consecutive months.

2 The holder's obligation to provide such access in the State  
3 shall be distributed, as the holder determines, within 3  
4 designated market areas, one in each of the northeastern,  
5 central, and southwestern portions of the holder's  
6 telecommunications service area in the State. The designated  
7 market area for the northeastern portion shall consist of 2  
8 separate and distinct reporting areas: (i) a city with more  
9 than 1,000,000 inhabitants, and (ii) all other local units of  
10 government on a combined basis within such designated market  
11 area in which it offers video service.

12 If any state, in which a holder subject to this subsection  
13 (c) or one of its affiliates provides or seeks to provide cable  
14 or video service, adopts a law permitting state-issued  
15 authorization or statewide franchises to provide cable or video  
16 service that requires a cable or video provider to offer  
17 service to more than 35% of the households in the cable or  
18 video provider's service area in that state within 3 years,  
19 holders subject to this subsection (c) shall provide service in  
20 this State to the same percentage of households within 3 years  
21 of adoption of such law in that state.

22 Furthermore, if any state, in which a holder subject to  
23 this subsection (c) or one of its affiliates provides or seeks  
24 to provide cable or video service, adopts a law requiring a  
25 holder of a state-issued authorization or statewide franchises  
26 to offer cable or video service to more than 35% of its

1 households if less than 15% of the households with access to  
2 the holder's video service subscribe to the service for 6  
3 consecutive months, then as a precondition to further  
4 build-out, holders subject to this subsection (c) shall be  
5 subject to the same percentage of service subscription in  
6 meeting its obligation to provide service to 50% of the  
7 households in this State.

8 (2) Within 3 years after the date a holder receives a  
9 State-issued authorization from the Commission, at least  
10 30% of the total households with access to the holder's  
11 cable or video service shall be low-income.

12 Within each designated market area listed in paragraph  
13 (1) of this subsection (c), the holder's obligation to  
14 offer service to low-income households shall be measured by  
15 each exchange, as that term is defined in Section 13-206 of  
16 this Act in which the holder chooses to provide cable or  
17 video service. The holder is under no obligation to serve  
18 or provide access to an entire exchange; however, in  
19 addition to the statewide obligation to provide low-income  
20 access provided by this Section, in each exchange in which  
21 the holder chooses to provide cable or video service, the  
22 holder shall provide access to a percentage of low-income  
23 households that is at least equal to the percentage of the  
24 total low-income households within that exchange.

25 (d) (1) All other holders shall only provide access to one  
26 or more exchanges, as that term is defined in Section 13-206 of

1 this Act, or to local units of government and shall provide  
2 access to their cable or video service to a number of  
3 households equal to 35% of the households in the exchange or  
4 local unit of government within 3 years after the date a holder  
5 receives a State-issued authorization from the Commission and  
6 to a number not less than 50% of these households within 5  
7 years after the date a holder receives a State-issued  
8 authorization from the Commission, provided that if the holder  
9 is an incumbent cable operator or any successor-in-interest  
10 company, it shall be obligated to provide access to cable or  
11 video services within the jurisdiction of a local unit of  
12 government at the same levels required by the local franchising  
13 authorities for that local unit of government on June 30, 2007  
14 (the effective date of Public Act 95-9).

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

19 Within each designated exchange, as that term is  
20 defined in Section 13-206 of this Act, or local unit of  
21 government listed in paragraph (1) of this subsection (d),  
22 the holder's obligation to offer service to low-income  
23 households shall be measured by each exchange or local unit  
24 of government in which the holder chooses to provide cable  
25 or video service. Except as provided in paragraph (1) of  
26 this subsection (d), the holder is under no obligation to

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

10           (e) A holder subject to subsection (c) of this Section  
11           shall provide wireline broadband service, defined as wireline  
12           service, capable of supporting, in at least one direction, a  
13           speed in excess of 200 kilobits per second (kbps), to the  
14           network demarcation point at the subscriber's premises, to a  
15           number of households equal to 90% of the households in the  
16           holder's telecommunications service area by December 31, 2008,  
17           or shall pay within 30 days of December 31, 2008 a sum of  
18           \$15,000,000 to the Digital Divide Elimination Infrastructure  
19           Fund established pursuant to Section 13-301.3 of this Act, or  
20           any successor fund established by the General Assembly. In that  
21           event the holder is required to make a payment pursuant to this  
22           subsection (e), the holder shall have no further accounting for  
23           this payment, which shall be used in any part of the State for  
24           the purposes established in the Digital Divide Elimination  
25           Infrastructure Fund or for broadband deployment.

26           (f) The holder of a State-issued authorization may satisfy



1 the requirements of subsections ~~(b)~~ (c) and (d) of this  
2 Section through the use of any technology, which shall not  
3 include direct-to-home satellite service, that offers service,  
4 functionality, and content that is demonstrably similar to that  
5 provided through the holder's video service system.

6 (g) In any investigation into or complaint alleging that  
7 the holder of a State-issued authorization has failed to meet  
8 the requirements of this Section, the following factors may be  
9 considered in justification or mitigation or as justification  
10 for an extension of time to meet the requirements of  
11 subsections ~~(b)~~ (c) and (d) of this Section:

12 (1) The inability to obtain access to public and  
13 private rights-of-way under reasonable terms and  
14 conditions.

15 (2) Barriers to competition arising from existing  
16 exclusive service arrangements in developments or  
17 buildings.

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

21 (4) Natural disasters.

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

23 (h) If the holder relies on the factors identified in  
24 subsection (g) of this Section in response to an investigation  
25 or complaint, the holder shall demonstrate the following:

26 (1) what substantial effort the holder of a

1 State-issued authorization has taken to meet the  
2 requirements of subsection (a), ~~(b)~~, or (c) of this  
3 Section;

4 (2) which portions of subsection (g) of this Section  
5 apply; and

6 (3) the number of days it has been delayed or the  
7 requirements it cannot perform as a consequence of  
8 subsection (g) of this Section.

9 (i) The factors in subsection (g) of this Section may be  
10 considered by the Attorney General or by a court of competent  
11 jurisdiction in determining whether the holder is in violation  
12 of this Article.

13 (j) Every holder of a State-issued authorization, no later  
14 than April 1, 2009, and annually no later than April 1  
15 thereafter, shall report to the Commission for each of the  
16 service areas as described in subsections ~~(b)~~ (c) and (d) of  
17 this Section in which it provides access to its video service  
18 in the State, the following information:

19 (1) Cable service and video service information:

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

26 (B) The number of households in the holder's

1 telecommunications service area within each designated  
2 market area as described in subsection ~~subsections (b)~~  
3 ~~and~~ (c) of this Section or exchange or local unit of  
4 government as described in subsection (d) of this  
5 Section that are offered access to video service by the  
6 holder.

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

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

12 (2) Low-income household information:

13 (A) The number of low-income households in the  
14 holder's telecommunications service area within each  
15 designated market area as described in subsection  
16 ~~subsections (b) and~~ (c) of this Section, as further  
17 identified in terms of exchanges, or exchange or local  
18 unit of government as described in subsection (d) of  
19 this Section in which it offers video service.

20 (B) The number of low-income households in the  
21 holder's telecommunications service area within each  
22 designated market area as described in subsection  
23 ~~subsections (b) and~~ (c) of this Section, as further  
24 identified in terms of exchanges, or exchange or local  
25 unit of government as described in subsection (d) of  
26 this Section in the State that are offered access to

1 video service by the holder.

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

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

7 (j-5) The requirements of subsection (c) of this Section  
8 shall be satisfied upon the filing of an annual report with the  
9 Commission in compliance with subsection (j) of this Section,  
10 including an annual report filed prior to this amendatory Act  
11 of the 98th General Assembly, that demonstrates the holder of  
12 the authorization has satisfied the requirements of subsection  
13 (c) of this Section for each of the service areas in which it  
14 provides access to its cable service or video service in the  
15 State. Notwithstanding the continued application of this  
16 Article to the holder, upon satisfaction of the requirements of  
17 subsection (c) of this Section, only the requirements of  
18 subsection (a) of this Section 21-1101 of this Act and the  
19 following reporting requirements shall continue to apply to  
20 such holder:

21 (1) Cable service and video service information:

22 (A) The number of households in the holder's  
23 telecommunications service area within each designated  
24 market area in which it offers cable service or video  
25 service.

26 (B) The number of households in the holder's

1           telecommunications service area within each designated  
2           market area that are offered access to cable service or  
3           video service by the holder.

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

6           (D) The number of households in the holder's  
7           telecommunications service area in the State that are  
8           offered access to cable service or video service by the  
9           holder.

10          (E) The exchanges or local units of government in  
11          which the holder added cable service or video service  
12          in the prior year.

13          (2) Low-income household information:

14          (A) The number of low-income households in the  
15          holder's telecommunications service area within each  
16          designated market area in which it offers video  
17          service.

18          (B) The number of low-income households in the  
19          holder's telecommunications service area within each  
20          designated market area that are offered access to video  
21          service by the holder.

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

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

1       (j-10) The requirements of subsection (d) of this Section  
2 shall be satisfied upon the filing of an annual report with the  
3 Commission in compliance with subsection (j) of this Section,  
4 including an annual report filed prior to this amendatory Act  
5 of the 98th General Assembly, that demonstrates the holder of  
6 the authorization has satisfied the requirements of subsection  
7 (d) of this Section for each of the service areas in which it  
8 provides access to its cable service or video service in the  
9 State. Notwithstanding the continued application of this  
10 Article to the holder, upon satisfaction of the requirements of  
11 subsection (d) of this Section, only the requirements of  
12 subsection (a) of this Section and the following reporting  
13 requirements shall continue to apply to such holder:

14       (1) Cable service and video service information:

15           (A) The number of households in the holder's  
16 footprint in which it offers cable service or video  
17 service.

18           (B) The number of households in the holder's  
19 footprint that are offered access to cable service or  
20 video service by the holder.

21           (C) The exchanges or local units of government in  
22 which the holder added cable service or video service  
23 in the prior year.

24       (2) Low-income household information:

25           (A) The number of low-income households in the  
26 holder's footprint in which it offers cable service or

1           video service.

2           (B) The number of low-income households in the  
3           holder's footprint that are offered access to cable  
4           service or video service by the holder.

5           (k) The Commission, within 30 days of receiving the first  
6           report from holders under this Section, and annually no later  
7           than July 1 thereafter, shall submit to the General Assembly a  
8           report that includes, based on year-end data, the information  
9           submitted by holders pursuant to subdivisions (1) and (2) of  
10          subsections ~~subsection~~ (j), (j-5), and (j-10) of this Section.  
11          The Commission shall make this report available to any member  
12          of the public or any local unit of government upon request. All  
13          information submitted to the Commission and designated by  
14          holders as confidential and proprietary shall be subject to the  
15          disclosure provisions in subsection (c) of Section 21-401 of  
16          this Act. No individually identifiable customer information  
17          shall be subject to public disclosure.

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

19           (220 ILCS 5/21-1201)

20           (Section scheduled to be repealed on October 1, 2013)

21           Sec. 21-1201. Multiple-unit dwellings; interference with  
22          holder prohibited.

23           (a) Neither the owner of any multiple-unit residential  
24          dwelling nor an agent or representative nor an assignee,  
25          grantee, licensee, or similar holders of rights, including

1 easements, in any multiple-unit residential dwelling (the  
2 "owner, agent or representative") shall unreasonably interfere  
3 with the right of any tenant or lawful resident thereof to  
4 receive cable service or video service installation or  
5 maintenance from a holder of a State-issued authorization, or  
6 related service that includes, but is not limited to, voice  
7 service, Internet access or other broadband services (alone or  
8 in combination) provided over the holder's cable services or  
9 video services facilities; provided, however, the owner,  
10 agent, or representative may require just and reasonable  
11 compensation from the holder for its access to and use of such  
12 property to provide installation, operation, maintenance, or  
13 removal of such cable service or video service or related  
14 services. For purposes of this Section "access to and use of  
15 such property" shall be provided in a nondiscriminatory manner  
16 to all cable and video providers offering or providing services  
17 at such property and includes common areas of such  
18 multiple-unit dwelling, inside wire in the individual unit of  
19 any tenant or lawful resident thereof that orders or receives  
20 such service and the right to use and connect to building  
21 infrastructure, including but not limited to existing cables,  
22 wiring, conduit or inner duct, to provide cable service or  
23 video service or related services. If there is a dispute  
24 regarding the just compensation for such access and use, the  
25 owner, agent, or representative shall obtain the payment of  
26 just compensation from the holder pursuant to the process and



1 procedures applicable to an owner and franchisee in subsections  
2 (c), (d), and (e) of Section 11-42-11.1 of the Illinois  
3 Municipal Code (65 ILCS 5/11-42-11.1).

4 (b) Neither the owner of any multiple-unit residential  
5 dwelling nor an agent or representative shall ask, demand, or  
6 receive any additional payment, service, or gratuity in any  
7 form from any tenant or lawful resident thereof as a condition  
8 for permitting or cooperating with the installation of a cable  
9 service or video service or related services to the dwelling  
10 unit occupied by a tenant or resident requesting such service.

11 (c) Neither the owner of any multiple-unit residential  
12 dwelling nor an agent or representative shall penalize, charge,  
13 or surcharge a tenant or resident, forfeit or threaten to  
14 forfeit any right of such tenant or resident, or discriminate  
15 in any way against such tenant or resident who requests or  
16 receives cable service or video service or related services  
17 from a holder.

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

24 (e) The owner of any multiple-unit residential dwelling or  
25 an agent or representative may require a holder to agree to  
26 indemnify the owner, or his agents or representatives, for

1 damages or from liability for damages caused by the  
2 installation, operation, maintenance, or removal of cable  
3 service or video service facilities.

4 (f) For purposes of this Section "multiple-unit dwelling"  
5 or "such property" means a multiple dwelling unit building  
6 (such as an apartment building, condominium building, or  
7 cooperative) and any other centrally managed residential real  
8 estate development (such as a gated community, mobile home  
9 park, or garden apartment); provided however, that  
10 multiple-unit dwelling shall not include time share units,  
11 academic campuses and dormitories, military bases, hotels,  
12 rooming houses, prisons, jails, halfway houses, nursing homes  
13 or other assisted living facilities, and hospitals.

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

15 (220 ILCS 5/21-1502 new)

16 Sec. 21-1502. Renewal upon repeal of Article. This Section  
17 shall apply only to holders who received their State-issued  
18 authorization as a cable operator. In the event this Article 21  
19 is repealed, the cable operator may seek a renewal under 47  
20 U.S.C. 546 subject to the following:

21 (1) Each municipality or county in which a cable  
22 operator provided service under the State-issued  
23 authorization shall be the franchising authority with  
24 respect to any right of renewal under 47 U.S.C. 546 and the  
25 provisions of this Section shall apply during the renewal

1 process.

2 (2) If the cable operator was an incumbent cable  
3 operator in the local unit of government immediately prior  
4 to obtaining a State-issued authorization, then the terms  
5 of the local franchise agreement under which the incumbent  
6 cable operator operated shall be effective until the later  
7 of: (A) the expiration of what would have been the  
8 remaining term of the agreement at the time of the  
9 termination of the local franchise agreement pursuant to  
10 subsection (c) of Section 21-301 of this Act or (B) the  
11 expiration of the renewal process under 47 U.S.C. 546.

12 (3) If the cable operator was not an incumbent cable  
13 operator in the service territory immediately prior to the  
14 issuance of the State-issued authorization, then the  
15 State-issued authorization shall continue in effect until  
16 the expiration of the renewal process under 47 U.S.C. 546.

17 (4) In seeking a renewal under this Section, the cable  
18 operator must provide the following information to the  
19 local franchising authority:

20 (A) the number of subscribers within the franchise  
21 area;

22 (B) the number of eligible local government  
23 buildings that have access to cable services;

24 (C) the statistical records of performance under  
25 the standards established by the Cable and Video  
26 Customer Protection Law;

1                   (D) cable system improvement and construction  
2                   plans during the term of the proposed franchise; and  
3                   (E) the proposed level of support for public,  
4                   educational, and governmental access programming.

5                   (220 ILCS 5/21-1601)

6                   (Section scheduled to be repealed on October 1, 2013)

7                   Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of  
8 this Article are ~~is~~ repealed July 1, 2015 ~~October 1, 2013.~~

9                   (Source: P.A. 95-9, eff. 6-30-07.)

10                   (220 ILCS 5/22-501)

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

1 extent permitted by federal law.

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

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

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

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

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

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

1 night per week or some weekend hours.

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

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

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

20 (a) General customer service standards:

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

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

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

26 (3) Cable or video providers shall provide notice

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

19 (b) General customer service obligations:

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

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



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

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

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

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

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

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

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

12 (c) Bills, payment, and termination:

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

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

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

21 (4) Cable or video providers may not terminate  
22 residential service for nonpayment of a bill unless the  
23 cable or video provider furnishes notice of the delinquency  
24 and impending termination at least 15 ~~21~~ days prior to the  
25 proposed termination. Notice of proposed termination shall  
26 be mailed, postage prepaid, to the customer to whom service

1 is billed. Notice of proposed termination shall not be  
2 mailed until the 24th ~~29th~~ day after the date of the bill  
3 for services. Notice of delinquency and impending  
4 termination may be part of a billing statement only if the  
5 notice ~~is presented in a different color than the bill and~~  
6 is designed to be conspicuous. The cable or video providers  
7 may not assess a late fee prior to the 24th ~~29th~~ day after  
8 the date of the bill for service.

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

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

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

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

6 (8) Cable or video providers shall cease charging a  
7 customer for any or all services within one business day  
8 after it receives a request to immediately terminate  
9 service or on the day requested by the customer if such a  
10 date is at least 5 days from the date requested by the  
11 customer. Nothing in this subsection (c) shall prohibit the  
12 provider from billing for charges that the customer incurs  
13 prior to the date of termination. Cable or video providers  
14 shall issue a credit no later than the customer's next  
15 billing cycle following the determination that a credit is  
16 warranted. Cable or video providers shall issue ~~or~~ a refund  
17 or return a deposit promptly, but not later than either the  
18 customer's next billing cycle following resolution of the  
19 request or 30 days, whichever is earlier, ~~within 10~~  
20 ~~business days after the close of the customer's billing~~  
21 ~~cycle following the request for termination~~ or the return  
22 of equipment, if any, whichever is later.

23 (9) The customers or subscribers of a cable or video  
24 provider shall be allowed to disconnect their service at  
25 any time within the first 30 ~~60~~ days after subscribing to  
26 or upgrading the service. Within this 30-day ~~60-day~~ period,

1 cable or video providers shall not charge or impose any  
2 fees or penalties on the customer for disconnecting  
3 service, including, but not limited to, any installation  
4 charge or the imposition of an early termination charge,  
5 except the cable or video provider may impose a charge or  
6 fee to offset any rebates or credits received by the  
7 customer and may impose monthly service or maintenance  
8 charges, including pay-per-view and premium services  
9 charges, during such 30-day ~~60-day~~ period.

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

18 (d) Response to customer inquiries:

19 (1) Cable or video providers will maintain a toll-free  
20 telephone access line that is available to customers 24  
21 hours a day, 7 days a week to accept calls regarding  
22 installation, termination, service, and complaints.  
23 Trained, knowledgeable, qualified service representatives  
24 of the cable or video providers will be available to  
25 respond to customer telephone inquiries during normal  
26 business hours. Customer service representatives shall be

1 able to provide credit, waive fees, schedule appointments,  
2 and change billing cycles. Any difficulties that cannot be  
3 resolved by the customer service representatives shall be  
4 referred to a supervisor who shall make his or her best  
5 efforts to resolve the issue immediately. If the supervisor  
6 does not resolve the issue to the customer's satisfaction,  
7 the customer shall be informed of the cable or video  
8 provider's complaint procedures and procedures for billing  
9 dispute resolution and given a description of the rights  
10 and remedies available to customers to enforce the terms of  
11 this Article, including the customer's rights to have the  
12 complaint reviewed by the local unit of government, to  
13 request mediation, and to review in a court of competent  
14 jurisdiction.

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

23 (3) Cable or video providers shall provide customers  
24 seeking non-standard installations with a total  
25 installation cost estimate and an estimated date of  
26 completion. The actual charge to the customer shall not

1 exceed ~~10%~~ of the estimated cost without the written  
2 consent of the customer.

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

11 (5) Under normal operating conditions, telephone  
12 answer time by the cable or video provider's customer  
13 representative, including wait time, shall not exceed 30  
14 seconds when the connection is made. If the call needs to  
15 be transferred, transfer time shall not exceed 30 seconds.  
16 These standards shall be met no less than 90% of the time  
17 under normal operating conditions, measured on a quarterly  
18 basis. The cable or video provider shall not be required to  
19 acquire equipment or perform surveys to measure compliance  
20 with these telephone answering standards unless an  
21 historical record of complaints indicates a clear failure  
22 to comply.

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

26 (e) Under normal operating conditions, each of the



1 following standards related to installations, outages, and  
2 service calls will be met no less than 95% of the time measured  
3 on a quarterly basis:

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

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

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

26 (4) Cable or video providers may not cancel an

1 appointment with a customer after the close of business  
2 ~~5:00 p.m.~~ on the business day prior to the scheduled  
3 appointment. If the cable or video provider's  
4 representative is running late for an appointment with a  
5 customer and will not be able to keep the appointment as  
6 scheduled, the customer will be contacted. The appointment  
7 will be rescheduled, as necessary, at a time that is  
8 convenient for the customer, even if the rescheduled  
9 appointment is not within normal business hours.

10 (f) Public benefit obligation:

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

23 (2) This obligation only applies to those cable or  
24 video service providers whose cable service or video  
25 service systems pass eligible buildings and its cable or  
26 video service is generally available to residential

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

19 (g) After the cable or video providers have offered service  
20 for one year, the cable or video providers shall make an annual  
21 report to the Commission, to the local unit of government, and  
22 to the Attorney General that it is meeting the standards  
23 specified in this Article, identifying the number of complaints  
24 it received over the prior year in the State and specifying the  
25 number of complaints related to each of the following: (1)  
26 billing, charges, refunds, and credits; (2) installation or

1 termination of service; (3) quality of service and repair; (4)  
2 programming; and (5) miscellaneous complaints that do not fall  
3 within these categories. ~~Thereafter, the cable or video~~  
4 ~~providers shall also provide, upon request by the local unit of~~  
5 ~~government where service is offered and to the Attorney~~  
6 ~~General, an annual public report that includes performance data~~  
7 ~~described in subdivisions (5) and (6) of subsection (d) and~~  
8 ~~subdivisions (1) and (2) of subsection (e) of this Section for~~  
9 ~~cable services or video services. The performance data shall be~~  
10 ~~disaggregated for each requesting local unit of government or~~  
11 ~~local exchange, as that term is defined in Section 13-206 of~~  
12 ~~this Act, in which the cable or video providers have customers.~~

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

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

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

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

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

22 (l) No contract or service agreement containing an early  
23 termination clause offering residential cable or video  
24 services or any bundle including such services shall be for a  
25 term longer than 2 years. Any contract or service offering with  
26 a term of service that contains an early termination fee shall

1 limit the early termination fee to not more than the value of  
2 any additional goods or services provided with the cable or  
3 video services, the amount of the discount reflected in the  
4 price for cable services or video services for the period  
5 during which the consumer benefited from the discount, or a  
6 declining fee based on the remainder of the contract term.

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

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

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

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

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

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

23 (o) Cable or video providers will maintain a listing,  
24 specific to the level of street address, of the areas where its  
25 cable or video services are available. Customers who inquire  
26 about purchasing cable or video service shall be informed about

1 whether the cable or video provider's cable or video services  
2 are currently available to them at their specific location.

3 (p) Cable or video providers shall not disclose the name,  
4 address, telephone number or other personally identifying  
5 information of a cable service or video service customer to be  
6 used in mailing lists or to be used for other commercial  
7 purposes not reasonably related to the conduct of its business  
8 unless the cable or video provider has provided to the customer  
9 a notice, separately or included in any other customer service  
10 notice, that clearly and conspicuously describes the  
11 customer's ability to prohibit the disclosure. Cable or video  
12 providers shall provide an address and telephone number for a  
13 customer to use without a toll charge to prevent disclosure of  
14 the customer's name and address in mailing lists or for other  
15 commercial purposes not reasonably related to the conduct of  
16 its business to other businesses or affiliates of the cable or  
17 video provider. Cable or video providers shall comply with the  
18 consumer privacy requirements of Section 26-4.5 of the Criminal  
19 Code of 2012, the Restricted Call Registry Act, and 47 U.S.C.  
20 551 that are in effect as of June 30, 2007 (the effective date  
21 of Public Act 95-9) and as amended thereafter.

22 (q) Cable or video providers shall implement an informal  
23 process for handling inquiries from local units of government  
24 and customers concerning billing issues, service issues,  
25 privacy concerns, and other consumer complaints. In the event  
26 that an issue is not resolved through this informal process, a



1 local unit of government or the customer may request nonbinding  
2 mediation with the cable or video provider, with each party to  
3 bear its own costs of such mediation. Selection of the mediator  
4 will be by mutual agreement, and preference will be given to  
5 mediation services that do not charge the consumer for their  
6 services. In the event that the informal process does not  
7 produce a satisfactory result to the customer or the local unit  
8 of government, enforcement may be pursued as provided in  
9 subdivision (4) of subsection (r) of this Section.

10 (r) The Attorney General and the local unit of government  
11 may enforce all of the customer service and privacy protection  
12 standards of this Section with respect to complaints received  
13 from residents within the local unit of government's  
14 jurisdiction, but it may not adopt or seek to enforce any  
15 additional or different customer service or performance  
16 standards under any other authority or provision of law.

17 (1) The local unit of government may, by ordinance,  
18 provide a schedule of penalties for any material breach of  
19 this Section by cable or video providers in addition to the  
20 penalties provided herein. No monetary penalties shall be  
21 assessed for a material breach if it is out of the  
22 reasonable control of the cable or video providers or its  
23 affiliate. Monetary penalties adopted in an ordinance  
24 pursuant to this Section shall apply on a competitively  
25 neutral basis to all providers of cable service or video  
26 service within the local unit of government's

1 jurisdiction. In no event shall the penalties imposed under  
2 this subsection (r) exceed \$750 for each day of the  
3 material breach, and these penalties shall not exceed  
4 \$25,000 for each occurrence of a material breach per  
5 customer.

6 (2) For purposes of this Section, "material breach"  
7 means any substantial failure of a cable or video service  
8 provider to comply with service quality and other standards  
9 specified in any provision of this Act. The Attorney  
10 General or the local unit of government shall give the  
11 cable or video provider written notice of any alleged  
12 material breaches of this Act and allow such provider at  
13 least 30 days from receipt of the notice to remedy the  
14 specified material breach.

15 (3) A material breach, for the purposes of assessing  
16 penalties, shall be deemed to have occurred for each day  
17 that a material breach has not been remedied by the cable  
18 service or video service provider after the expiration of  
19 the period specified in subdivision (2) of this subsection  
20 (r) in each local unit of government's jurisdiction,  
21 irrespective of the number of customers affected.

22 (4) Any customer, the Attorney General, or a local unit  
23 of government may pursue alleged violations of this Act by  
24 the cable or video provider in a court of competent  
25 jurisdiction. A cable or video provider may seek judicial  
26 review of a decision of a local unit of government imposing

1 penalties in a court of competent jurisdiction. No local  
2 unit of government shall be subject to suit for damages or  
3 other relief based upon its action in connection with its  
4 enforcement or review of any of the terms, conditions, and  
5 rights contained in this Act except a court may require the  
6 return of any penalty it finds was not properly assessed or  
7 imposed.

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

26 ~~(1) Failure to provide notice of customer service~~

1 ~~standards upon initiation of service: \$25.00.~~

2 ~~(2) Failure to install service within 7 days: Waiver of~~  
3 ~~50% of the installation fee or the monthly fee for the~~  
4 ~~lowest cost basic service, whichever is greater. Failure~~  
5 ~~to install service within 14 days: Waiver of 100% of the~~  
6 ~~installation fee or the monthly fee for the lowest cost~~  
7 ~~basic service, whichever is greater.~~

8 ~~(3) Failure to remedy service interruptions or poor~~  
9 ~~video or audio service quality within 48 hours: Pro rata~~  
10 ~~credit of total regular monthly charges equal to the number~~  
11 ~~of days of the service interruption.~~

12 (1) ~~(4)~~ Failure to keep an appointment or to notify the  
13 customer prior to the close of business on the business day  
14 prior to the scheduled appointment: \$25.00.

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

16 ~~(6) Failure to comply with scrambling requirements:~~  
17 ~~\$50.00 per month.~~

18 (2) ~~(7)~~ Violation of customer service and billing  
19 standards in subsections (c) and (d) of this Section:  
20 \$25.00 per occurrence.

21 (3) ~~(8)~~ Violation of the bundling rules in subsection  
22 (h) of this Section: \$25.00 per month.

23 (t) The enforcement powers granted to the Attorney General  
24 in Article XXI of this Act shall apply to this Article, except  
25 that the Attorney General may not seek penalties for violation  
26 of this Article other than in the amounts specified herein.

1 Nothing in this Section shall limit or affect the powers of the  
2 Attorney General to enforce the provisions of Article XXI of  
3 this Act or the Consumer Fraud and Deceptive Business Practices  
4 Act.

5 (u) This Article applies to all cable and video providers  
6 in the State, including but not limited to those operating  
7 under a local franchise as that term is used in 47 U.S.C.  
8 522(9), those operating under authorization pursuant to  
9 Section 11-42-11 of the Illinois Municipal Code, those  
10 operating under authorization pursuant to Section 5-1095 of the  
11 Counties Code, and those operating under a State-issued  
12 authorization pursuant to Article XXI of this Act.

13 (Source: P.A. 96-927, eff. 6-15-10; 97-1108, eff. 1-1-13;  
14 97-1150, eff. 1-25-13.)

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