

1 AN ACT concerning regulation.

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

4 Section 5. The 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8 (Section scheduled to be repealed on July 1, 2013)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 This Act is repealed on July 1, 2014  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  
16 every 9-1-1 system to adequately function and shall submit, by  
17 February 1, 2014, recommendations on whether there is a need to  
18 consolidate 9-1-1 functions to the General Assembly. The Board  
19 shall consist of 11 members appointed by the Governor as  
20 follows:

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

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

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

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

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

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

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

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

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

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

17          and

18          (11) one member representing the Illinois  
19          Telecommunications Association.

20          The Board is abolished on July 1, 2014.

21           Section 10. The Public Utilities Act is amended by changing  
22           Sections 13-101, 13-501, 13-501.5, 13-503, 13-505, 13-506.2,  
23           13-509, 13-514, 13-515, 13-516, 13-712, 13-1200, 21-401,  
24           21-801, 21-1101, 21-1201, 21-1502, 21-1601, and 22-501 and by  
25           adding Sections 13-802.1 and 21-1502 as follows:

1 (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

2 (Section scheduled to be repealed on July 1, 2013)

3 Sec. 13-101. Application of Act to telecommunications  
4 rates and services. ~~The Except to the extent modified or~~  
5 ~~supplemented by the specific provisions of this Article, the~~  
6 Sections of this Act pertaining to public utilities, public  
7 utility rates and services, and the regulation thereof, are  
8 fully and equally applicable to noncompetitive  
9 telecommunications rates and services, and the regulation  
10 thereof, except to the extent modified or supplemented by the  
11 specific provisions of this Article or where the context  
12 clearly renders such provisions inapplicable. ~~Except to the~~  
13 ~~extent modified or supplemented by the specific provisions of~~  
14 ~~this Article,~~ Articles I through ~~IV~~ ~~V~~, Sections 5-101, 5-106,  
15 5-108, 5-110, 5-201, 5-202.1, 5-203, 8-301, 8-305, 8-501,  
16 8-502, 8-503, 8-505, 8-509, 8-509.5, 8-510, 9-221, 9-222,  
17 9-222.1, 9-222.2, 9-241, 9-250, and 9-252.1, and Article X of  
18 this Act are fully and equally applicable to the noncompetitive  
19 and competitive services of an Electing Provider and to  
20 competitive telecommunications rates and services, and the  
21 regulation thereof except that Section 5-109 shall apply to the  
22 services of an Electing Provider and to competitive  
23 telecommunications rates and services only to the extent that  
24 the Commission requires annual reports authorized by Section  
25 5-109, provided the telecommunications provider may use

1 generally accepted accounting practices or accounting systems  
2 it uses for financial reporting purposes in the annual report,  
3 and except that Sections 8-505 and 9-250 shall not apply to  
4 competitive retail telecommunications services and Sections  
5 8-501 and 9-241 shall not apply to competitive services; in  
6 addition, as to competitive telecommunications rates and  
7 services, and the regulation thereof, and with the exception of  
8 competitive retail telecommunications service rates and  
9 services, all rules and regulations made by a  
10 telecommunications carrier affecting or pertaining to its  
11 charges or service shall be just and reasonable. As of the  
12 effective date of this amendatory Act of the 92nd General  
13 Assembly, Sections 4-202, 4-203, and 5-202 of this Act shall  
14 cease to apply to telecommunications rates and services.

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

16 (220 ILCS 5/13-501) (from Ch. 111 2/3, par. 13-501)

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

18 Sec. 13-501. Tariff; filing.

19 (a) No telecommunications carrier shall offer or provide  
20 noncompetitive telecommunications service, telecommunications  
21 service subject to subsection (g) of Section 13-506.2 or  
22 Section 13-900.1 or 13-900.2 of this Act, or telecommunications  
23 service referred to in an interconnection agreement as a  
24 tariffed service unless and until a tariff is filed with the  
25 Commission which describes the nature of the service,

1 applicable rates and other charges, terms and conditions of  
2 service, and the exchange, exchanges or other geographical area  
3 or areas in which the service shall be offered or provided. The  
4 Commission may prescribe the form of such tariff and any  
5 additional data or information which shall be included therein.

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

16 (c) A telecommunications carrier shall offer or provide  
17 telecommunications service that is not subject to subsection  
18 (a) of this Section pursuant to either a tariff filed with the  
19 Commission or a written service offering that shall be  
20 available on the telecommunications carrier's website as  
21 required by Section 13-503 of this Act and that describes the  
22 nature of the service, applicable rates and other charges,  
23 terms and conditions of service. Revenue from competitive  
24 retail telecommunications service received by a  
25 telecommunications carrier pursuant to either a tariff or a  
26 written service offering shall be gross revenue for purposes of

1 Section 2-202 of this Act.

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

3 (220 ILCS 5/13-501.5)

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

5 Sec. 13-501.5. Directory assistance service for the blind.

6 ~~A Within 180 days after the effective date of this amendatory~~

7 ~~Act of the 93rd General Assembly,~~ a telecommunications carrier

8 that provides directory assistance service shall provide in its

9 tariffs or its written service offering pursuant to subsection

10 (c) of Section 13-501 of this Act for that service that

11 directory assistance shall be provided at no charge to its

12 customers who are legally blind for telephone numbers of

13 customers located within the same calling area, as described in

14 the telecommunications carrier's tariff.

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

16 (220 ILCS 5/13-503) (from Ch. 111 2/3, par. 13-503)

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

18 Sec. 13-503. Information available to the public. With

19 respect to rates or other charges made, demanded, or received

20 for any telecommunications service offered, provided, or to be

21 provided, that is subject to subsection (a) of Section 13-501

22 of this Act ~~whether such service is competitive or~~

23 ~~noncompetitive~~, telecommunications carriers shall comply with

24 the publication and filing provisions of Sections 9-101, 9-102,

1 9-102.1, and 9-201 of this Act ~~9-103~~. Except for the provision  
2 of services offered or provided by payphone providers pursuant  
3 to a tariff, telecommunications ~~Telecommunications~~ carriers  
4 shall make all tariffs and all written service offerings for  
5 competitive telecommunications service available  
6 electronically to the public without requiring a password or  
7 other means of registration. A telecommunications carrier's  
8 website shall, if applicable, provide in a conspicuous manner  
9 information on the rates, charges, terms, and conditions of  
10 service available and a toll-free telephone number that may be  
11 used to contact an agent for assistance with obtaining rate or  
12 other charge information or the terms and conditions of  
13 service.

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

15 (220 ILCS 5/13-505) (from Ch. 111 2/3, par. 13-505)

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

17 Sec. 13-505. Rate changes; competitive services. Any  
18 proposed increase or decrease in rates or charges, or proposed  
19 change in any classification, written service offering, or  
20 tariff resulting in an increase or decrease in rates or  
21 charges, for a competitive telecommunications service shall be  
22 permitted upon the filing with the Commission or posting on the  
23 telecommunications carrier's website of the proposed rate,  
24 charge, classification, written service offering, or tariff  
25 pursuant to Section 13-501 of this Act. Notice of an increase

1 shall be given, no later than the prior billing cycle, to all  
2 potentially affected customers by mail, ~~publication in a~~  
3 ~~newspaper of general circulation,~~ or equivalent means of  
4 notice, including electronic if the customer has elected  
5 electronic billing. Additional notice by publication in a  
6 newspaper of general circulation may also be given.

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

8 (220 ILCS 5/13-506.2)

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

10 Sec. 13-506.2. Market regulation for competitive retail  
11 services.

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

13 (1) "Electing Provider" means a telecommunications  
14 carrier that is subject to either rate regulation pursuant  
15 to Section 13-504 or Section 13-505 or alternative  
16 regulation pursuant to Section 13-506.1 and that elects to  
17 have the rates, terms, and conditions of its competitive  
18 retail telecommunications services solely determined and  
19 regulated pursuant to the terms of this Article.

20 (2) "Basic local exchange service" means either a  
21 stand-alone residence network access line and per-call  
22 usage or, for any geographic area in which such stand-alone  
23 service is not offered, a stand-alone flat rate residence  
24 network access line for which local calls are not charged  
25 for frequency or duration. Extended Area Service shall be



1 included in basic local exchange service.

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

20 (c) Competitive classification. Market regulation shall  
21 ~~only~~ be available for competitive retail telecommunications  
22 services as provided in this subsection.

23 (1) For geographic areas in which telecommunications  
24 services provided by the Electing Provider were classified  
25 as competitive either through legislative action or a  
26 tariff filing pursuant to Section 13-502 prior to January

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

19 (2) For those geographic areas in which residential  
20 local exchange telecommunications services have not been  
21 classified as competitive as of the effective date of this  
22 amendatory Act of the 96th General Assembly, all  
23 telecommunications services provided to residential and  
24 business end users by an Electing Provider in the  
25 geographic area that is included in its notice of election  
26 pursuant to subsection (b) shall be classified as

1 competitive for purposes of this Article without further  
2 Commission review.

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

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

19 (5) Where a service, or its functional equivalent, or a  
20 substitute service offered by a carrier that is not an  
21 Electing Provider or the incumbent local exchange carrier  
22 for that area is also being offered by an Electing Provider  
23 for some identifiable class or group of customers in an  
24 exchange, group of exchanges, or some other clearly defined  
25 geographical area, the service offered by a carrier that is  
26 not an Electing Provider or the incumbent local exchange

1 carrier for that area shall be classified as competitive  
2 without further Commission review.

3 (6) Notwithstanding any other provision of this Act,  
4 retail telecommunications services classified as  
5 competitive pursuant to Section 13-502 or subdivision  
6 (c) (5) of this Section shall have their rates, terms, and  
7 conditions solely determined and regulated pursuant to the  
8 terms of this Section in the same manner and to the same  
9 extent as the competitive retail telecommunications  
10 services of an Electing Provider, except that subsections  
11 (d), (g), and (j) of this Section shall not apply to a  
12 carrier that is not an Electing Provider or to the  
13 competitive telecommunications services of a carrier that  
14 is not an Electing Provider. The access services of a  
15 carrier that is not an Electing Provider shall remain  
16 subject to Section 13-900.2. The requirements in  
17 subdivision (e) (3) of this Section shall not apply to  
18 retail telecommunications services classified as  
19 competitive pursuant to Section 13-502 or subdivision  
20 (c) (5) of this Section, except that, upon request from the  
21 Commission, the telecommunications carrier providing  
22 competitive retail telecommunications services shall  
23 provide a report showing the number of credits and  
24 exemptions for the requested time period.

25 (d) Consumer choice safe harbor options.

26 (1) An Electing Provider in each of the MSA or Exchange

1 areas classified as competitive pursuant to subdivision  
2 (c)(1) or (c)(2) of this Section shall offer to all  
3 residential customers who choose to subscribe the  
4 following optional packages of services priced at the same  
5 rate levels in effect on January 1, 2010:

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

23 (B) An extra package, which shall consist of  
24 residential basic local exchange network access line  
25 and unlimited local calls. The price for the extra  
26 package shall be the Electing Provider's applicable

1 price in effect on January 1, 2010 for a residential  
2 access line with unlimited local calls.

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

17 (2) For those geographic areas in which local exchange  
18 telecommunications services were classified as competitive  
19 on the effective date of this amendatory Act of the 96th  
20 General Assembly, an Electing Provider in each such MSA or  
21 Exchange area shall be subject to the same terms and  
22 conditions as provided in commitments made by the Electing  
23 Provider in connection with such previous competitive  
24 classifications, which shall apply with equal force under  
25 this Section, except as follows: (i) the limits on price  
26 increases on the optional packages required by this Section

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

13 (3) To the extent that the requirements in Section  
14 13-518 applied to a telecommunications carrier prior to the  
15 effective date of this Section and that telecommunications  
16 carrier becomes an Electing Provider in accordance with the  
17 provisions of this Section, the requirements in Section  
18 13-518 shall cease to apply to that Electing Provider in  
19 those geographic areas included in the Electing Provider's  
20 notice of election pursuant to subsection (b) of this  
21 Section.

22 (4) An Electing Provider shall make the optional  
23 packages required by this subsection and stand-alone  
24 residential network access lines and local usage, where  
25 offered, readily available to the public by providing  
26 information, in a clear manner, to residential customers.

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

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

21 (6) An Electing Provider shall provide to the  
22 Commission semi-annual subscribership reports as of June  
23 30 and December 31 that contain the number of its customers  
24 subscribing to each of the consumer choice safe harbor  
25 packages required by subsection (d)(1) of this Section and  
26 the number of its customers subscribing to retail



1 residential basic local exchange service as defined in  
2 subsection (a)(2) of this Section. The first semi-annual  
3 reports shall be made on April 1, 2011 for December 31,  
4 2010, and on September 1, 2011 for June 30, 2011, and  
5 semi-annually on April 1 and September 1 thereafter. Such  
6 subscribership information shall be accorded confidential  
7 and proprietary treatment upon request by the Electing  
8 Provider.

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

14 (e) Service quality and customer credits for basic local  
15 exchange service.

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

22 (A) Install basic local exchange service within 5  
23 business days after receipt of an order from the  
24 customer unless the customer requests an installation  
25 date that is beyond 5 business days after placing the  
26 order for basic service and to inform the customer of

1           the Electing Provider's duty to install service within  
2           this timeframe. If installation of service is  
3           requested on or by a date more than 5 business days in  
4           the future, the Electing Provider shall install  
5           service by the date requested.

6           (B) Restore basic local exchange service for the  
7           customer within 30 hours after receiving notice that  
8           the customer is out of service.

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

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

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

1 of the violation, provided the total time between the  
2 violation or discovery of the violation and the issuance of  
3 the credit shall not exceed 60 calendar days. The Electing  
4 Provider is responsible for providing the credits and the  
5 customer is under no obligation to request such credits.  
6 The following credits shall apply:

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

1           beyond the initial 120-hour period, the Electing  
2           Provider shall also provide an additional credit of \$20  
3           per calendar day.

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

1 credit of \$20 per calendar day until the basic local  
2 exchange service is installed.

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

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

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

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

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

23 (iv) is extended by the Electing Provider's  
24 inability to gain access to the customer's  
25 premises due to the customer missing an  
26 appointment, provided that the violation is not

1 further extended by the Electing Provider;

2 (v) occurs as a result of a customer request to  
3 change the scheduled appointment, provided that  
4 the violation is not further extended by the  
5 Electing Provider;

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

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

18 (3) Each Electing Provider shall provide to the  
19 Commission on a quarterly basis and in a form suitable for  
20 posting on the Commission's website in conformance with the  
21 rules adopted by the Commission and in effect on April 1,  
22 2010, a public report that includes the following data for  
23 basic local exchange service quality of service:

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

1 (i) the total dollar amount of any customer  
2 credits paid;

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

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

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

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

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

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

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

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

21 (ii) the number of installations after 5  
22 business days;

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

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

1           (v) the number of exemptions claimed for each  
2           of the categories identified in subdivision  
3           (e) (2) (D) .

4           (C) With regard to credits due in accordance with  
5           subdivision (e) (2) (C) as a result of missed  
6           appointments:

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

9           (ii) the number of any customers receiving  
10          credits; and

11          (iii) the number of exemptions claimed for  
12          each of the categories identified in subdivision  
13          (e) (2) (D) .

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

23          (4) It is the intent of the General Assembly that the  
24          service quality rules and customer credits in this  
25          subsection (e) of this Section and other enforcement  
26          mechanisms, including fines and penalties authorized by



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

1 subsection (e), and in any event the fine or penalty shall  
2 not exceed an amount equal to the maximum amount of a civil  
3 penalty that may be imposed under Section 13-305.

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

14 (f) Commission jurisdiction over competitive retail  
15 telecommunications services ~~upon election for market~~  
16 ~~regulation~~. Except as otherwise expressly stated in this  
17 Section, the Commission shall thereafter have no jurisdiction  
18 or authority over any aspect of competitive retail  
19 telecommunications service of an Electing Provider in those  
20 geographic areas included in the Electing Provider's notice of  
21 election pursuant to subsection (b) of this Section or of a  
22 retail telecommunications service classified as competitive  
23 pursuant to Section 13-502 or subdivision (c)(5) of this  
24 Section, heretofore subject to the jurisdiction of the  
25 Commission, including but not limited to, any requirements of  
26 this Article related to the terms, conditions, rates, quality

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

11 (g) Commission authority over access services upon  
12 election for market regulation.

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

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

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

25 (3) The Commission shall have no authority to order an  
26 Electing Provider to set its rates for intrastate switched

1 access at a level lower than its interstate switched access  
2 rates.

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

8 (h) Safety of service equipment and facilities.

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

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

1 reliable, and safe service. The Commission shall, before  
2 initiating any such investigation, issue an order  
3 describing the grounds for the investigation and the  
4 appropriate scope and nature of the investigation, which  
5 shall be reasonably related to the grounds relied upon by  
6 the Commission in its order.

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

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

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

12 (k) Notwithstanding other provisions of this Section, the  
13 Commission retains its existing authority to enforce the  
14 provisions, conditions, and requirements of the following  
15 Sections of this Article: 13-101, 13-103, 13-201, 13-301,  
16 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,  
17 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,  
18 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,  
19 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,  
20 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,  
21 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,  
22 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully  
23 and equally applicable to Electing Providers and to  
24 telecommunications carriers providing retail  
25 telecommunications service classified as competitive pursuant  
26 to Section 13-502 or subdivision (c) (5) of this Section subject

1 to the provisions of this Section. On the effective date of  
2 this amendatory Act of the 98th ~~96th~~ General Assembly, the  
3 following Sections of this Article shall cease to apply to  
4 Electing Providers and to telecommunications carriers  
5 providing retail telecommunications service classified as  
6 competitive pursuant to Section 13-502 or subdivision (c) (5) of  
7 this Section: 13-302, 13-405.1, ~~13-501~~, 13-502, 13-502.5,  
8 ~~13-503~~, 13-504, 13-505.2, 13-505.3, 13-505.4, 13-505.5,  
9 13-505.6, 13-506.1, 13-507, 13-507.1, 13-508, 13-508.1,  
10 13-517, 13-518, 13-601, 13-701, and 13-712.

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

12 (220 ILCS 5/13-509) (from Ch. 111 2/3, par. 13-509)

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

14 Sec. 13-509. Agreements for provisions of competitive  
15 telecommunications services differing from tariffs or written  
16 service offerings. A telecommunications carrier may negotiate  
17 with customers or prospective customers to provide competitive  
18 telecommunications service, and in so doing, may offer or agree  
19 to provide such service on such terms and for such rates or  
20 charges as are reasonable, without regard to any tariffs it may  
21 have filed with the Commission or written service offerings  
22 posted on the telecommunications carrier's website pursuant to  
23 Section 13-501(c) of this Act with respect to such services.  
24 Upon request of the Commission, the telecommunications carrier  
25 shall submit to the Commission written notice of a list of any



1 such agreements (which list may be filed electronically) within  
2 the past year. The notice shall identify the general nature of  
3 all such agreements. A copy of each such agreement shall be  
4 provided to the Commission within 10 business days after a  
5 request for review of the agreement is made by the Commission  
6 or is made to the Commission by another telecommunications  
7 carrier or by a party to such agreement.

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

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

12 (220 ILCS 5/13-514)

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

14 Sec. 13-514. Prohibited Actions of Telecommunications  
15 Carriers. A telecommunications carrier shall not knowingly  
16 impede the development of competition in any  
17 telecommunications service market. The following prohibited  
18 actions are considered per se impediments to the development of  
19 competition; however, the Commission is not limited in any  
20 manner to these enumerated impediments and may consider other  
21 actions which impede competition to be prohibited:

22 (1) unreasonably refusing or delaying interconnections or  
23 collocation or providing inferior connections to another  
24 telecommunications carrier;

25 (2) unreasonably impairing the speed, quality, or

1 efficiency of services used by another telecommunications  
2 carrier;

3 (3) unreasonably denying a request of another provider for  
4 information regarding the technical design and features,  
5 geographic coverage, information necessary for the design of  
6 equipment, and traffic capabilities of the local exchange  
7 network except for proprietary information unless such  
8 information is subject to a proprietary agreement or protective  
9 order;

10 (4) unreasonably delaying access in connecting another  
11 telecommunications carrier to the local exchange network whose  
12 product or service requires novel or specialized access  
13 requirements;

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

16 (6) unreasonably acting or failing to act in a manner that  
17 has a substantial adverse effect on the ability of another  
18 telecommunications carrier to provide service to its  
19 customers;

20 (7) unreasonably failing to offer services to customers in  
21 a local exchange, where a telecommunications carrier is  
22 certificated to provide service and has entered into an  
23 interconnection agreement for the provision of local exchange  
24 telecommunications services, with the intent to delay or impede  
25 the ability of the incumbent local exchange telecommunications  
26 carrier to provide inter-LATA telecommunications services;

1 (8) violating the terms of or unreasonably delaying  
2 implementation of an interconnection agreement entered into  
3 pursuant to Section 252 of the federal Telecommunications Act  
4 of 1996 ~~in a manner that unreasonably delays, increases the~~  
5 ~~cost, or impedes the availability of telecommunications~~  
6 ~~services to consumers;~~

7 (9) unreasonably refusing or delaying access to or  
8 provision of operation support systems to another  
9 telecommunications carrier or providing inferior operation  
10 support systems to another telecommunications carrier;

11 (10) unreasonably failing to offer network elements that  
12 the Commission or the Federal Communications Commission has  
13 determined must be offered on an unbundled basis to another  
14 telecommunications carrier in a manner consistent with the  
15 Commission's or Federal Communications Commission's orders or  
16 rules requiring such offerings;

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

18 (12) violating an order of the Commission regarding matters  
19 between telecommunications carriers.

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

21 (220 ILCS 5/13-515)

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

23 Sec. 13-515. Enforcement.

24 (a) The following expedited procedures shall be used to  
25 enforce the provisions of Section 13-514 of this Act, provided

1 that, for a violation of paragraph (8) of Section 13-514 to  
2 qualify for the expedited procedures of this Section, the  
3 violation must be in a manner that unreasonably delays,  
4 increases the cost, or impedes the availability of  
5 telecommunications services to consumers. However, the  
6 Commission, the complainant, and the respondent may mutually  
7 agree to adjust the procedures established in this Section.

8 (b) (Blank).

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

19 (d) A telecommunications carrier may file a complaint with  
20 the Commission alleging a violation of Section 13-514 in  
21 accordance with this subsection:

22 (1) The complaint shall be filed with the Chief Clerk  
23 of the Commission and shall be served in hand upon the  
24 respondent, the executive director, and the general  
25 counsel of the Commission at the time of the filing.

26 (2) A complaint filed under this subsection shall

1 include a statement that the requirements of subsection (c)  
2 have been fulfilled and that the respondent did not correct  
3 the situation as requested.

4 (3) Reasonable discovery specific to the issue of the  
5 complaint may commence upon filing of the complaint.  
6 Requests for discovery must be served in hand and responses  
7 to discovery must be provided in hand to the requester  
8 within 14 days after a request for discovery is made.

9 (4) An answer and any other responsive pleading to the  
10 complaint shall be filed with the Commission and served in  
11 hand at the same time upon the complainant, the executive  
12 director, and the general counsel of the Commission within  
13 7 days after the date on which the complaint is filed.

14 (5) If the answer or responsive pleading raises the  
15 issue that the complaint violates subsection (i) of this  
16 Section, the complainant may file a reply to such  
17 allegation within 3 days after actual service of such  
18 answer or responsive pleading. Within 4 days after the time  
19 for filing a reply has expired, the hearing officer or  
20 arbitrator shall either issue a written decision  
21 dismissing the complaint as frivolous in violation of  
22 subsection (i) of this Section including the reasons for  
23 such disposition or shall issue an order directing that the  
24 complaint shall proceed.

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

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

13          (8) Any party may file a petition requesting the  
14          Commission to review the decision of the hearing examiner  
15          or arbitrator within 5 days of such decision. Any party may  
16          file a response to a petition for review within 3 business  
17          days after actual service of the petition. After the time  
18          for filing of the petition for review, but no later than 15  
19          days after the decision of the hearing examiner or  
20          arbitrator, the Commission shall decide to adopt the  
21          decision of the hearing examiner or arbitrator or shall  
22          issue its own final order.

23          (e) If the alleged violation has a substantial adverse  
24          effect on the ability of the complainant to provide service to  
25          customers, the complainant may include in its complaint a  
26          request for an order for emergency relief. The Commission,

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

23 (f) The Commission is authorized to obtain outside  
24 resources including, but not limited to, arbitrators and  
25 consultants for the purposes of the hearings authorized by this  
26 Section. Any arbitrator or consultant obtained by the

1 Commission shall be approved by both parties to the hearing.  
2 The cost of such outside resources including, but not limited  
3 to, arbitrators and consultants shall be borne by the parties.  
4 The Commission shall review the bill for reasonableness and  
5 assess the parties for reasonable costs dividing the costs  
6 according to the resolution of the complaint brought under this  
7 Section. Such costs shall be paid by the parties directly to  
8 the arbitrators, consultants, and other providers of outside  
9 resources within 60 days after receiving notice of the  
10 assessments from the Commission. Interest at the statutory rate  
11 shall accrue after expiration of the 60-day period. The  
12 Commission, arbitrators, consultants, or other providers of  
13 outside resources may apply to a court of competent  
14 jurisdiction for an order requiring payment.

15 (g) The Commission shall assess the parties under this  
16 subsection for all of the Commission's costs of investigation  
17 and conduct of the proceedings brought under this Section  
18 including, but not limited to, the prorated salaries of staff,  
19 attorneys, hearing examiners, and support personnel and  
20 including any travel and per diem, directly attributable to the  
21 complaint brought pursuant to this Section, but excluding those  
22 costs provided for in subsection (f), dividing the costs  
23 according to the resolution of the complaint brought under this  
24 Section. All assessments made under this subsection shall be  
25 paid into the Public Utility Fund within 60 days after  
26 receiving notice of the assessments from the Commission.



1 Interest at the statutory rate shall accrue after the  
2 expiration of the 60 day period. The Commission is authorized  
3 to apply to a court of competent jurisdiction for an order  
4 requiring payment.

5 (h) If the Commission determines that there is an imminent  
6 threat to competition or to the public interest, the Commission  
7 may, notwithstanding any other provision of this Act, seek  
8 temporary, preliminary, or permanent injunctive relief from a  
9 court of competent jurisdiction either prior to or after the  
10 hearing.

11 (i) A party shall not bring or defend a proceeding brought  
12 under this Section or assert or controvert an issue in a  
13 proceeding brought under this Section, unless there is a  
14 non-frivolous basis for doing so. By presenting a pleading,  
15 written motion, or other paper in complaint or defense of the  
16 actions or inaction of a party under this Section, a party is  
17 certifying to the Commission that to the best of that party's  
18 knowledge, information, and belief, formed after a reasonable  
19 inquiry of the subject matter of the complaint or defense, that  
20 the complaint or defense is well grounded in law and fact, and  
21 under the circumstances:

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

26 (2) the allegations and other factual contentions have

1           evidentiary support or, if specifically so identified, are  
2           likely to have evidentiary support after reasonable  
3           opportunity for further investigation or discovery as  
4           defined herein.

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

14          (k) An appeal of a Commission Order made pursuant to this  
15          Section shall not effectuate a stay of the Order unless a court  
16          of competent jurisdiction specifically finds that the party  
17          seeking the stay will likely succeed on the merits, that the  
18          party will suffer irreparable harm without the stay, and that  
19          the stay is in the public interest.

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

21                 (220 ILCS 5/13-516)

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

23                 Sec. 13-516. Enforcement remedies for prohibited actions  
24                 by telecommunications carriers.

25                 (a) In addition to any other provision of this Act, all of

1 the following remedies may be applied for violations of Section  
2 13-514, provided that, for a violation of paragraph (8) of  
3 Section 13-514 to qualify for the remedies in this Section, the  
4 violation must be in a manner that unreasonably delays,  
5 increases the cost, or impedes the availability of  
6 telecommunications services to consumers:

7 (1) A Commission order directing the violating  
8 telecommunications carrier to cease and desist from  
9 violating the Act or a Commission order or rule.

10 (2) Notwithstanding any other provision of this Act,  
11 for a second and any subsequent violation of Section 13-514  
12 committed by a telecommunications carrier after the  
13 effective date of this amendatory Act of the 92nd General  
14 Assembly, the Commission may impose penalties of up to  
15 \$30,000 or 0.00825% of the telecommunications carrier's  
16 gross intrastate annual telecommunications revenue,  
17 whichever is greater, per violation unless the  
18 telecommunications carrier has fewer than 35,000  
19 subscriber access lines, in which case the civil penalty  
20 may not exceed \$2,000 per violation. The second and any  
21 subsequent violation of Section 13-514 need not be of the  
22 same nature or provision of the Section for a penalty to be  
23 imposed. Matters resolved through voluntary mediation  
24 pursuant to Section 10-101.1 shall not be considered as a  
25 violation of Section 13-514 in computing eligibility for  
26 imposition of a penalty under this subdivision (a) (2). Each

1 day of a continuing offense shall be treated as a separate  
2 violation for purposes of levying any penalty under this  
3 Section. The period for which the penalty shall be levied  
4 shall commence on the day the telecommunications carrier  
5 first violated Section 13-514 or on the day of the notice  
6 provided to the telecommunications carrier pursuant to  
7 subsection (c) of Section 13-515, whichever is later, and  
8 shall continue until the telecommunications carrier is in  
9 compliance with the Commission order. In assessing a  
10 penalty under this subdivision (a)(2), the Commission may  
11 consider mitigating factors, including those specified in  
12 items (1) through (4) of subsection (a) of Section 13-304.

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

16 (b) The Commission may waive penalties imposed under  
17 subdivision (a)(2) if it makes a written finding as to its  
18 reasons for waiving the penalty. Reasons for waiving a penalty  
19 shall include, but not be limited to, technological  
20 infeasibility and acts of God.

21 (c) The Commission shall establish by rule procedures for  
22 the imposition of remedies under subsection (a) that, at a  
23 minimum, provide for notice, hearing and a written order  
24 relating to the imposition of remedies.

25 (d) Unless enforcement of an order entered by the  
26 Commission under Section 13-515 otherwise directs or is stayed

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

18 If after a hearing the court finds that the Commission  
19 entered the order identified in the petition and that the  
20 violating telecommunications carrier has not complied with the  
21 Commission's order, the court shall enter judgment requiring  
22 the violating telecommunications carrier to comply with the  
23 Commission's order and order such relief at law or in equity as  
24 the court deems necessary to effectively implement and enforce  
25 the Commission's order in a timely manner. The court shall also  
26 award to the petitioner, or petitioners, attorney's fees and

1 costs, which shall be taxed and collected as part of the costs  
2 of the case.

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

15 (e) Payment of damages, attorney's fees, and costs imposed  
16 under subsection (a) shall be made within 30 days after  
17 issuance of the Commission order imposing the penalties,  
18 damages, attorney's fees, or costs, unless otherwise directed  
19 by the Commission or a reviewing court under an appeal taken  
20 pursuant to Article X. Payment of penalties imposed under  
21 subsection (a) shall be made to the Common School Fund within  
22 30 days of issuance of the Commission order imposing the  
23 penalties.

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

25 (220 ILCS 5/13-712)

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

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

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

9 (b) Definitions:

10 (1) (Blank).

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

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

21 (B) vertical services;

22 (C) company official lines; and

23 (D) records work only.

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

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

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

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



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

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

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

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

19 (e) The rules shall include provisions for customers to be  
20 credited by the telecommunications carrier for violations of  
21 basic local exchange service quality standards as described in  
22 subsection (d). The credits shall be applied on the statement  
23 issued to the customer for the next monthly billing cycle  
24 following the violation or following the discovery of the  
25 violation. The performance levels established in subsection  
26 (c) are solely for the purposes of consumer credits and shall

1 not be used as performance levels for the purposes of assessing  
2 penalties under Section 13-305. At a minimum, the rules shall  
3 include the following:

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

23 (2) If a carrier fails to install basic local exchange  
24 service as required under subdivision (d)(1), the carrier  
25 shall waive 50% of any installation charges, or in the  
26 absence of an installation charge or where installation is

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

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

26                 (4) If the violation of a basic local exchange service

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

11 (5) (Blank).

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

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

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

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

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

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

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

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

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

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

1 installations, lines out of service for more than 30 hours,  
2 carrier response to customer calls, trouble reports, and missed  
3 repair and installation commitments.

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

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

8 (220 ILCS 5/13-802.1 new)

9 Sec. 13-802.1. Depreciation; examination and audit;  
10 agreement conditions; federal Telecommunications Act of 1996.

11 (a) In performing any cost analysis authorized pursuant to  
12 this Act, the Commission may ascertain and determine and by  
13 order fix the proper and adequate rate of depreciation of the  
14 property for a telecommunications carrier for the purpose of  
15 such cost analysis.

16 (b) The Commission may provide for the examination and  
17 audit of all accounts. Items subject to the Commission's  
18 regulatory requirements shall be so allocated in the manner  
19 prescribed by the Commission. The officers and employees of the  
20 Commission shall have the authority under the direction of the  
21 Commission to inspect and examine any and all books, accounts,  
22 papers, records, and memoranda kept by the telecommunications  
23 carrier.

24 (c) The Commission is authorized to adopt rules and  
25 regulations concerning the conditions to be contained in and

1 become a part of contracts for noncompetitive  
2 telecommunications services in a manner consistent with this  
3 Act and federal law.

4 (d) The Commission shall have the authority to, and shall  
5 engage in, all state regulatory actions needed to implement and  
6 enforce the federal Telecommunications Act of 1996 consistent  
7 with federal law, including, but not limited to, the  
8 negotiation, arbitration, implementation, resolution of  
9 disputes and enforcement of interconnection agreements arising  
10 under Sections 251 and 252 of the federal Telecommunications  
11 Act of 1996.

12 (220 ILCS 5/13-1200)

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

14 Sec. 13-1200. Repealer. This Article is repealed July 1,  
15 2015 ~~2013~~.

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

18 (220 ILCS 5/21-401)

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

20 Sec. 21-401. Applications.

21 (a) (1) A person or entity seeking to provide cable service  
22 or video service pursuant to this Article shall not use the  
23 public rights-of-way for the installation or construction of  
24 facilities for the provision of cable service or video service

1 or offer cable service or video service until it has obtained a  
2 State-issued authorization to offer or provide cable or video  
3 service under this Section, except as provided for in item (2)  
4 of this subsection (a). All cable or video providers offering  
5 or providing service in this State shall have authorization  
6 pursuant to either (i) the Cable and Video Competition Law of  
7 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
8 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
9 5-1095 of the Counties Code (55 ILCS 5/5-1095).

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

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

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

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



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

3           (4) An exact description of the cable service or video  
4 service area where the cable service or video service will  
5 be offered during the term of the State-issued  
6 authorization. The service area shall be identified in  
7 terms of either (i) exchanges, as that term is defined in  
8 Section 13-206 of this Act; (ii) a collection of United  
9 States Census Bureau Block numbers (13 digit); (iii) if the  
10 area is smaller than the areas identified in either (i) or  
11 (ii), by geographic information system digital boundaries  
12 meeting or exceeding national map accuracy standards; or  
13 (iv) local unit of government. The description shall  
14 include the number of low-income households within the  
15 service area or footprint. If an applicant is a an  
16 incumbent cable operator, the incumbent cable operator and  
17 any successor-in-interest shall be obligated to provide  
18 access to cable services or video services within any local  
19 units of government at the same levels required by the  
20 local franchising authorities for the local unit of  
21 government on June 30, 2007 (the effective date of Public  
22 Act 95-9), and its application shall provide a description  
23 of an area no smaller than the service areas contained in  
24 its franchise or franchises within the jurisdiction of the  
25 local unit of government in which it seeks to offer cable  
26 or video service.

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

9           (6) A certification that the applicant has  
10 concurrently delivered a copy of the application to all  
11 local units of government that include all or any part of  
12 the service area identified in item (4) of this subsection  
13 (b) within such local unit of government's jurisdictional  
14 boundaries.

15           (7) The expected date that cable service or video  
16 service will be initially offered in the area identified in  
17 item (4) of this subsection (b). In the event that a holder  
18 does not offer cable services or video services within 3  
19 months after the expected date, it shall amend its  
20 application and update the expected date service will be  
21 offered and explain the delay in offering cable services or  
22 video services.

23           (8) For any entity that received State-issued  
24 authorization prior to this amendatory Act of the 98th  
25 General Assembly as a cable operator and that intends to  
26 proceed as a cable operator under this Article, the entity

1       shall file a written affidavit with the Commission and  
2       shall serve a copy of the affidavit with any local units of  
3       government affected by the authorization within 30 days  
4       after the effective date of this amendatory Act of the 98th  
5       General Assembly stating that the holder will be providing  
6       cable service under the State-issued authorization.

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

19      The application shall include the applicant's general  
20      standards related to customer service required by Section  
21      22-501 of this Act, which shall include, but not be limited to,  
22      installation, disconnection, service and repair obligations;  
23      appointment hours; employee ID requirements; customer service  
24      telephone numbers and hours; procedures for billing, charges,  
25      deposits, refunds, and credits; procedures for termination of  
26      service; notice of deletion of programming service and changes

1 related to transmission of programming or changes or increases  
2 in rates; use and availability of parental control or lock-out  
3 devices; complaint procedures and procedures for bill dispute  
4 resolution and a description of the rights and remedies  
5 available to consumers if the holder does not materially meet  
6 their customer service standards; and special services for  
7 customers with visual, hearing, or mobility disabilities.

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

1 Attorney General pursuant to Section 6.5 of the Attorney  
2 General Act (15 ILCS 205/6.5). Information designated as  
3 confidential under this Section or determined to be  
4 confidential upon Commission review shall only be disclosed  
5 pursuant to a valid and enforceable subpoena or court order or  
6 as required by the Freedom of Information Act. Nothing herein  
7 shall delay the application approval timeframes set forth in  
8 this Article.

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

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

17 (2) The Commission shall notify an applicant for a  
18 cable service or video service authorization whether the  
19 applicant's application and affidavit are complete on or  
20 before the 15th business day after the applicant submits  
21 the application. If the application and affidavit are not  
22 complete, the Commission shall state in its notice all of  
23 the reasons the application or affidavit are incomplete,  
24 and the applicant shall resubmit a complete application.  
25 The Commission shall have 30 days after submission by the  
26 applicant of a complete application and affidavit to issue

1 the service authorization. If the Commission does not  
2 notify the applicant regarding the completeness of the  
3 application and affidavit or issue the service  
4 authorization within the time periods required under this  
5 subsection, the application and affidavit shall be  
6 considered complete and the service authorization issued  
7 upon the expiration of the 30th day.

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

11 (1) A grant of authority, including an authorization  
12 issued prior to this amendatory Act of the 98th General  
13 Assembly, to provide cable service or video service in the  
14 service area footprint as requested in the application,  
15 subject to the provisions of this Article in existence on  
16 the date the grant of authority was issued, and any  
17 modifications to this Article enacted at any time prior to  
18 the date in Section 21-1601 of this Act, and to the laws of  
19 the State and the ordinances, rules, and regulations of the  
20 local units of government.

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

26 (3) A statement that the grant of authority is subject

1 to lawful operation of the cable service or video service  
2 by the applicant, its affiliated entities, or its  
3 successors-in-interest.

4 (4) The Commission shall notify a local unit of  
5 government within 3 business days of the grant of any  
6 authorization within a service area footprint if that  
7 authorization includes any part of the local unit of  
8 government's jurisdictional boundaries and state whether  
9 the holder will be providing video service or cable service  
10 under the authorization.

11 (f) The authorization issued pursuant to this Section by  
12 the Commission may be transferred to any successor-in-interest  
13 to the applicant to which it is initially granted without  
14 further Commission action if the successor-in-interest (i)  
15 submits an application and the information required by  
16 subsection (b) of this Section for the successor-in-interest  
17 and (ii) is not in violation of this Article or of any federal,  
18 State, or local law, ordinance, rule, or regulation. A  
19 successor-in-interest shall file its application and notice of  
20 transfer with the Commission and the relevant local units of  
21 government no less than 15 business days prior to the  
22 completion of the transfer. The Commission is not required or  
23 authorized to act upon the notice of transfer; however, the  
24 transfer is not effective until the Commission approves the  
25 successor-in-interest's application. A local unit of  
26 government or the Attorney General may seek to bar a transfer

1 of ownership by filing suit in a court of competent  
2 jurisdiction predicated on the existence of a material and  
3 continuing breach of this Article by the holder, a pattern of  
4 noncompliance with customer service standards by the potential  
5 successor-in-interest, or the insolvency of the potential  
6 successor-in-interest. If a transfer is made when there are  
7 violations of this Article or of any federal, State, or local  
8 law, ordinance, rule, or regulation, the successor-in-interest  
9 shall be subject to 3 times the penalties provided for in this  
10 Article.

11 (g) The authorization issued pursuant to Section 21-401 of  
12 this Article by the Commission may be terminated, or its cable  
13 service or video service area footprint may be modified, by the  
14 cable service provider or video service provider by submitting  
15 notice to the Commission and to the relevant local unit of  
16 government containing a description of the change on the same  
17 terms as the initial description pursuant to item (4) of  
18 subsection (b) of this Section. The Commission is not required  
19 or authorized to act upon that notice. It shall be a violation  
20 of this Article for a holder to discriminate against potential  
21 residential subscribers because of the race or income of the  
22 residents in the local area in which the group resides by  
23 terminating or modifying its cable service or video service  
24 area footprint. It shall be a violation of this Article for a  
25 holder to terminate or modify its cable service or video  
26 service area footprint if it leaves an area with no cable



1 service or video service from any provider.

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

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

16 (220 ILCS 5/21-801)

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

18 Sec. 21-801. Applicable fees payable to the local unit of  
19 government.

20 (a) Prior to offering cable service or video service in a  
21 local unit of government's jurisdiction, a holder shall notify  
22 the local unit of government. The notice shall be given to the  
23 local unit of government at least 10 days before the holder  
24 begins to offer cable service or video service within the  
25 boundaries of that local unit of government.

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

22           (c) For purposes of this Article, "gross revenues" means  
23 all consideration of any kind or nature, including, without  
24 limitation, cash, credits, property, and in-kind contributions  
25 received by the holder for the operation of a cable or video  
26 system to provide cable service or video service within the

1 holder's cable service or video service area within the local  
2 unit of government's jurisdiction.

3 (1) Gross revenues shall include the following:

4 (i) Recurring charges for cable service or video  
5 service.

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

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

11 (iv) Service charges related to the provision of  
12 cable service or video service, including, but not  
13 limited to, activation, installation, and repair  
14 charges.

15 (v) Administrative charges related to the  
16 provision of cable service or video service, including  
17 but not limited to service order and service  
18 termination charges.

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

22 (vii) A pro rata portion of all revenue derived by  
23 the holder or its affiliates pursuant to compensation  
24 arrangements for advertising or for promotion or  
25 exhibition of any products or services derived from the  
26 operation of the holder's network to provide cable

1 service or video service within the local unit of  
2 government's jurisdiction. The allocation shall be  
3 based on the number of subscribers in the local unit of  
4 government divided by the total number of subscribers  
5 in relation to the relevant regional or national  
6 compensation arrangement.

7 (viii) Compensation received by the holder that is  
8 derived from the operation of the holder's network to  
9 provide cable service or video service with respect to  
10 commissions that are received by the holder as  
11 compensation for promotion or exhibition of any  
12 products or services on the holder's network, such as a  
13 "home shopping" or similar channel, subject to item  
14 (ix) of this paragraph (1).

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

24 (x) The service provider fee permitted by  
25 subsection (b) of this Section.

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

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

4 (ii) Refunds, discounts, or other price  
5 adjustments that reduce the amount of gross revenues  
6 received by the holder of the State-issued  
7 authorization to the extent the refund, rebate,  
8 credit, or discount is attributable to cable service or  
9 video service.

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

24 (iv) The sale of cable services or video services  
25 for resale in which the purchaser is required to  
26 collect the service provider fee from the purchaser's

1 subscribers to the extent the purchaser certifies in  
2 writing that it will resell the service within the  
3 local unit of government's jurisdiction and pay the fee  
4 permitted by subsection (b) of this Section with  
5 respect to the service.

6 (v) Any tax or fee of general applicability imposed  
7 upon the subscribers or the transaction by a city,  
8 State, federal, or any other governmental entity and  
9 collected by the holder of the State-issued  
10 authorization and required to be remitted to the taxing  
11 entity, including sales and use taxes.

12 (vi) Security deposits collected from subscribers.

13 (vii) Amounts paid by subscribers to "home  
14 shopping" or similar vendors for merchandise sold  
15 through any home shopping channel offered as part of  
16 the cable service or video service.

17 (3) Revenue of an affiliate of a holder shall be  
18 included in the calculation of gross revenues to the extent  
19 the treatment of the revenue as revenue of the affiliate  
20 rather than the holder has the effect of evading the  
21 payment of the fee permitted by subsection (b) of this  
22 Section which would otherwise be paid by the cable service  
23 or video service.

24 (d) (1) Except for a holder providing cable service that is  
25 subject to the fee in subsection (i) of this Section, the ~~The~~  
26 holder shall pay to the local unit of government or the entity

1 designated by that local unit of government to manage public,  
2 education, and government access, upon request as support for  
3 public, education, and government access, a fee equal to no  
4 less than (i) 1% of gross revenues or (ii) if greater, the  
5 percentage of gross revenues that incumbent cable operators pay  
6 to the local unit of government or its designee for public,  
7 education, and government access support in the local unit of  
8 government's jurisdiction. For purposes of item (ii) of  
9 paragraph (1) of this subsection (d), the percentage of gross  
10 revenues that all incumbent cable operators pay shall be equal  
11 to the annual sum of the payments that incumbent cable  
12 operators in the service area are obligated to pay by  
13 franchises and agreements or by contracts with the local  
14 government designee for public, education and government  
15 access in effect on January 1, 2007, including the total of any  
16 lump sum payments required to be made over the term of each  
17 franchise or agreement divided by the number of years of the  
18 applicable term, divided by the annual sum of such incumbent  
19 cable operator's or operators' gross revenues during the  
20 immediately prior calendar year. The sum of payments includes  
21 any payments that an incumbent cable operator is required to  
22 pay pursuant to item (3) of subsection (c) of Section 21-301.

23 (2) A local unit of government may require all holders  
24 of a State-issued authorization and all cable operators  
25 franchised by that local unit of government on June 30,  
26 2007 (the effective date of this Section) in the franchise

1 area to provide to the local unit of government, or to the  
2 entity designated by that local unit of government to  
3 manage public, education, and government access,  
4 information sufficient to calculate the public, education,  
5 and government access equivalent fee and any credits under  
6 paragraph (1) of this subsection (d).

7 (3) The fee shall be due on a quarterly basis and paid  
8 45 days after the close of the calendar quarter. Each  
9 payment shall include a statement explaining the basis for  
10 the calculation of the fee. If mailed, the fee is  
11 considered paid on the date it is postmarked. The liability  
12 of the holder for payment of the fee under this subsection  
13 shall commence on the same date as the payment of the  
14 service provider fee pursuant to subsection (b) of this  
15 Section.

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

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

22 (g) All determinations and computations under this Section  
23 shall be made pursuant to the definition of gross revenues set  
24 forth in this Section and shall be made pursuant to generally  
25 accepted accounting principles.

26 (h) Nothing contained in this Article shall be construed to



1 exempt a holder from any tax that is or may later be imposed by  
2 the local unit of government, including any tax that is or may  
3 later be required to be paid by or through the holder with  
4 respect to cable service or video service. A State-issued  
5 authorization shall not affect any requirement of the holder  
6 with respect to payment of the local unit of government's  
7 simplified municipal telecommunications tax or any other tax as  
8 it applies to any telephone service provided by the holder. A  
9 State-issued authorization shall not affect any requirement of  
10 the holder with respect to payment of the local unit of  
11 government's 911 or E911 fees, taxes, or charges.

12 (i) Except for a municipality having a population of  
13 2,000,000 or more, the fee imposed under paragraph (1) of  
14 subsection (d) by a local unit of government against a holder  
15 who is a cable operator shall be as follows:

16 (1) the fee shall be collected and paid only for  
17 capital costs that are considered lawful under Subchapter  
18 VI of the federal Communications Act of 1934, as amended,  
19 and as implemented by the Federal Communications  
20 Commission;

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

23 (3) the fee may not exceed 1% of gross revenue; if,  
24 however, on the date that an incumbent cable operator files  
25 an application under Section 21-401, the incumbent cable  
26 operator is operating under a franchise agreement that

1       imposes a fee for support for capital costs for public,  
2       education, and government access facilities obligations in  
3       excess of 1% of gross revenue, then the cable operator  
4       shall continue to provide support for capital costs for  
5       public, education, and government access facilities  
6       obligations at the rate stated in such agreement.

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

8               (220 ILCS 5/21-1101)

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

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

11              (a) The holder of a State-issued authorization shall not  
12      deny access to cable service or video service to any potential  
13      residential subscribers because of the race or income of the  
14      residents in the local area in which the potential subscribers  
15      reside.

16              (b) (Blank). ~~(1) If the holder is using telecommunications~~  
17      ~~facilities to provide cable or video service and has 1,000,000~~  
18      ~~or less telecommunications access lines in this State, but more~~  
19      ~~than 300,000 telecommunications access lines in this State, the~~  
20      ~~holder shall provide access to its cable or video service to a~~  
21      ~~number of households equal to at least 25% of its~~  
22      ~~telecommunications access lines in this State within 3 years~~  
23      ~~after the date a holder receives a State-issued authorization~~  
24      ~~from the Commission and to a number not less than 35% of these~~  
25      ~~households within 5 years after the date a holder receives a~~

1 ~~State issued authorization from the Commission; provided that~~  
2 ~~the holder of a State issued authorization is not required to~~  
3 ~~meet the 35% requirement in this paragraph (1) until 2 years~~  
4 ~~after at least 15% of the households with access to the~~  
5 ~~holder's video service subscribe to the service for 6~~  
6 ~~consecutive months. The holder's obligation to provide such~~  
7 ~~access in the State shall be distributed, as the holder~~  
8 ~~determines, within 3 different designated market areas.~~

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

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

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

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

21          The holder's obligation to provide such access in the State  
22          shall be distributed, as the holder determines, within 3  
23          designated market areas, one in each of the northeastern,  
24          central, and southwestern portions of the holder's  
25          telecommunications service area in the State. The designated  
26          market area for the northeastern portion shall consist of 2

1 separate and distinct reporting areas: (i) a city with more  
2 than 1,000,000 inhabitants, and (ii) all other local units of  
3 government on a combined basis within such designated market  
4 area in which it offers video service.

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

15 Furthermore, if any state, in which a holder subject to  
16 this subsection (c) or one of its affiliates provides or seeks  
17 to provide cable or video service, adopts a law requiring a  
18 holder of a state-issued authorization or statewide franchises  
19 to offer cable or video service to more than 35% of its  
20 households if less than 15% of the households with access to  
21 the holder's video service subscribe to the service for 6  
22 consecutive months, then as a precondition to further  
23 build-out, holders subject to this subsection (c) shall be  
24 subject to the same percentage of service subscription in  
25 meeting its obligation to provide service to 50% of the  
26 households in this State.

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

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

18           (d)(1) All other holders shall only provide access to one  
19 or more exchanges, as that term is defined in Section 13-206 of  
20 this Act, or to local units of government and shall provide  
21 access to their cable or video service to a number of  
22 households equal to 35% of the households in the exchange or  
23 local unit of government within 3 years after the date a holder  
24 receives a State-issued authorization from the Commission and  
25 to a number not less than 50% of these households within 5  
26 years after the date a holder receives a State-issued

1 authorization from the Commission, provided that if the holder  
2 is an incumbent cable operator or any successor-in-interest  
3 company, it shall be obligated to provide access to cable or  
4 video services within the jurisdiction of a local unit of  
5 government at the same levels required by the local franchising  
6 authorities for that local unit of government on June 30, 2007  
7 (the effective date of Public Act 95-9).

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

1 percentage of the total low-income households within that  
2 exchange or local unit of government.

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

19 (f) The holder of a State-issued authorization may satisfy  
20 the requirements of subsections ~~(b)~~ (c) and (d) of this  
21 Section through the use of any technology, which shall not  
22 include direct-to-home satellite service, that offers service,  
23 functionality, and content that is demonstrably similar to that  
24 provided through the holder's video service system.

25 (g) In any investigation into or complaint alleging that  
26 the holder of a State-issued authorization has failed to meet



1 the requirements of this Section, the following factors may be  
2 considered in justification or mitigation or as justification  
3 for an extension of time to meet the requirements of  
4 subsections ~~(b)~~ (c) and (d) of this Section:

5 (1) The inability to obtain access to public and  
6 private rights-of-way under reasonable terms and  
7 conditions.

8 (2) Barriers to competition arising from existing  
9 exclusive service arrangements in developments or  
10 buildings.

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

14 (4) Natural disasters.

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

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

19 (1) what substantial effort the holder of a  
20 State-issued authorization has taken to meet the  
21 requirements of subsection (a) ~~(b)~~ or (c) of this  
22 Section;

23 (2) which portions of subsection (g) of this Section  
24 apply; and

25 (3) the number of days it has been delayed or the  
26 requirements it cannot perform as a consequence of

1 subsection (g) of this Section.

2 (i) The factors in subsection (g) of this Section may be  
3 considered by the Attorney General or by a court of competent  
4 jurisdiction in determining whether the holder is in violation  
5 of this Article.

6 (j) Every holder of a State-issued authorization, no later  
7 than April 1, 2009, and annually no later than April 1  
8 thereafter, shall report to the Commission for each of the  
9 service areas as described in subsections ~~(b),~~ (c),<sup>r</sup> and (d) of  
10 this Section in which it provides access to its video service  
11 in the State, the following information:

12 (1) Cable service and video service information:

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

19 (B) The number of households in the holder's  
20 telecommunications service area within each designated  
21 market area as described in subsection ~~subsections (b)-~~  
22 ~~and~~ (c) of this Section or exchange or local unit of  
23 government as described in subsection (d) of this  
24 Section that are offered access to video service by the  
25 holder.

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

1 telecommunications service area in the State.

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

5 (2) Low-income household information:

6 (A) The number of low-income households in the  
7 holder's telecommunications service area within each  
8 designated market area as described in subsection  
9 ~~subsections (b) and~~ (c) of this Section, as further  
10 identified in terms of exchanges, or exchange or local  
11 unit of government as described in subsection (d) of  
12 this Section in which it offers video service.

13 (B) 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 the State that are offered access to  
20 video service by the holder.

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

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

26 (j-5) The requirements of subsection (c) of this Section

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

14 (1) Cable service and video service information:

15 (A) The number of households in the holder's  
16 telecommunications service area within each designated  
17 market area in which it offers cable service or video  
18 service.

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

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

25 (D) The number of households in the holder's  
26 telecommunications service area in the State that are

1           offered access to cable service or video service by the  
2           holder.

3           (E) The exchanges or local units of government in  
4           which the holder added cable service or video service  
5           in the prior year.

6           (2) Low-income household information:

7           (A) The number of low-income households in the  
8           holder's telecommunications service area within each  
9           designated market area in which it offers video  
10           service.

11           (B) The number of low-income households in the  
12           holder's telecommunications service area within each  
13           designated market area that are offered access to video  
14           service by the holder.

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

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

20           (j-10) The requirements of subsection (d) of this Section  
21           shall be satisfied upon the filing of an annual report with the  
22           Commission in compliance with subsection (j) of this Section,  
23           including an annual report filed prior to this amendatory Act  
24           of the 98th General Assembly, that demonstrates the holder of  
25           the authorization has satisfied the requirements of subsection  
26           (d) of this Section for each of the service areas in which it

1 provides access to its cable service or video service in the  
2 State. Notwithstanding the continued application of this  
3 Article to the holder, upon satisfaction of the requirements of  
4 subsection (d) of this Section, only the requirements of  
5 subsection (a) of this Section and the following reporting  
6 requirements shall continue to apply to such holder:

7 (1) Cable service and video service information:

8 (A) The number of households in the holder's  
9 footprint in which it offers cable service or video  
10 service.

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

14 (C) The exchanges or local units of government in  
15 which the holder added cable service or video service  
16 in the prior year.

17 (2) Low-income household information:

18 (A) The number of low-income households in the  
19 holder's footprint in which it offers cable service or  
20 video service.

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

24 (k) The Commission, within 30 days of receiving the first  
25 report from holders under this Section, and annually no later  
26 than July 1 thereafter, shall submit to the General Assembly a

1 report that includes, based on year-end data, the information  
2 submitted by holders pursuant to subdivisions (1) and (2) of  
3 subsections ~~subsection~~ (j), (j-5), and (j-10) of this Section.

4 The Commission shall make this report available to any member  
5 of the public or any local unit of government upon request. All  
6 information submitted to the Commission and designated by  
7 holders as confidential and proprietary shall be subject to the  
8 disclosure provisions in subsection (c) of Section 21-401 of  
9 this Act. No individually identifiable customer information  
10 shall be subject to public disclosure.

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

12 (220 ILCS 5/21-1201)

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

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

16 (a) Neither the owner of any multiple-unit residential  
17 dwelling nor an agent or representative nor an assignee,  
18 grantee, licensee, or similar holders of rights, including  
19 easements, in any multiple-unit residential dwelling (the  
20 "owner, agent or representative") shall unreasonably interfere  
21 with the right of any tenant or lawful resident thereof to  
22 receive cable service or video service installation or  
23 maintenance from a holder of a State-issued authorization, or  
24 related service that includes, but is not limited to, voice  
25 service, Internet access or other broadband services (alone or

1 in combination) provided over the holder's cable services or  
2 video services facilities; provided, however, the owner,  
3 agent, or representative may require just and reasonable  
4 compensation from the holder for its access to and use of such  
5 property to provide installation, operation, maintenance, or  
6 removal of such cable service or video service or related  
7 services. For purposes of this Section, "access to and use of  
8 such property" shall be provided in a nondiscriminatory manner  
9 to all cable and video providers offering or providing services  
10 at such property and includes common areas of such  
11 multiple-unit dwelling, inside wire in the individual unit of  
12 any tenant or lawful resident thereof that orders or receives  
13 such service and the right to use and connect to building  
14 infrastructure, including but not limited to existing cables,  
15 wiring, conduit or inner duct, to provide cable service or  
16 video service or related services. If there is a dispute  
17 regarding the just compensation for such access and use, the  
18 owner, agent, or representative shall obtain the payment of  
19 just compensation from the holder pursuant to the process and  
20 procedures applicable to an owner and franchisee in subsections  
21 (c), (d), and (e) of Section 11-42-11.1 of the Illinois  
22 Municipal Code (65 ILCS 5/11-42-11.1).

23 (b) Neither the owner of any multiple-unit residential  
24 dwelling nor an agent or representative shall ask, demand, or  
25 receive any additional payment, service, or gratuity in any  
26 form from any tenant or lawful resident thereof as a condition



1 for permitting or cooperating with the installation of a cable  
2 service or video service or related services to the dwelling  
3 unit occupied by a tenant or resident requesting such service.

4 (c) Neither the owner of any multiple-unit residential  
5 dwelling nor an agent or representative shall penalize, charge,  
6 or surcharge a tenant or resident, forfeit or threaten to  
7 forfeit any right of such tenant or resident, or discriminate  
8 in any way against such tenant or resident who requests or  
9 receives cable service or video service or related services  
10 from a holder.

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

17 (e) The owner of any multiple-unit residential dwelling or  
18 an agent or representative may require a holder to agree to  
19 indemnify the owner, or his agents or representatives, for  
20 damages or from liability for damages caused by the  
21 installation, operation, maintenance, or removal of cable  
22 service or video service facilities.

23 (f) For purposes of this Section, "multiple-unit dwelling"  
24 or "such property" means a multiple dwelling unit building  
25 (such as an apartment building, condominium building, or  
26 cooperative) and any other centrally managed residential real

1 estate development (such as a gated community, mobile home  
2 park, or garden apartment); provided however, that  
3 multiple-unit dwelling shall not include time share units,  
4 academic campuses and dormitories, military bases, hotels,  
5 rooming houses, prisons, jails, halfway houses, nursing homes  
6 or other assisted living facilities, and hospitals.

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

8 (220 ILCS 5/21-1502 new)

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

14 (1) Each municipality or county in which a cable  
15 operator provided service under the State-issued  
16 authorization shall be the franchising authority with  
17 respect to any right of renewal under 47 U.S.C. 546 and the  
18 provisions of this Section shall apply during the renewal  
19 process.

20 (2) If the cable operator was an incumbent cable  
21 operator in the local unit of government immediately prior  
22 to obtaining a State-issued authorization, then the terms  
23 of the local franchise agreement under which the incumbent  
24 cable operator operated shall be effective until the later  
25 of: (A) the expiration of what would have been the

1 remaining term of the agreement at the time of the  
2 termination of the local franchise agreement pursuant to  
3 subsection (c) of Section 21-301 of this Act or (B) the  
4 expiration of the renewal process under 47 U.S.C. 546.

5 (3) If the cable operator was not an incumbent cable  
6 operator in the service territory immediately prior to the  
7 issuance of the State-issued authorization, then the  
8 State-issued authorization shall continue in effect until  
9 the expiration of the renewal process under 47 U.S.C. 546.

10 (4) In seeking a renewal under this Section, the cable  
11 operator must provide the following information to the  
12 local franchising authority:

13 (A) the number of subscribers within the franchise  
14 area;

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

17 (C) the statistical records of performance under  
18 the standards established by the Cable and Video  
19 Customer Protection Law;

20 (D) cable system improvement and construction  
21 plans during the term of the proposed franchise; and

22 (E) the proposed level of support for public,  
23 educational, and governmental access programming.

24 (220 ILCS 5/21-1601)

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

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

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

4           (220 ILCS 5/22-501)

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

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

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

25           "Cable or video provider" means any person or entity

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

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

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

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

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

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

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

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

13 (a) General customer service standards:

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

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

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

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

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

12 (b) General customer service obligations:

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

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

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



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

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

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

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

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

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

5 (c) Bills, payment, and termination:

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

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

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

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

1 the date of the bill for service.

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

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

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

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

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

16 (9) The customers or subscribers of a cable or video  
17 provider shall be allowed to disconnect their service at  
18 any time within the first 30 ~~60~~ days after subscribing to  
19 or upgrading the service. Within this 30-day ~~60-day~~ period,  
20 cable or video providers shall not charge or impose any  
21 fees or penalties on the customer for disconnecting  
22 service, including, but not limited to, any installation  
23 charge or the imposition of an early termination charge,  
24 except the cable or video provider may impose a charge or  
25 fee to offset any rebates or credits received by the  
26 customer and may impose monthly service or maintenance

1 charges, including pay-per-view and premium services  
2 charges, during such 30-day ~~60-day~~ period.

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

11 (d) Response to customer inquiries:

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

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

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

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

22 (4) If the cable or video provider receives notice that  
23 an unsafe condition exists with respect to its equipment,  
24 it shall investigate such condition immediately and shall  
25 take such measures as are necessary to remove or eliminate  
26 the unsafe condition. The cable or video provider shall

1 inform the local unit of government promptly, but no later  
2 than 2 hours after it receives notification of an unsafe  
3 condition that it has not remedied.

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

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

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

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



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

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

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

1 convenient for the customer, even if the rescheduled  
2 appointment is not within normal business hours.

3 (f) Public benefit obligation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

5           (1) ~~(4)~~ Failure to keep an appointment or to notify the  
6           customer prior to the close of business on the business day  
7           prior to the scheduled appointment: \$25.00.

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

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

11          (2) ~~(7)~~ Violation of customer service and billing  
12          standards in subsections (c) and (d) of this Section:  
13          \$25.00 per occurrence.

14          (3) ~~(8)~~ Violation of the bundling rules in subsection  
15          (h) of this Section: \$25.00 per month.

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

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

1 522(9), those operating under authorization pursuant to  
2 Section 11-42-11 of the Illinois Municipal Code, those  
3 operating under authorization pursuant to Section 5-1095 of the  
4 Counties Code, and those operating under a State-issued  
5 authorization pursuant to Article XXI of this Act.

6 (Source: P.A. 96-927, eff. 6-15-10; 97-1108, eff. 1-1-13;  
7 97-1150, eff. 1-25-13.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.