

1 AN ACT relating to telecommunications.

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

4 Section 5. The Public Utilities Act is amended by  
5 changing Section 13-401 as follows:

6 (220 ILCS 5/13-401) (from Ch. 111 2/3, par. 13-401)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-401. Certificate of Service Authority.

9 (a) No telecommunications carrier not possessing a  
10 certificate of public convenience and necessity or  
11 certificate of authority from the Commission at the time this  
12 Article goes into effect shall transact any business in this  
13 State until it shall have obtained a certificate of service  
14 authority from the Commission pursuant to the provisions of  
15 this Article.

16 No telecommunications carrier offering or providing, or  
17 seeking to offer or provide, any interexchange  
18 telecommunications service shall do so until it has applied  
19 for and received a Certificate of Interexchange Service  
20 Authority pursuant to the provisions of Section 13-403. No  
21 telecommunications carrier offering or providing, or seeking  
22 to offer or provide, any local exchange telecommunications  
23 service shall do so until it has applied for and received a  
24 Certificate of Exchange Service Authority pursuant to the  
25 provisions of Section 13-405.

26 Notwithstanding Sections 13-403, 13-404, and 13-405, the  
27 Commission shall approve a cellular radio application for a  
28 Certificate of Service Authority without a hearing upon a  
29 showing by the cellular applicant that the Federal  
30 Communications Commission has issued to it a construction  
31 permit or an operating license to construct or operate a

1 cellular radio system in the area as defined by the Federal  
2 Communications Commission, or portion of the area, for which  
3 the carrier seeks a Certificate of Service Authority.

4 No Certificate of Service Authority issued by the  
5 Commission shall be construed as granting a monopoly or  
6 exclusive privilege, immunity or franchise. The issuance of a  
7 Certificate of Service Authority to any telecommunications  
8 carrier shall not preclude the Commission from issuing  
9 additional Certificates of Service Authority to other  
10 telecommunications carriers providing the same or equivalent  
11 service or serving the same geographical area or customers as  
12 any previously certified carrier, except to the extent  
13 otherwise provided by Sections 13-403 and 13-405.

14 Any certificate of public convenience and necessity  
15 granted by the Commission to a telecommunications carrier  
16 prior to the effective date of this Article shall remain in  
17 full force and effect, and such carriers need not apply for a  
18 Certificate of Service Authority in order to continue  
19 offering or providing service to the extent authorized in  
20 such certificate of public convenience and necessity. Any  
21 such carrier, however, prior to substantially altering the  
22 nature or scope of services provided under a certificate of  
23 public convenience and necessity, or adding or expanding  
24 services beyond the authority contained in such certificate,  
25 must apply for a Certificate of Service Authority for such  
26 alterations or additions pursuant to the provisions of this  
27 Article.

28 The Commission shall review and modify the terms of any  
29 certificate of public convenience and necessity issued to a  
30 telecommunications carrier prior to the effective date of  
31 this Article in order to ensure its conformity with the  
32 requirements and policies of this Article. Any Certificate of  
33 Service Authority may be altered or modified by the  
34 Commission, after notice and hearing, upon its own motion or

1 upon application of the person or company affected. Unless  
2 exercised within a period of two years from the issuance  
3 thereof, authority conferred by a Certificate of Service  
4 Authority shall be null and void.

5 (b) The Commission may issue a temporary Certificate  
6 which shall remain in force not to exceed one year in cases  
7 of emergency, to assure maintenance of adequate service or to  
8 serve particular customers, without notice and hearing,  
9 pending the determination of an application for a  
10 Certificate, and may by regulation exempt from the  
11 requirements of this Section temporary acts or operations for  
12 which the issuance of a certificate is not necessary in the  
13 public interest and which will not be required therefor.

14 (c) Notwithstanding anything in this Article to the  
15 contrary, no telecommunications carrier certified to provide  
16 local exchange telecommunications services in an exchange  
17 within this State shall offer retail telecommunications  
18 service to a business end user unless it offers retail  
19 telecommunications service to residential end users within  
20 the same exchange. Telecommunications carriers certified to  
21 provide local exchange telecommunications services shall  
22 comply with this requirement within 6 months after the  
23 effective date of this amendatory Act of the 92nd General  
24 Assembly. Telecommunications carriers certified to provide  
25 local exchange telecommunications services after the  
26 effective date of this amendatory Act of the 92nd General  
27 Assembly shall comply with this requirement within 6 months  
28 after commencing service.

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

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.