

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 Telephone Company Act is amended by  
5 changing Section 4 as follows:

6 (220 ILCS 65/4) (from Ch. 134, par. 20)

7 Sec. 4. Right of condemnation. Every telecommunications  
8 ~~telecommuniations~~ carrier as defined in the  
9 Telecommunications Municipal Infrastructure Maintenance Fee  
10 Act may, when it shall be necessary for the construction,  
11 maintenance, alteration or extension of its  
12 telecommunications system, or any part thereof, enter upon,  
13 take or damage private property in the manner provided for  
14 in, and the compensation therefor shall be ascertained and  
15 made in conformity to the provisions of the Telegraph Act and  
16 every telecommunications carrier is authorized to construct,  
17 maintain, alter and extend its poles, wires, and other  
18 appliances as a proper use of highways, along, upon, under  
19 and across any highway, street, alley, public right-of-way  
20 dedicated or commonly used for utility purposes, or water in  
21 this State, but so as not to incommode the public in the use  
22 thereof: Provided, that nothing in this act shall interfere  
23 with the control now vested in cities, incorporated towns and  
24 villages in relation to the regulation of the poles, wires,  
25 cables and other appliances, and provided, that before any  
26 such lines shall be constructed along any such highway,  
27 street, alley, public right-of-way dedicated or commonly used  
28 for utility purposes, or water it shall be the duty of the  
29 telecommunications carrier proposing to construct any such  
30 line, to give (in the case of cities, villages, and  
31 incorporated towns) to the corporate authorities of the

1 municipality or their designees (hereinafter, municipal  
2 corporate authorities) or (in other cases) to the highway  
3 commissioners having jurisdiction and control over the road  
4 or part thereof along and over which such line is proposed to  
5 be constructed, notice in writing in the form of plans,  
6 specifications, and documentation of the purpose and  
7 intention of the company to construct such line over and  
8 along the highway, street, alley, public right-of-way  
9 dedicated or commonly used for utility purposes, or water,  
10 which notice shall be served at least 10 days before the line  
11 shall be placed or constructed over and along the highway,  
12 street, alley, public right-of-way dedicated or commonly used  
13 for utility purposes, or water (30 days in the case of any  
14 notice providing for excavation relating to new construction  
15 in a public highway, street, alley, public right-of-way  
16 dedicated or commonly used for utility purposes, or water);  
17 and upon the giving of the notice it shall be the duty of the  
18 municipal corporate authorities or the highway commissioners  
19 to specify the portion of such highway, street, alley, public  
20 right-of-way dedicated or commonly used for utility purposes,  
21 or water upon which the line may be placed, used, and  
22 constructed, and it shall thereupon be the duty of the  
23 telecommunications retailer to provide the municipal  
24 authorities or highway commissioners with any and all plans,  
25 specifications, and documentation available and to construct  
26 its line in accordance with such specifications; but in the  
27 event that the municipal corporate authorities or the highway  
28 commissioners fail to provide such specification within 10  
29 days after the service of such notice, (25 days in the case  
30 of excavation relating to new construction) then the  
31 telecommunications retailer, without such specification  
32 having been made, may proceed to place and erect its line  
33 along the highway, street, alley, public right-of-way  
34 dedicated or commonly used for utility purposes, or water by

1 placing its posts, poles and abutments so as not to interfere  
2 with other proper uses of the highway, street, alley, public  
3 right-of-way dedicated or commonly used for utility purposes,  
4 or water. The telecommunications carrier proposing to  
5 construct any such line shall comply with the provisions of  
6 Section 9--113 of the Illinois Highway Code. Provided, that  
7 the telecommunications carrier shall not have the right to  
8 condemn any portion of the right-of-way of any railroad  
9 company except as much thereof as is necessary to cross the  
10 same.

11 The Illinois Commerce Commission may adopt reasonable  
12 rules governing the negotiation procedures that are used by a  
13 telecommunications carrier during precondemnation  
14 negotiations for the purchase of land rights-of-way and  
15 easements, including procedures for providing information to  
16 the public and affected landowners concerning the project and  
17 the right-of-way easements sought in connection therewith.

18 Such rules may be made applicable to interstate,  
19 competitive intrastate and noncompetitive intrastate  
20 facilities, without regard to whether such facilities or the  
21 telecommunications carrier proposing to construct and operate  
22 them would otherwise be subject to the Illinois Commerce  
23 Commission's jurisdiction under the Public Utilities Act, as  
24 now or hereafter amended. However, as to facilities used to  
25 provide exclusively interstate services or competitive  
26 intrastate services or both, nothing in this Section confers  
27 any power upon the Commission (i) to require the disclosure  
28 of proprietary, competitively sensitive, or cost information  
29 or information not known to the telecommunications carrier,  
30 (ii) to determine whether, or conduct hearings regarding  
31 whether, any proposed fiber optic or other facilities should  
32 or should not be constructed and operated, or (iii) to  
33 determine or specify, or conduct hearings concerning, the  
34 price or other terms or conditions of the purchase of the

1 right-of-way easements sought. With respect to facilities  
 2 used to provide any intrastate services classified in the  
 3 condemnor's tariff as noncompetitive under Section 13-502--of  
 4 the Public Utilities Act, the rulemaking powers conferred  
 5 upon the Commission under this Section are in addition to any  
 6 rulemaking powers arising under the Public Utilities Act.

7 No telecommunications carrier shall exercise the power to  
 8 condemn private property until it has first substantially  
 9 complied with such rules with respect to the property sought  
 10 to be condemned. If such rules call for providing notice or  
 11 information before or during negotiations, a failure to  
 12 provide such notice or information shall not constitute a  
 13 waiver of the rights granted in this Section, but the  
 14 telecommunications carrier shall be liable for all reasonable  
 15 attorney's fees of that landowner resulting from such  
 16 failure.

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

18 Section 10. The Public Utilities Act is amended by  
 19 changing Sections 4-402, 5-104, 5-109, 8-406, 8-509, 9-201,  
 20 10-101, 10-103, 10-108, 13-100, 13-101, 13-102, 13-103,  
 21 13-203, 13-204, 13-301, 13-301.1, 13-302, 13-401, 13-402,  
 22 13-404, 13-406, 13-501, 13-504, 13-505.2, 13-505.3, 13-505.4,  
 23 13-505.6, 13-505.7, 13-506.1, 13-508, 13-512, 13-703, 13-803,  
 24 and 13-901, and adding Sections 10-101.5, 10-103.5, 10-114,  
 25 13-203.5, 13-300, 13-303, and 13-304 as follows:

26 (220 ILCS 5/4-402) (from Ch. 111 2/3, par. 4-402)

27 Sec. 4-402. Pending action; effect of amendatory Act.  
 28 ~~This amendatory Act of 1985 shall not affect pending actions~~  
 29 ~~or proceedings, civil or criminal, in any court or other~~  
 30 ~~tribunal brought by or against the People of the State of~~  
 31 ~~Illinois or the Illinois Commerce Commission or by any other~~  
 32 ~~person, firm or corporation under the provisions of this Act~~

1 or--any--other--Act--establishing--or--conferring--power--on--the  
 2 Commission,--nor--abate--any---causes---of---action---arising  
 3 thereunder,--but--the--same--may--be--instituted,--prosecuted--and  
 4 defended--with--the--same--effect--as--though--this--amendatory--Act  
 5 had---not---been---passed.---Any--investigation,--hearing--or  
 6 proceeding,--instituted--or--conducted--by--the--Commission--prior  
 7 to--the--taking--effect--of--this--amendatory--Act--shall--be  
 8 conducted--and--continued--to--a--final--determination--by--the  
 9 Commission--with--the--same--effect--as--if--this--amendatory--Act--had  
 10 not--been--passed.

11 All findings, orders, decisions, rules, and regulations  
 12 issued or promulgated by the Commission in pending  
 13 proceedings or in proceedings in which a final order has been  
 14 issued under this Act or any other Act establishing--or  
 15 conferring--power--on--the--Commission, shall continue in force  
 16 only to the extent consistent with this amendatory Act of the  
 17 92nd General Assembly.--and--the--Commission--hereby--created  
 18 shall--have--all--powers--with--respect--to--said--findings,--orders,  
 19 decisions,--rules--and--regulations--as--though--said--findings,  
 20 orders,--decisions,--rules--and--regulations--had--been--made,  
 21 issued--or--promulgated--by--the--Commission--under--this--amendatory  
 22 Act. Notwithstanding the provisions of--this--Section,--where  
 23 applicable, The Commission shall amend its findings, orders,  
 24 decisions, rules, and regulations in pending proceedings or  
 25 in proceedings in which a final order has been issued to  
 26 conform to the provisions of this amendatory Act of the 92nd  
 27 General Assembly as soon as practicable after the effective  
 28 date of this amendatory Act.

29 (Source: P.A. 84-617.)

30 (220 ILCS 5/5-104) (from Ch. 111 2/3, par. 5-104)  
 31 Sec. 5-104. Depreciation accounts.

32 (a) The Commission shall have power, after hearing, to  
 33 require any or all public utilities and telecommunications

1 carriers as defined by Section 13-202, except electric public  
2 utilities, to keep such accounts as will adequately reflect  
3 depreciation, obsolescence and the progress of the arts. The  
4 Commission may, from time to time, ascertain and determine  
5 and by order fix the proper and adequate rate of depreciation  
6 of the several classes of property for each public utility;  
7 and each public utility shall conform its depreciation  
8 accounts to the rates so ascertained, determined and fixed.

9 (b) The Commission shall have the power, after hearing,  
10 to require any or all electric public utilities to keep such  
11 accounts as will adequately reflect depreciation,  
12 obsolescence, and the progress of the arts. The Commission  
13 may, from time to time, ascertain and determine and by order  
14 fix the proper and adequate rate of depreciation of the  
15 several classes of property for each electric public utility;  
16 and each electric public utility shall thereafter, absent  
17 further order of the Commission, conform its depreciation  
18 accounts to the rates so ascertained, determined and fixed  
19 until at least the end of the first full calendar year  
20 following the date of such determination.

21 (c) A telecommunications carrier and an electric public  
22 utility may from time to time alter the annual rates of  
23 depreciation, which for purposes of this subsection (c) and  
24 subsection (d) shall include amortization, that it applies to  
25 its several classes of assets so long as the rates are  
26 consistent with generally accepted accounting principles. A  
27 telecommunications carrier and an The electric public utility  
28 shall file a statement with the Commission which shall set  
29 forth the new rates of depreciation and which shall contain a  
30 certification by an independent certified public accountant  
31 that the new rates of depreciation are consistent with  
32 generally accepted accounting principles. Upon the filing of  
33 such statement, the new rates of depreciation shall be deemed  
34 to be approved by the Commission as the rates of depreciation

1 to be applied thereafter by the public utility as though an  
2 order had been entered pursuant to subsection (b).

3 (d) In any proceeding conducted pursuant to Section  
4 9-201 or 9-202 to set an electric public utility's rates for  
5 service, the Commission may determine not to use, in  
6 determining the depreciation expense component of the public  
7 utility's rates for service, the rates of depreciation  
8 established pursuant to subsection (c), if the Commission in  
9 that proceeding finds based on the record that different  
10 rates of depreciation are required to adequately reflect  
11 depreciation, obsolescence and the progress of the arts, and  
12 fixes by order and uses for purposes of that proceeding new  
13 rates of depreciation to be thereafter employed by the  
14 electric public utility until the end of the first full  
15 calendar year following the date of the determination and  
16 thereafter until altered in accordance with subsection (b) or  
17 (c) of this Section.

18 (Source: P.A. 90-561, eff. 12-16-97.)

19 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

20 Sec. 5-109. Reports by public utilities. Except for  
21 telecommunication carriers as defined by Section 13-202, a  
22 Each public utility in the State shall each year furnish to  
23 the Commission, in such form as the Commission shall require,  
24 annual reports as to all the items mentioned in the preceding  
25 sections of this article, and in addition such other items,  
26 whether of a nature similar to those therein enumerated or  
27 otherwise, as the Commission may prescribe. Such annual  
28 reports shall contain all the required information for the  
29 period to twelve months ending on the thirtieth day of June  
30 in each year, or ending on the thirty-first day of December  
31 in each year, as the Commission may by order prescribe for  
32 each class of public utilities, and shall be filed with the  
33 Commission at its office in Springfield within three months

1 after the close of the year for which the report is made. The  
2 Commission shall have authority to require any public utility  
3 to file monthly reports of earnings and expenses of such  
4 utility, and to file other periodical or special, or both  
5 periodical and special reports concerning any matter about  
6 which the Commission is authorized by law to keep itself  
7 informed. All reports shall be under oath.

8 When any report is erroneous or defective or appears to  
9 the Commission to be erroneous or defective, the Commission  
10 may notify the public utility to amend such report within  
11 thirty days, and before or after the termination of such  
12 period the Commission may examine the officers, agents, or  
13 employees, and books, records, accounts, vouchers, plant,  
14 equipment and property of such public utility, and correct  
15 such items in the report as upon such examination the  
16 Commission may find defective or erroneous.

17 All reports made to the Commission by any public utility  
18 and the contents thereof shall be open to public inspection,  
19 unless otherwise ordered by the Commission. Such reports  
20 shall be preserved in the office of the Commission.

21 Any public utility which fails to make and file any  
22 report called for by the Commission within the time  
23 specified; or to make specific answer to any question  
24 propounded by the Commission within thirty days from the time  
25 it is lawfully required to do so, or within such further  
26 time, not to exceed ninety days, as may in its discretion be  
27 allowed by the Commission, shall forfeit up to \$100 for each  
28 and every day it may so be in default if the utility collects  
29 less than \$100,000 annually in gross revenue; and if the  
30 utility collects \$100,000 or more annually in gross revenue,  
31 it shall forfeit \$100 per day for each and every day it is in  
32 default.

33 Any person who wilfully makes any false return or report  
34 to the Commission, or to any member, officer or employee



1       thereof, and any person who aids or abets such person shall  
2       be guilty of a Class A misdemeanor.

3       (Source: P.A. 84-617.)

4               (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

5       Sec. 8-406. Certificate of public convenience and  
6       necessity.

7       (a) No public utility not owning any city or village  
8       franchise nor engaged in performing any public service or in  
9       furnishing any product or commodity within this State as of  
10      July 1, 1921 and not possessing a certificate of public  
11      convenience and necessity from the Illinois Commerce  
12      Commission, the State Public Utilities Commission or the  
13      Public Utilities Commission, at the time this amendatory Act  
14      of 1985 goes into effect, shall transact any business in this  
15      State until it shall have obtained a certificate from the  
16      Commission that public convenience and necessity require the  
17      transaction of such business. Article XIII shall govern the  
18      issuance of certificates in this State for telecommunications  
19      carriers to provide telecommunications services.

20      (b) No public utility shall begin the construction of  
21      any new plant, equipment, property or facility which is not  
22      in substitution of any existing plant, equipment, property or  
23      facility or any extension or alteration thereof or in  
24      addition thereto, unless and until it shall have obtained  
25      from the Commission a certificate that public convenience and  
26      necessity require such construction. Whenever after a hearing  
27      the Commission determines that any new construction or the  
28      transaction of any business by a public utility will promote  
29      the public convenience and is necessary thereto, it shall  
30      have the power to issue certificates of public convenience  
31      and necessity. The Commission shall determine that proposed  
32      construction will promote the public convenience and  
33      necessity only if the utility demonstrates: (1) that the

1 proposed construction is necessary to provide adequate,  
2 reliable, and efficient service to its customers and is the  
3 least-cost means of satisfying the service needs of its  
4 customers; (2) that the utility is capable of efficiently  
5 managing and supervising the construction process and has  
6 taken sufficient action to ensure adequate and efficient  
7 construction and supervision thereof; and (3) that the  
8 utility is capable of financing the proposed construction  
9 without significant adverse financial consequences for the  
10 utility or its customers.

11 (c) After the effective date of this amendatory Act of  
12 1987, no construction shall commence on any new nuclear power  
13 plant to be located within this State, and no certificate of  
14 public convenience and necessity or other authorization shall  
15 be issued therefor by the Commission, until the Director of  
16 the Illinois Environmental Protection Agency finds that the  
17 United States Government, through its authorized agency, has  
18 identified and approved a demonstrable technology or means  
19 for the disposal of high level nuclear waste, or until such  
20 construction has been specifically approved by a statute  
21 enacted by the General Assembly.

22 As used in this Section, "high level nuclear waste" means  
23 those aqueous wastes resulting from the operation of the  
24 first cycle of the solvent extraction system or equivalent  
25 and the concentrated wastes of the subsequent extraction  
26 cycles or equivalent in a facility for reprocessing  
27 irradiated reactor fuel and shall include spent fuel  
28 assemblies prior to fuel reprocessing.

29 (d) In making its determination, the Commission shall  
30 attach primary weight to the cost or cost savings to the  
31 customers of the utility. The Commission may consider any or  
32 all factors which will or may affect such cost or cost  
33 savings.

34 (e) The Commission may issue a temporary certificate

1 which shall remain in force not to exceed one year in cases  
2 of emergency, to assure maintenance of adequate service or to  
3 serve particular customers, without notice or hearing,  
4 pending the determination of an application for a  
5 certificate, and may by regulation exempt from the  
6 requirements of this Section temporary acts or operations for  
7 which the issuance of a certificate will not be required in  
8 the public interest.

9 A public utility shall not be required to obtain but may  
10 apply for and obtain a certificate of public convenience and  
11 necessity pursuant to this Section with respect to any matter  
12 as to which it has received the authorization or order of the  
13 Commission under the Electric Supplier Act, and any such  
14 authorization or order granted a public utility by the  
15 Commission under that Act shall as between public utilities  
16 be deemed to be, and shall have except as provided in that  
17 Act the same force and effect as, a certificate of public  
18 convenience and necessity issued pursuant to this Section.

19 No electric cooperative shall be made or shall become a  
20 party to or shall be entitled to be heard or to otherwise  
21 appear or participate in any proceeding initiated under this  
22 Section for authorization of power plant construction and as  
23 to matters as to which a remedy is available under The  
24 Electric Supplier Act.

25 (f) Such certificates may be altered or modified by the  
26 Commission, upon its own motion or upon application by the  
27 person or corporation affected. Unless exercised within a  
28 period of 2 years from the grant thereof authority conferred  
29 by a certificate of convenience and necessity issued by the  
30 Commission shall be null and void.

31 No certificate of public convenience and necessity shall  
32 be construed as granting a monopoly or an exclusive  
33 privilege, immunity or franchise.

34 (Source: P.A. 90-561, eff. 12-16-97.)

1 (220 ILCS 5/8-509) (from Ch. 111 2/3, par. 8-509)

2 Sec. 8-509. When necessary for the construction of any  
3 alterations, additions, extensions, or improvements ordered  
4 or authorized under Section 8-503 ~~or 12-218~~ of this Act, any  
5 public utility may enter upon, take or damage private  
6 property in the manner provided for by the law of eminent  
7 domain.

8 This Section applies to the exercise of eminent domain  
9 powers by telephone companies or telecommunications carriers  
10 only when the facilities to be constructed are intended to be  
11 used in whole or in part for providing one or more intrastate  
12 noncompetitive telecommunications services ~~classified--as~~  
13 ~~"noncompetitive"--under--Section--13-502-in-a-tariff-filed~~ by  
14 the condemnor. The exercise of eminent domain powers by  
15 telephone companies or telecommunications carriers in all  
16 other cases shall be governed solely by "An Act relating to  
17 the powers, duties and property of telephone companies",  
18 approved May 16, 1903, as now or hereafter amended.

19 (Source: P.A. 86-221.)

20 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

21 Sec. 9-201. Rate changes.

22 (a) Unless the Commission otherwise orders, and except  
23 as otherwise provided in this Section, no change shall be  
24 made by any public utility in any rate or other charge or  
25 classification, or in any rule, regulation, practice or  
26 contract relating to or affecting any rate or other charge,  
27 classification or service, or in any privilege or facility,  
28 except after 30 45 days' notice to the Commission and to the  
29 public as herein provided. Such notice shall be given by  
30 filing with the Commission and keeping open for public  
31 inspection new schedules or supplements stating plainly the  
32 change or changes to be made in the schedule or schedules  
33 then in force, and the time when the change or changes will

1 go into effect, and by publication in a newspaper of general  
2 circulation or such other notice to persons affected by such  
3 change as may be prescribed by rule of the Commission. The  
4 Commission, for good cause shown, may allow changes without  
5 requiring the 30 45 days' notice herein provided for, by an  
6 order specifying the changes so to be made and the time when  
7 they shall take effect and the manner in which they shall be  
8 filed and published.

9 When any change is proposed in any rate or other charge,  
10 or classification, or in any rule, regulation, practice, or  
11 contract relating to or affecting any rate or other charge,  
12 classification or service, or in any privilege or facility,  
13 such proposed change shall be plainly indicated on the new  
14 schedule filed with the Commission, by some character to be  
15 designated by the Commission, immediately preceding or  
16 following the item.

17 When any public utility providing water or sewer service  
18 proposes any change in any rate or other charge, or  
19 classification, or in any rule, regulation, practice, or  
20 contract relating to or affecting any rate or other charge,  
21 classification or service, or in any privilege or facility,  
22 such utility shall, in addition to the other notice  
23 requirements of this Act, provide notice of such change to  
24 all customers potentially affected by including a notice and  
25 description of such change, and of Commission procedures for  
26 intervention, in the first bill sent to each such customer  
27 after the filing of the proposed change.

28 (b) Whenever there shall be filed with the Commission  
29 any schedule stating an individual or joint rate or other  
30 charge, classification, contract, practice, rule or  
31 regulation, the Commission shall have power, and it is hereby  
32 given authority, either upon complaint or upon its own  
33 initiative without complaint, at once, and if it so orders,  
34 without answer or other formal pleadings by the interested

1 public utility or utilities, but upon reasonable notice, to  
2 enter upon a hearing concerning the propriety of such rate or  
3 other charge, classification, contract, practice, rule or  
4 regulation, and pending the hearing and decision thereon,  
5 such rate or other charge, classification, contract,  
6 practice, rule or regulation shall not go into effect. The  
7 period of suspension of such rate or other charge,  
8 classification, contract, practice, rule or regulation shall  
9 not extend more than 105 days beyond the time when such rate  
10 or other charge, classification, contract, practice, rule or  
11 regulation would otherwise go into effect unless the  
12 Commission, in its discretion, extends the period of  
13 suspension for a further period not exceeding 6 months.

14 All rates or other charges, classifications, contracts,  
15 practices, rules or regulations not so suspended shall, on  
16 the expiration of 30 45 days from the time of filing the same  
17 with the Commission, or of such lesser time as the Commission  
18 may grant, go into effect and be the established and  
19 effective rates or other charges, classifications, contracts,  
20 practices, rules and regulations, subject to the power of the  
21 Commission, after a hearing had on its own motion or upon  
22 complaint, as herein provided, to alter or modify the same.

23 Within 30 days after such changes have been authorized by  
24 the Commission, copies of the new or revised schedules shall  
25 be posted or filed in accordance with the terms of Section  
26 9-103 of this Act, in such a manner that all changes shall be  
27 plainly indicated.

28 (c) If the Commission enters upon a hearing concerning  
29 the propriety of any proposed rate or other charge,  
30 classification, contract, practice, rule or regulation, the  
31 Commission shall establish the rates or other charges,  
32 classifications, contracts, practices, rules or regulations  
33 proposed, in whole or in part, or others in lieu thereof,  
34 which it shall find to be just and reasonable. In such

1 hearing, the burden of proof to establish the justness and  
2 reasonableness of the proposed rates or other charges,  
3 classifications, contracts, practices, rules or regulations,  
4 in whole and in part, shall be upon the utility. No rate or  
5 other charge, classification, contract, practice, rule or  
6 regulation shall be found just and reasonable unless it is  
7 consistent with Sections of this Article.

8 (Source: P.A. 84-617.)

9 (220 ILCS 5/10-101) (from Ch. 111 2/3, par. 10-101)

10 Sec. 10-101. Investigations and hearings. The  
11 Commission, or any commissioner or hearing examiner  
12 designated by the Commission, shall have power to hold  
13 investigations, inquiries and hearings concerning any matters  
14 covered by the provisions of this Act, or by any other Acts  
15 relating to public utilities subject to such rules and  
16 regulations as the Commission may establish. In the conduct  
17 of any investigation, inquiry or hearing the provisions of  
18 the Illinois Administrative Procedure Act, including but not  
19 limited to Sections 10-25 and 10-35 of that Act, shall be  
20 applicable and the Commission's rules shall be consistent  
21 therewith. Complaint cases initiated pursuant to any Section  
22 of this Act, investigative proceedings and ratemaking cases  
23 shall be considered "contested cases" as defined in Section  
24 1-30 of the Illinois Administrative Procedure Act, any  
25 contrary provision therein notwithstanding. Any proceeding  
26 intended to lead to the establishment of policies, practices,  
27 rules or programs applicable to more than one utility may, in  
28 the Commission's discretion, be conducted pursuant to either  
29 rulemaking or contested case provisions, provided such choice  
30 is clearly indicated at the beginning of such proceeding and  
31 subsequently adhered to. No violation of this Section or the  
32 Illinois Administrative Procedure Act and no informality in  
33 any proceeding or in the manner of taking testimony before

1 the Commission, any commissioner or hearing examiner of the  
2 Commission shall invalidate any order, decision, rule or  
3 regulation made, approved, or confirmed by the Commission in  
4 the absence of prejudice. All hearings conducted by the  
5 Commission shall be open to the public.

6 Each commissioner and every hearing examiner of the  
7 Commission designated by it to hold any inquiry,  
8 investigation or hearing, shall have the power to administer  
9 oaths and affirmations, certify to all official acts, issue  
10 subpoenas, compel the attendance and testimony of witnesses,  
11 and the production of papers, books, accounts and documents.

12 When hearings are required under this Act, hearings shall  
13 be held either by the Commission or by one or more  
14 commissioners or hearing examiners.

15 When any counselor or attorney at law, licensed in any  
16 other state or territory, may desire to appear before the  
17 Commission, such counselor or attorney shall be allowed to  
18 appear before the Commission upon the same terms and in the  
19 same manner that counselors and attorneys at law licensed in  
20 this State now are or hereafter may be admitted to appear in  
21 such other state or territory before its Commission or  
22 equivalent body.

23 All evidence presented at hearings held by the Commission  
24 or under its authority shall become a part of the records of  
25 the Commission. In all cases in which the Commission bases  
26 any action on reports of investigation or inquiries not  
27 conducted as hearings, such reports shall be made a part of  
28 the records of the Commission. All proceedings of the  
29 Commission and all documents and records in its possession  
30 shall be public records, except as in this Act otherwise  
31 provided.

32 To the extent consistent with this Section and the  
33 Illinois Administrative Procedure Act, the Commission may  
34 adopt reasonable and proper rules and regulations relative to



1 the exercise of its powers, and proper rules to govern its  
2 proceedings, and regulate the mode and manner of all  
3 investigations and hearings, and alter and amend the same.

4 (Source: P.A. 88-45.)

5 (220 ILCS 5/10-101.5 new)

6 Sec. 10-101.5. Settlements. All parties to contested  
7 proceedings before the Commission are encouraged to enter  
8 into settlements when possible. The Commission may adopt a  
9 settlement reached between some, but not all, parties in any  
10 contested matter without reaching a decision on the merits of  
11 the contested issues when:

12 (1) non-agreeing parties are provided a reasonable  
13 opportunity to state their objections to the proposed  
14 settlement on the record of the proceeding; and

15 (2) the Commission, after reviewing the objections,  
16 finds that the settlement as a whole represents a  
17 reasonable resolution of the proceeding or some portion  
18 thereof.

19 (220 ILCS 5/10-103) (from Ch. 111 2/3, par. 10-103)

20 Sec. 10-103. Proceedings before Commission.

21 (a) In all proceedings, investigations, or hearings  
22 conducted by the Commission, except in the disposition of  
23 matters that the Commission is authorized to entertain or  
24 dispose of on an ex parte basis, any finding, decision, or  
25 order made by the Commission shall be based exclusively on  
26 the record for decision in the case, which shall include all  
27 pleadings (including all notices and responses to those  
28 pleadings), motions, rulings, evidence received, statements  
29 of matters officially noticed, offers of proof and objections  
30 to and rulings on those offers of proof, proposed findings  
31 and exceptions, decisions, opinions, or reports by the  
32 hearing examiner, the transcript of all oral proceedings and

1 testimony, and exhibits together with all papers and requests  
2 filed in the proceeding. In contested cases, the documents  
3 and information described in subsections (b),(c), (d), and  
4 (e) of this Section, as well as the documents and  
5 information described in Section 10-103.5, shall not form  
6 the basis of any findings of fact in a proceeding,  
7 investigation, or hearing conducted by the Commission, except  
8 upon notice and an opportunity for all parties to  
9 participate.

10 (b) A communication between a commissioner, his or her  
11 assistant, or other person who is or may be expected to be  
12 involved in the decisional process of a contested case with  
13 any party or representative of a party to a proceeding for  
14 any telecommunications carrier or any representative of the  
15 carrier concerning any matter of fact, law, or policy at  
16 issue in the case that occurs after the initial notice of  
17 hearing, but before the close of the evidentiary or  
18 fact-finding portion of the proceedings, shall be reported  
19 in accordance with Section 10-103.5.

20 (c) A commissioner, his or her assistant, and any other  
21 person who is or reasonably may be expected to be involved in  
22 the decisional process of a contested proceeding may not,  
23 after the close of the evidentiary or fact-finding portion of  
24 a contested proceeding and before a final order of the  
25 Commission or any order on rehearing, whichever is later,  
26 communicate, directly or indirectly, in connection with any  
27 matter of fact, law, or policy at issue in the proceeding,  
28 with any party or representative of a party to the proceeding  
29 for any telecommunications carrier or any representative of  
30 the carrier, except upon notice and opportunity for all  
31 parties to participate. From the time a hearing examiner is  
32 assigned to the proceeding until a final order of the  
33 Commission or any order on rehearing, whichever is later, a  
34 hearing examiner may not communicate, directly or indirectly,

1 in connection with any matter of fact, law, or policy at  
2 issue in the proceeding with any person who is not involved  
3 in the decisional process, except upon notice and opportunity  
4 for all parties to participate. Except as otherwise provided  
5 by law, from the time a hearing examiner is assigned to the  
6 proceeding until the hearing examiner submits a proposed  
7 order to the Commission, a hearing examiner may not  
8 communicate, directly or indirectly, in connection with any  
9 matter of fact, law, or policy at issue in the proceeding  
10 with any person who is involved in the decisional process,  
11 except upon notice and opportunity for all parties to  
12 participate. Nothing in this Section shall prohibit a  
13 commissioner from communicating with another commissioner or  
14 having the aid or advice of one or more assistants. However,  
15 the provisions of Section 10-60 of the Illinois  
16 Administrative Procedure Act apply in full to, and the  
17 provisions of subsections (b) and (c) of this Section do not  
18 apply to, proceedings initiated by individual customers, not  
19 including customers certified as providers under this Act.

20 (d) The provisions of subsections (b) and (c) of this  
21 Section and Section 10-60 of the Illinois Administrative  
22 Procedure Act shall not apply to communications with persons  
23 who are not parties or representatives of parties to a  
24 proceeding (non-parties) unless the non-parties are  
25 telecommunications carriers or representatives of those  
26 carriers and to communications between Commission employees  
27 who are engaged in investigatory, prosecutorial, or advocacy  
28 functions and other parties to the proceeding, however, the  
29 Commission employees are governed by Section 10-60 of the  
30 Illinois Administrative Procedure Act as modified by  
31 subsections (b) and (c) of this Section with respect to  
32 communicating, directly or indirectly, with members of the  
33 Commission or their assistants, any hearing examiner in the  
34 proceeding, or any Commission employee who is or may

1 reasonably be expected to be involved in the decisional  
2 process of the proceeding.

3 (e) A commissioner, commissioner's assistant, hearing  
4 examiner, or other Commission employee who is or may  
5 reasonably be expected to be involved in the decisional  
6 process of a proceeding, who receives, or who makes or  
7 knowingly causes to be made, a communication prohibited by  
8 Section 10-60 of the Illinois Administrative Procedure Act as  
9 modified by this Section, must place on the public record of  
10 the proceeding: (1) any and all such written communications;  
11 (2) memoranda stating the substance of any and all such oral  
12 communications; and (3) any and all written responses and  
13 memoranda stating the substance of any and all oral responses  
14 to the materials described in clauses (1) and (2).

15 (f) The Commission, or any commissioner or hearing  
16 examiner presiding over the proceeding, shall in the event of  
17 a violation of this Section, take whatever action is  
18 necessary to ensure that the violation does not prejudice any  
19 party or adversely affect the fairness of the proceedings.

20 ~~In all proceedings, investigations or hearings conducted~~  
21 ~~by the Commission, except in the disposition of matters which~~  
22 ~~the Commission is authorized to entertain or dispose of on an~~  
23 ~~ex parte basis, any finding, decision or order made by the~~  
24 ~~Commission shall be based exclusively on the record for~~  
25 ~~decision in the case, which shall include only the transcript~~  
26 ~~of testimony and exhibits together with all papers and~~  
27 ~~requests filed in the proceeding, including, in contested~~  
28 ~~cases, the documents and information described in Section~~  
29 ~~10-35 of the Illinois Administrative Procedure Act.~~

30 ~~The provisions of Section 10-60 of the Illinois~~  
31 ~~Administrative Procedure Act shall apply in full to~~  
32 ~~Commission proceedings, including ratemaking cases, any~~  
33 ~~provision of the Illinois Administrative Procedure Act to the~~  
34 ~~contrary notwithstanding. The provisions of Section 10-60~~

1 shall not apply, however, to communications between  
 2 Commission employees who are engaged in investigatory,  
 3 prosecutorial or advocacy functions and other parties to the  
 4 proceeding, provided that such Commission employees are still  
 5 prohibited from communicating on an ex parte basis, as  
 6 designated in Section 10-60, directly or indirectly, with  
 7 members of the Commission, any hearing examiner in the  
 8 proceeding, or any Commission employee who is or may  
 9 reasonably be expected to be involved in the decisional  
 10 process of the proceeding.

11 Any commissioner, hearing examiner, or other Commission  
 12 employee who is or may reasonably be expected to be involved  
 13 in the decisional process of a proceeding, who receives, or  
 14 who makes or knowingly causes to be made, a communication  
 15 prohibited by Section 10-60 of the Illinois Administrative  
 16 Procedure Act as modified by this Section, shall place on the  
 17 public record of the proceeding (1) any and all such written  
 18 communications; (2) memoranda stating the substance of any  
 19 and all such oral communications; and (3) any and all written  
 20 responses and memoranda stating the substance of any and all  
 21 oral responses to the materials described in clauses (1) and  
 22 (2).

23 The Commission, or any commissioner or hearing examiner  
 24 presiding over the proceeding, shall in the event of a  
 25 violation of this Section, take whatever action is necessary  
 26 to ensure that such violation does not prejudice any party or  
 27 adversely affect the fairness of the proceedings.

28 (Source: P.A. 88-45.)

29 (220 ILCS 5/10-103.5 new)

30 Sec. 10-103.5. Reporting communications with Commission.  
 31 A communication required to be reported under subsection  
 32 (b) of Section 10-103 shall be reported by the commissioner,  
 33 his or her assistant, or any person who is or may be expected

1 to be involved in the decisional process who makes or  
2 receives that communication on the date the communication is  
3 made by filing and serving a notice of communication in a  
4 contested case with the Commission. This notice shall be  
5 served on the hearing examiner and all parties of record by  
6 mail within 7 days of the communication. The notice shall  
7 include the following information:

8 (1) the date, time, and location of the  
9 communication and whether it was oral, written, or a  
10 combination;

11 (2) the identity of the recipients and the persons  
12 initiating the communication, as well as the identity of  
13 the persons present during the communication; and

14 (3) a description of the communication and its  
15 content, including a copy of any written material or text  
16 provided during the communication.

17 (220 ILCS 5/10-108) (from Ch. 111 2/3, par. 10-108)

18 Sec. 10-108. Complaints; notice; parties. Complaint may  
19 be made by the Commission, of its own motion or by any person  
20 or corporation, chamber of commerce, board of trade, or any  
21 industrial, commercial, mercantile, agricultural or  
22 manufacturing society, or any body politic or municipal  
23 corporation by petition or complaint in writing, setting  
24 forth any act or things done or omitted to be done in  
25 violation, or claimed to be in violation, of any provision of  
26 this Act, or of any order or rule of the Commission. In the  
27 discretion of the Commission, matters presented by one  
28 complaint may be ordered separated, and matters upon which  
29 complaint may be founded may be joined. No objection shall be  
30 sustained to a separation merely because the matters  
31 separated are under the ownership, control or management of  
32 the same persons or corporation. No complaint shall be  
33 dismissed because of the absence of direct damage to the

1 complainant.

2       Upon the filing of a complaint the Commission shall cause  
3 a copy thereof to be served upon the person or corporation  
4 complained of which shall be accompanied by a notice  
5 requiring that the complaint be satisfied and answered within  
6 a reasonable time to be specified by the Commission or within  
7 the discretion of the Commission, by a notice fixing a time  
8 when and place where a hearing will be had upon such  
9 complaint. Notice of the time and place shall also be given  
10 to the complainant and to such other persons as the  
11 Commission shall deem necessary. The Commission shall have  
12 authority to hear and investigate any complaint  
13 notwithstanding the fact that the person or corporation  
14 complained of may have satisfied the complaint.

15       The time fixed for such hearing shall not be less than  
16 ten days after the date of the service of such notice and  
17 complaint except as herein provided. Service in all hearings,  
18 investigations, and proceedings before the Commission may be  
19 made upon any person upon whom a summons may be served in  
20 accordance with the provisions of the Civil Practice Law and  
21 all existing and future amendments thereto and modifications  
22 thereof and the Supreme Court Rules now or hereafter adopted  
23 in relation to that Law, and may be made personally, by  
24 electronic means, or by mailing same in the United States  
25 mail in a sealed envelope with postage prepaid. The  
26 provisions of this section as to notice shall apply to all  
27 hearings held by the Commission or under its authority.

28       Any public utility shall have a right to complain on any  
29 of the grounds upon which complaints are allowed to be filed  
30 by other parties, and the same procedure shall be adopted and  
31 followed as in other cases.

32       All cities shall have power to appear as complainants or  
33 to make application before the Illinois Commerce Commission  
34 for an inquiry, investigation or hearing relating to the

1 rates or other charges or services of public utilities within  
2 such city, except for telecommunications carriers electing an  
3 alternative form of regulation under Sec. 13-506.1; and in  
4 case of any inquiry, investigation or hearing by or before  
5 the Illinois Commerce Commission on any matter relating to  
6 the rates or other charges or services within any city, the  
7 city shall receive written notice not less than ten days  
8 before such inquiry, investigation or hearing, and shall be  
9 entitled to appear and present evidence relating to the  
10 subject matter of such inquiry, investigation or hearing.  
11 Such notice shall be served upon the city clerk.

12 Whenever there shall be filed a complaint under Article  
13 IX of this Act regarding the rates, charges, classifications  
14 or services of a public utility, the Commission shall make  
15 and render findings concerning the subject matter and facts  
16 complained of and enter its order based thereon not later  
17 than one year after the filing of such complaint unless all  
18 parties to the complaint proceeding under Article IX agree to  
19 a period of greater than one year, provided that any  
20 agreement to extend the one year period must be in writing  
21 and must be for a specified period of time not exceeding 60  
22 days. The parties may enter into more than one agreement to  
23 extend time. This paragraph does not apply to  
24 telecommunications carriers electing an alternative form of  
25 regulation under Sec. 13-506.1.

26 In the event that the Commission fails to enter its order  
27 within one year after the filing of the complaint or upon the  
28 expiration of the last agreement to extend time, any party  
29 may file a complaint in the circuit court for an emergency  
30 order of mandamus to direct and compel the Commission to  
31 enter its order within 60 days of the expiration of the one  
32 year period or within 60 days of the expiration of the last  
33 agreement to extend time, and the court shall set a schedule  
34 to enable the Commission to complete the case and enter an



1 order within the time frame specified herein. Summons upon  
2 the complaint shall be returnable within 5 days. The  
3 complaint for an order of mandamus shall be brought in the  
4 circuit in which the subject matter of the complaint is  
5 situated or, if the subject matter of the hearing is situated  
6 in more than one circuit, then in any one of those circuits.

7 In order to speed the resolution of retail customer  
8 complaints, the Commission's Consumers Affairs Staff shall  
9 offer a mandatory dispute resolution process for the benefit  
10 of retail customers when the matter in dispute is less than  
11 \$5,000. Within 30 days after receiving a statement of the  
12 matter in dispute from a retail customer, the Consumers  
13 Affairs staff shall recommend a settlement. Within 7 days  
14 after the date of the recommended settlement, a party shall  
15 file with the Staff a written acceptance or rejection of the  
16 recommended settlement. If the parties accept the  
17 recommendation, then the recommendation shall become the  
18 final order in a contested case. If a party rejects the  
19 recommended settlement, then the retail customer may proceed  
20 to a contested case hearing under this Article. The party  
21 that rejects the recommended settlement shall pay the  
22 opposing party's actual costs of proceeding to a contested  
23 case hearing, including attorney fees, unless the final order  
24 of the Commission is more favorable to the rejecting party  
25 than the recommended settlement under this Section. A final  
26 order is considered more favorable if it differs by 10% or  
27 more from the recommended settlement in favor of the  
28 rejecting party. If the settlement recommendation is not  
29 accepted, the individual commissioners and hearing examiners  
30 shall not be informed of the recommended settlement until  
31 they have issued their final order in order to avoid  
32 prejudicing the interests of retail customers and other  
33 parties. This Section shall not extend or toll the time  
34 within which the Commission is required to issue its final

1 order under Section 10-108.

2 (Source: P.A. 91-341, eff. 7-29-99.)

3 (220 ILCS 5/10-114 new)

4 Sec. 10-114. Resolution on pleading. Notwithstanding  
5 any other provision of this Act, the Commission shall resolve  
6 all proceedings on the basis of written pleadings and  
7 submissions that are verified or supported by affidavit with  
8 the exception of proceedings arising under Section 13-515.  
9 Nothing in this Section precludes the Commission from hearing  
10 oral argument in any proceeding.

11 (220 ILCS 5/13-100) (from Ch. 111 2/3, par. 13-100)

12 (Section scheduled to be repealed on July 1, 2001)

13 Sec. 13-100. Short title. This Article shall be known  
14 and may be cited as the Telecommunications Universal  
15 Telephone-Service-Protection Law of 2001 1985.

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

17 (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

18 (Section scheduled to be repealed on July 1, 2001)

19 Sec. 13-101. Application of Act to telecommunications  
20 rates and services. Except--to--the--extent--modified--or  
21 supplemented--by--the--specific--provisions--of--this--Article, the  
22 Sections--of--this--Act--pertaining--to--public--utilities,--public  
23 utility--rates--and--services,--and--the--regulation--thereof,--are  
24 fully---and---equally---applicable---to---noncompetitive  
25 telecommunications--rates--and--services,--and--the--regulation  
26 thereof,--except--where--the--context--clearly--renders--such  
27 provisions--inapplicable. Except to the extent modified or  
28 supplemented by the specific provisions of this Article or  
29 any other Article, Articles II through V, Sections 7-204,  
30 8-101, 8-301, 8-406, 8-505, 9-221, 9-222, 9-222.1, 9-222.2,  
31 9-250, and 9-252.1, and Article Articles X and XI of this Act

1 are fully and equally applicable to ~~competitive~~  
2 telecommunications carriers and ~~rates-and~~ services, and the  
3 regulation thereof.

4 (Source: P.A. 90-38, eff. 6-27-97.)

5 (220 ILCS 5/13-102) (from Ch. 111 2/3, par. 13-102)

6 (Section scheduled to be repealed on July 1, 2001)

7 Sec. 13-102. Findings. With respect to  
8 telecommunications services, as herein defined, the General  
9 Assembly finds that:

10 (a) reliable, universally available, and widely  
11 affordable facilities-based and resold telecommunications  
12 services for residential customers are essential to the  
13 health, welfare, and prosperity of all Illinois citizens;

14 (b) federal regulatory and judicial rulings in the 1980s  
15 caused a restructuring of the telecommunications industry and  
16 have helped open ~~opened--some--aspects--of~~ the industry to  
17 competitive entry by facilities-based carriers and resellers,  
18 thereby necessitating revision of State telecommunications  
19 regulatory policies and practices;

20 (c) revisions in telecommunications regulatory policies  
21 and practices in Illinois beginning in the mid-1980s have  
22 also brought the benefits of competition to consumers, but  
23 rapid market changes now necessitate further changes in  
24 Illinois telecommunications policy in-many-telecommunications  
25 markets,-but-not-in-local-exchange-telecommunications-service  
26 markets;

27 (d) the federal Telecommunications Act of 1996  
28 established the goal of opening all telecommunications  
29 service markets to competition and accords to the states the  
30 responsibility to establish and enforce policies pursuant to  
31 that Act that are necessary to attain that goal;

32 (e) it is in the immediate interest of the People of the  
33 State of Illinois for the State to exercise its rights within

1 the new framework of federal telecommunications policy to  
2 ensure that the economic benefits of competition in all  
3 telecommunications service markets are realized as  
4 effectively as possible;

5 (f) the deregulation of certain retail services  
6 ~~competitive-offering-of-all-telecommunications-services~~ will  
7 increase innovation and efficiency in the provision of  
8 telecommunications services and will lead to market-based may  
9 ~~lead-to-reduced~~ prices for consumers, increased investment in  
10 communications infrastructure, the creation of new jobs, and  
11 the attraction of new businesses to Illinois; and

12 (g) protection of the public interest requires changes  
13 in the regulation of telecommunications carriers and services  
14 and the deregulation of certain retail telecommunications  
15 services to ensure, to the maximum feasible extent, the  
16 reasonable and timely further development of effective  
17 competition in all telecommunications service markets.

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

19 (220 ILCS 5/13-103) (from Ch. 111 2/3, par. 13-103)

20 (Section scheduled to be repealed on July 1, 2001)

21 Sec. 13-103. Policy.

22 (a) The purpose of this Article is to promote the  
23 economic development and quality of life of the State of  
24 Illinois, to stimulate capital investment and competitive  
25 choice for residential customers, and to ensure adequate and  
26 effective representation of all citizens' rights and  
27 interests in facilities-based and resold telecommunications  
28 services before the Illinois Commerce Commission, the Federal  
29 Communications Commission, State and federal courts, and any  
30 other organizations, agencies and public bodies involved in  
31 the development and consideration of telecommunications  
32 policy and regulation.

33 (b) The General Assembly finds that the expanding effect

1 of all telecommunications services on the economy and general  
2 quality of life in the State requires a regulatory focus by  
3 the Commission on service quality, safety, and network  
4 reliability.

5 (c) The General Assembly finds that the provision of  
6 adequate, reliable, telecommunications service on a  
7 facilities and resold basis critical to the health,  
8 well-being, and prosperity of all Illinois citizens. It also  
9 is essential that the State adopt laws and regulations that  
10 provide incentives to the private sector to innovate, invest  
11 capital, and expand competitive choice for all  
12 telecommunications services in order to promote and advance  
13 economic development, education, health care, and the overall  
14 quality of life.

15 (d) The General Assembly recognizes that the transition  
16 to a fully competitive industry requires a legislative focus  
17 on establishing just and reasonable rates through alternative  
18 regulation for basic residential services, while permitting  
19 competitive marketplace forces to govern optional residential  
20 services and all business services.

21 (e) The General Assembly recognizes that in a robust and  
22 expanding competitive environment, consumers face complex new  
23 issues and choices, requiring an increased regulatory focus  
24 on resolving residential customer complaints in an  
25 expeditious and administratively fair manner and on  
26 expeditiously resolving disputes between competing carriers  
27 who enter into network interconnection and resale agreements  
28 in order to increase competitive choices.

29 (f) The General Assembly recognizes that new  
30 technologies, new competitive entrants, and ongoing  
31 consolidation within the telecommunications industry require  
32 equal application of all regulations to all service  
33 providers. Consistent-with-its-findings, the General Assembly  
34 declares that it is the policy of the State of Illinois that:

1           (a) telecommunications services should be available to  
2 all Illinois citizens at just, reasonable, and affordable  
3 rates and that such services should be provided as widely and  
4 economically as possible in sufficient variety, quality,  
5 quantity and reliability to satisfy the public interest;

6           (b) consistent with the protection of consumers of  
7 telecommunications services and the furtherance of other  
8 public interest goals, competition in all telecommunications  
9 service markets should be pursued as a substitute for  
10 regulation in determining the variety, quality and price of  
11 telecommunications services and that the economic burdens of  
12 regulation should be reduced to the extent possible  
13 consistent with the furtherance of market competition and  
14 protection of the public interest;

15           (c) all necessary and appropriate modifications to State  
16 regulation of telecommunications carriers and services should  
17 be implemented without unnecessary disruption to the  
18 telecommunications infrastructure system or to consumers of  
19 telecommunications services and that it is necessary and  
20 appropriate to establish rules to encourage and ensure  
21 orderly transitions in the development of markets for all  
22 telecommunications services;

23           (d) the consumers of telecommunications services and  
24 facilities provided by persons or companies subject to  
25 regulation pursuant to this Act and Article should be  
26 required to pay only reasonable and non-discriminatory rates  
27 or charges and that in no case should rates or charges for  
28 non-competitive telecommunications services include any  
29 portion of the cost of providing competitive  
30 telecommunications services, as defined in Section 13-209, or  
31 the cost of any nonregulated activities;

32           (e) the regulatory policies and procedures provided in  
33 this Article are established in recognition of the changing  
34 nature of the telecommunications industry and therefore

1 should--be-subject-to-systematic-legislative-review-to-ensure  
2 that--the--public--benefits--intended--to--result--from--such  
3 policies-and-procedures-are-fully-realized;-and

4 (f)--development-of-and-prudent--investment--in--advanced  
5 telecommunications-services-and-networks-that-foster-economic  
6 development--of--the--State--should-be-encouraged-through-the  
7 implementation--and--enforcement--of--policies--that--promote  
8 effective-and-sustained-competition-in-all-telecommunications  
9 service-markets-

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

11 (220 ILCS 5/13-203) (from Ch. 111 2/3, par. 13-203)

12 (Section scheduled to be repealed on July 1, 2001)

13 Sec. 13-203. Telecommunications service.

14 "Telecommunications service" means local exchange  
15 telecommunications service, the provision of service for the  
16 origination or termination of switched telecommunications  
17 services, residential operator services, services for the  
18 speech and hearing impaired as described in Section 13-703,  
19 access to 911 service, and supported telecommunications  
20 services as defined by the Commission in accordance with  
21 Section 13-301(e)(1). the--provision--or-offering-for-rent,  
22 sale-or-lease,-or-in-exchange-for-other--value--received,-of  
23 the--transmittal-of-information,-by-means-of-electromagnetic,  
24 including-light,-transmission-with-or-without-benefit-of--any  
25 closed--transmission-medium,-including-all-instrumentalities,  
26 facilities,-apparatus,-and--services---(including--the  
27 collection,-storage,-forwarding,-switching,-and-delivery-of  
28 such-information)-used-to-provide-such-transmission-and--also  
29 includes--access--and--interconnection--arrangements--and  
30 services-

31 "Telecommunications service" does not include,-however:

32 (a) the rent, sale, or lease, or exchange for other  
33 value received, of customer premises equipment except for

1 customer premises equipment owned or provided by a  
2 telecommunications carrier and used for answering 911  
3 calls, and except for customer premises equipment  
4 provided under Section 13-703;

5 (b) telephone or telecommunications answering  
6 services, paging services, and physical pickup and  
7 delivery incidental to the provision of information  
8 transmitted through electromagnetic, including light,  
9 transmission;

10 (c) community antenna television service which is  
11 operated to perform for hire the service of receiving and  
12 distributing video and audio program signals by wire,  
13 cable or other means to members of the public who  
14 subscribe to such service, to the extent that such  
15 service is utilized solely for the one-way distribution  
16 of such entertainment services with no more than  
17 incidental subscriber interaction required for the  
18 selection of such entertainment service;

19 (d) private line services;

20 (e) advanced telecommunications service having the  
21 capability of supporting 2 way broadband communications at a  
22 bandwidth of 200 kilobits per second or greater except to the  
23 extent that service is used to provide voice telephony  
24 service;

25 (f) the provision of white or yellow page directories  
26 and listings in a manner that no revenues from those services  
27 are attributed to any telecommunications service for any  
28 purpose whatsoever; and

29 (g) cellular radio service, public mobile services, and  
30 private radio services.

31 ~~The Commission may, by rulemaking, exclude--(1)--private~~  
32 ~~line service which is not directly or indirectly used for the~~  
33 ~~origination or termination of switched telecommunications~~  
34 ~~service,--(2)--cellular radio service,--(3)--high speed~~



1 point-to-point data transmission at or above 9.6 kilobits, or  
 2 (4) the provision of telecommunications service by a company  
 3 or person otherwise subject to Section 13-202 (e) to a  
 4 telecommunications carrier, which is incidental to the  
 5 provision of service subject to Section 13-202 (e), from  
 6 active regulatory oversight to the extent it finds, after  
 7 notice, hearing and comment that such exclusion is consistent  
 8 with the public interest and the purposes and policies of  
 9 this Article. To the extent that the Commission has excluded  
 10 cellular radio service from active regulatory oversight for  
 11 any provider of cellular radio service in this State pursuant  
 12 to this Section, the Commission shall exclude all other  
 13 providers of cellular radio service in the State from active  
 14 regulatory oversight without an additional rulemaking  
 15 proceeding where there are 2 or more certified providers of  
 16 cellular radio service in a geographic area.

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

18 (220 ILCS 5/13-203.5 new)

19 Sec. 13-203.5 Local calling area. "Local calling area"  
 20 means a geographic area encompassing one or more local  
 21 communities as determined by a telecommunications carrier  
 22 and as described in maps, tariffs, or rate schedules filed  
 23 with the Commission. The determination of a local calling  
 24 area made by an incumbent local exchange carrier, as defined  
 25 in Section 251(h) of the federal Telecommunications Act of  
 26 1996, shall be used to determine any payments made between  
 27 that incumbent carrier and another telecommunications carrier  
 28 as part of any intercarrier compensation arrangement under  
 29 applicable law. Internet service provider traffic is not  
 30 eligible for intercarrier compensation.

31 (220 ILCS 5/13-204) (from Ch. 111 2/3, par. 13-204)

32 (Section scheduled to be repealed on July 1, 2001)

1           Sec. 13-204. Local exchange telecommunications service.  
2           "Local exchange telecommunications service" means  
3           telecommunications service including, but not limited to,  
4           cable telephony services and fixed wireless services, between  
5           points within an exchange, as defined in Section 13-206,  
6           provided pursuant to one primary access line or its  
7           equivalent to a residential customer and any usage that is  
8           not subject to presubscription provided over that line,  
9           within or between exchanges but exclusive of any optional  
10          calling features provided pursuant to that line or--the  
11          ~~provision--of--telecommunications-service-for-the-origination~~  
12          ~~or-termination-of-switched-telecommunications-services.~~

13          (Source: P.A. 84-1063.)

14                 (220 ILCS 5/13-300 new)

15          Sec. 13-300. Scope of authority. Pursuant to this  
16          Article, the Commission shall have jurisdiction over  
17          telecommunications service.

18          The Commission may issue orders and promulgate rules to  
19          implement the requirements of the Communications Act of 1934,  
20          as amended by the federal Telecommunications Act of 1996, and  
21          the orders and regulations of the Federal Communications  
22          Commission issued under those Acts, including, but not  
23          limited to, orders and rules to implement the prices, terms,  
24          and conditions for resold telecommunications services and  
25          unbundled network elements. Unless expressly provided in  
26          this Act to the contrary, the Commission shall not have  
27          authority or jurisdiction to adopt or impose requirements  
28          that exceed or differ from the requirements of the  
29          Communications Act of 1934, as amended by the federal  
30          Telecommunications Act of 1996, and the orders and  
31          regulations of the Federal Communications Commission issued  
32          under those Acts. Notwithstanding anything in this Act to  
33          the contrary, nothing in this Amendatory Act of the 92nd

1 General Assembly shall impair the authority of the Commission  
 2 to implement and enforce conditions related to mergers  
 3 approved by the Commission before January 1, 2000 and  
 4 pursuant to Section 7-204 of this Act.

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

6 (Section scheduled to be repealed on July 1, 2001)

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

12 (a) participate in all federal programs intended to  
 13 preserve or extend universal telecommunications service,  
 14 unless such programs would place cost burdens on Illinois  
 15 customers of telecommunications services in excess of the  
 16 benefits they would receive through participation, provided,  
 17 however, the Commission shall not approve or permit the  
 18 imposition of any surcharge or other fee designed to  
 19 subsidize or provide a waiver for subscriber line charges;  
 20 and shall report on such programs together with an assessment  
 21 of their adequacy and the advisability of participating  
 22 therein in its annual report to the General Assembly, or more  
 23 often as necessary;

24 (b) establish a program to monitor the level of  
 25 telecommunications subscriber connection within each exchange  
 26 in Illinois, and shall report the results of such monitoring  
 27 and any actions it has taken or recommends be taken to  
 28 maintain and increase such levels in its annual report to the  
 29 General Assembly, or more often if necessary;

30 (c) order all telecommunications carriers offering or  
 31 providing local exchange telecommunications service to  
 32 propose low-cost or budget service tariffs and any other rate  
 33 design or pricing mechanisms designed to facilitate customer

1 access to such telecommunications service, and shall after  
2 notice and hearing, implement any such proposals which it  
3 finds likely to achieve such purpose;

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

32 (e) investigate the necessity of and, if appropriate,  
33 establish a universal service support fund in addition to any  
34 fund that may be established pursuant to item (d) of this

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

21 (1) Define the group of services to be declared  
22 "supported telecommunications services" that constitute  
23 "universal service". This group of services shall, at a  
24 minimum, include those services as defined by the Federal  
25 Communications Commission and as from time to time  
26 amended. In addition, the Commission shall consider the  
27 range of services currently offered by telecommunications  
28 carriers offering local exchange telecommunications  
29 service, the existing rate structures for the supported  
30 telecommunications services, and the telecommunications  
31 needs of Illinois consumers in determining the supported  
32 telecommunications services. The Commission shall, from  
33 time to time or upon request, review and, if appropriate,  
34 revise the group of Illinois supported telecommunications

1 services and the terms of the fund to reflect changes or  
2 enhancements in telecommunications needs, technologies,  
3 and available services.

4 (2) Identify all implicit subsidies contained in  
5 rates or charges of incumbent local exchange carriers,  
6 including all subsidies in interexchange access charges,  
7 and determine how such subsidies can be made explicit by  
8 the creation of the fund.

9 (3) Identify the incumbent telecommunications local  
10 exchange carriers' economic costs of providing the  
11 supported telecommunications services.

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

20 (5) Identify the telecommunications carriers from  
21 whom the costs of the fund shall be recovered and the  
22 mechanism to be used to determine and establish a  
23 competitively neutral and non-discriminatory funding  
24 basis. From time to time, or upon request, the  
25 Commission shall consider whether, based upon changes in  
26 technology or other factors, additional  
27 telecommunications providers should contribute to the  
28 fund. The Commission shall establish the basis upon  
29 which telecommunications carriers contributing to the  
30 fund shall recover contributions on a competitively  
31 neutral and non-discriminatory basis. In determining  
32 cost recovery for any universal support fund, the  
33 Commission shall not permit recovery of such costs from  
34 another certificated carrier for any service purchased

1 and used solely as an input to a service provided to such  
2 certificated carriers' retail customers.

3 (6) Approve a plan for the administration and  
4 operation of the fund by a neutral third party consistent  
5 with the requirements of this item.

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

19 ~~Any-telecommunications-carrier-providing--local--exchange~~  
20 ~~telecommunications-service-which-offers-to-its-local-exchange~~  
21 ~~customers---a---choice---of---two---or---more---local--exchange~~  
22 ~~telecommunications-service-offerings-shall--provide,--to--any~~  
23 ~~such--customer--requesting--it,--once-a-year-without-charge,--a~~  
24 ~~report-describing--which--local--exchange--telecommunications~~  
25 ~~service--offering--would--result--in-the-lowest-bill-for-such~~  
26 ~~customer's-local-exchange-service,--based-on--such--customer's~~  
27 ~~calling--pattern--and--usage--for--the-previous-6-months,--At~~  
28 ~~least-once-a-year,--each-such-carrier-shall-provide--a--notice~~  
29 ~~to--each--of--its--local--exchange-telecommunications-service~~  
30 ~~customers-describing-the-availability-of-this-report-and--the~~  
31 ~~specific--procedures-by-which-customers-may-receive-it,--Such~~  
32 ~~report--shall--only--be--available--to--current--and--future~~  
33 ~~customers--who--have-received-at-least-6-months-of-continuous~~  
34 ~~local-exchange-service-from-such-carrier.~~

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

2 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)  
3 Sec. 13-301.1. Universal Telephone Service Assistance  
4 Program.

5 (a) The Commission shall by rule or regulation establish  
6 a Universal Telephone Service Assistance Program for low  
7 income residential customers. The program shall provide for a  
8 reduction of access line charges, a reduction of connection  
9 charges, or any other alternative to increase accessibility  
10 to telephone service that the Commission deems advisable  
11 subject to the availability of funds for the program as  
12 provided in subsection (b). The Commission shall establish  
13 eligibility requirements for benefits under the program.

14 (b) The Commission shall require by rule or regulation  
15 that each telecommunications carrier ~~providing-local-exchange~~  
16 ~~telecommunications-services~~ notify its customers that if the  
17 customer wishes to participate in the funding of the  
18 Universal Telephone Service Assistance Program he may do so  
19 by electing to contribute, on a monthly basis, a fixed amount  
20 that will be included in the customer's monthly bill. The  
21 customer may cease contributing at any time upon providing  
22 notice to the telecommunications carrier providing local  
23 exchange telecommunications services. The notice shall state  
24 that any contribution made will not reduce the customer's  
25 bill for telecommunications services. Failure to remit the  
26 amount of increased payment will reduce the contribution  
27 accordingly. The Commission shall specify the monthly fixed  
28 amount or amounts that customers wishing to contribute to the  
29 funding of the Universal Telephone Service Assistance Program  
30 may choose from in making their contributions. Every  
31 telecommunications carrier ~~providing----local----exchange~~  
32 ~~telecommunications---services~~ shall remit the amounts  
33 contributed in accordance with the terms of the Universal



1 Telephone Service Assistance Program.

2 (Source: P.A. 87-750; 90-372, eff. 7-1-98.)

3 (220 ILCS 5/13-302) (from Ch. 111 2/3, par. 13-302)

4 (Section scheduled to be repealed on July 1, 2001)

5 Sec. 13-302. Local measured service calling plans.

6 (a) No telecommunications carrier shall implement a  
7 local measured service calling plan which does not include  
8 one of the following elements:

9 (1) the residential customer has the option of a  
10 flat rate local calling service under which local calls  
11 are not charged for frequency or duration; or

12 (2) residential calls to points within an untimed  
13 calling zone approved by the Commission are not charged  
14 for duration; or

15 (3) a low income residential Universal Service  
16 Assistance Program, which meets criteria set forth by the  
17 Commission, is available.

18 (b) In formulating the criteria for the low income  
19 residential Universal Service Assistance Program referred to  
20 in paragraph (3) of Subsection (a), the Commission shall  
21 consider the desirability of various alternatives, including  
22 a reduction of the access line charge or connection charge  
23 for eligible customers.

24 (c) (Blank) For local-measured-service-plans-implemented  
25 prior-to-the-effective-date-of-this-amendatory--Act--of--1987  
26 which--do--not--contain--one--of--the--elements--specified-in  
27 paragraph-(1)-or-(2)-of-subsection-(a)-of-this--Section,--the  
28 Commission--shall-order-the-telecommunications-carrier-having  
29 such-a-plan-to-include--one--of--the--elements--specified--in  
30 paragraph--(1)--or--(2)--of-subsection-(a)-of-this-Section-by  
31 January-17-1989.

32 (Source: P.A. 85-1286.)

1 (220 ILCS 5/13-303 new)

2 Sec. 13-303. Service for the origination or termination  
3 of switched telecommunications service.

4 (a) Except as provided by this Act, the Commission shall  
5 not review or set the rates for the origination or  
6 termination of switched telecommunications service.

7 (b) A provider of terminating or originating switched  
8 telecommunications service shall set the rates for that  
9 service. Rates for that service provided by an incumbent  
10 local exchange carrier as defined in Section 251(h) of the  
11 Communications Act of 1934, as amended by the federal  
12 Telecommunications Act of 1996, that equal the rates in  
13 effect on July 1, 2000 are just and reasonable. In an  
14 exchange, rates for that service provided by a competing  
15 local exchange carrier shall not exceed the rates of the  
16 incumbent local exchange carrier for that service.

17 (c) A provider of the origination or termination of  
18 switched telecommunications service shall offer the service  
19 under the same rates, terms, and conditions, without  
20 unreasonable discrimination, to all providers.

21 (220 ILCS 5/13-304 new)

22 Sec. 13-304. Service quality. The Commission has the  
23 authority to establish operating support system and service  
24 quality and reliability standards and penalties. The  
25 standards and penalties shall equally apply to all  
26 telecommunications carriers.

27 (220 ILCS 5/13-401) (from Ch. 111 2/3, par. 13-401)

28 (Section scheduled to be repealed on July 1, 2001)

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

30 (a) No telecommunications carrier not possessing a  
31 certificate of public convenience and necessity or  
32 certificate of authority from the Commission at the time this

1 Article goes into effect shall transact any business in this  
2 State until it shall have obtained a certificate of service  
3 authority from the Commission pursuant to the provisions of  
4 this Article.

5 ~~No telecommunications carrier offering or providing, or~~  
6 ~~seeking to offer or provide, any interexchange~~  
7 ~~telecommunications service shall do so until it has applied~~  
8 ~~for and received a Certificate of Interexchange Service~~  
9 ~~Authority pursuant to the provisions of Section 13-403. No~~  
10 telecommunications carrier offering or providing, or seeking  
11 to offer or provide, any local exchange telecommunications  
12 service shall do so until it has applied for and received a  
13 Certificate of Exchange Service Authority pursuant to the  
14 provisions of Section 13-404 or 13-405.

15 ~~Notwithstanding Sections 13-403, 13-404, and 13-405, the~~  
16 ~~Commission shall approve a cellular radio application for a~~  
17 ~~Certificate of Service Authority without a hearing upon a~~  
18 ~~showing by the cellular applicant that the Federal~~  
19 ~~Communications Commission has issued to it a construction~~  
20 ~~permit or an operating license to construct or operate a~~  
21 ~~cellular radio system in the area as defined by the Federal~~  
22 ~~Communications Commission, or portion of the area, for which~~  
23 ~~the carrier seeks a Certificate of Service Authority.~~

24 No Certificate of Service Authority issued by the  
25 Commission shall be construed as granting a monopoly or  
26 exclusive privilege, immunity or franchise. The issuance of a  
27 Certificate of Service Authority to any telecommunications  
28 carrier shall not preclude the Commission from issuing  
29 additional Certificates of Service Authority to other  
30 telecommunications carriers providing the same or equivalent  
31 service or serving the same geographical area or customers as  
32 any previously certified carrier, except to the extent  
33 otherwise provided by Section ~~Sections 13-403 and 13-405.~~

34 Any certificate of public convenience and necessity

1 granted by the Commission to a telecommunications carrier  
2 prior to the effective date of this Article shall remain in  
3 full force and effect, and such carriers need not apply for a  
4 Certificate of Service Authority in order to continue  
5 offering or providing service to the extent authorized in  
6 such certificate of public convenience and necessity. Any  
7 such carrier, however, prior to substantially altering the  
8 nature or scope of services provided under a certificate of  
9 public convenience and necessity, or adding or expanding  
10 services beyond the authority contained in such certificate,  
11 must apply for a Certificate of Service Authority for such  
12 alterations or additions pursuant to the provisions of this  
13 Article.

14 The Commission shall review and modify the terms of any  
15 certificate of public convenience and necessity issued to a  
16 telecommunications carrier prior to the effective date of  
17 this Article in order to ensure its conformity with the  
18 requirements and policies of this Article. Any Certificate of  
19 Service Authority may be altered or modified by the  
20 Commission, after notice and hearing, upon its own motion or  
21 upon application of the person or company affected. ~~Unless~~  
22 ~~exercised-within-a-period-of--two--years--from--the--issuance~~  
23 ~~thereof,--authority--conferred--by--a--Certificate-of-Service~~  
24 ~~Authority-shall-be-null-and-void.~~

25 (b) The Commission may issue a temporary Certificate  
26 which shall remain in force not to exceed one year in cases  
27 of emergency, to assure maintenance of adequate service or to  
28 serve particular customers, without notice and hearing,  
29 pending the determination of an application for a  
30 Certificate, and may by regulation exempt from the  
31 requirements of this Section temporary acts or operations for  
32 which the issuance of a certificate is not necessary in the  
33 public interest and which will not be required therefor.

34 (c) All proceedings conducted pursuant to Sections

1 13-401, 13-404, and 13-405 shall be completed with 90 days  
2 after the initiation of the proceeding.

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

4 (220 ILCS 5/13-402) (from Ch. 111 2/3, par. 13-402)

5 (Section scheduled to be repealed on July 1, 2001)

6 Sec. 13-402. Waiver of rules and procedures. The  
7 Commission is authorized, in connection with the issuance or  
8 modification of a Certificate of Interexchange Service  
9 Authority or the modification of a certificate of public  
10 convenience and necessity for interexchange  
11 telecommunications service, to waive or modify the  
12 application of its rules, general orders, procedures or  
13 notice requirements when such action will reduce the economic  
14 burdens of regulation and such waiver or modification is not  
15 inconsistent with the law or the purposes and policies of  
16 this Article.

17 Any such waiver or modification that is or previously has  
18 been granted to any interexchange telecommunications carrier  
19 which has, or any group of such carriers any one of which  
20 has, annual revenues exceeding \$10,000,000 shall be  
21 automatically applied fully and equally to all such carriers  
22 providing telecommunications services with--annual--revenues  
23 exceeding--\$10,000,000--unless--the--Commission--specifically  
24 finds,--after-notice-to-all-such-carriers-and-a-hearing,--that  
25 restricting-the-application-of-such-waiver-or-modification-to  
26 only-one-such-carrier-or--some--group--of--such--carriers--is  
27 consistent--with--and-would-promote-the-purposes-and-policies  
28 of-this-Article--and--the--protection--of--telecommunications  
29 customers.

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

31 (220 ILCS 5/13-404) (from Ch. 111 2/3, par. 13-404)

32 (Section scheduled to be repealed on July 1, 2001)

1           Sec. 13-404. Resale of local exchange services. Any  
2 telecommunications carrier offering or providing the resale  
3 of either local exchange or interexchange telecommunications  
4 service must first obtain a Certificate of Service Authority.  
5 The Commission shall approve an application for a Certificate  
6 for the resale of local exchange or interexchange  
7 telecommunications service upon a showing by the applicant,  
8 and a finding by the Commission, after notice and hearing,  
9 that the applicant possesses sufficient technical, financial  
10 and managerial resources and abilities to provide the resale  
11 of telecommunications service.

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

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

14 (Section scheduled to be repealed on July 1, 2001)

15           Sec. 13-406. Discontinuation of service. No  
16 telecommunications carrier offering or providing  
17 noncompetitive telecommunications service pursuant to a valid  
18 Certificate of Service Authority or certificate of public  
19 convenience and necessity shall discontinue or abandon such  
20 service once initiated until and unless it shall demonstrate,  
21 and the Commission finds, after notice and hearing, that such  
22 discontinuance or abandonment will not deprive customers of  
23 any necessary or essential telecommunications service or  
24 access thereto and is not otherwise contrary to the public  
25 interest. No telecommunications carrier offering or  
26 providing competitive telecommunications service shall  
27 discontinue or abandon such service once initiated except  
28 upon 15 30 days notice to the Commission and affected  
29 customers. The Commission may, upon its own motion or upon  
30 complaint, investigate the proposed discontinuance or  
31 abandonment of a competitive telecommunications service and  
32 may, after notice and hearing, prohibit such proposed  
33 discontinuance or abandonment if the Commission finds that it

1 ~~would-be-contrary-to-the-public-interest.~~

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

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

4 (Section scheduled to be repealed on July 1, 2001)

5 Sec. 13-501. Tariffs. No telecommunications carrier  
6 shall offer or provide telecommunications service unless and  
7 until a tariff is filed with the Commission which describes  
8 the nature of the service, applicable rates and other  
9 charges, terms and conditions of service, and the exchange,  
10 exchanges, or other geographical area or areas in which the  
11 service shall be offered or provided in accordance with  
12 Section 9-201 and any other applicable provision of this Act.

13 ~~The-Commission-may-prescribe-the-form-of-such-tariff-and-any~~  
14 ~~additional--data--or--information--which--shall--be--included~~  
15 ~~therein.~~

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

17 (220 ILCS 5/13-504) (from Ch. 111 2/3, par. 13-504)

18 (Section scheduled to be repealed on July 1, 2001)

19 Sec. 13-504. Application of ratemaking provisions of  
20 Article IX.

21 (a) Except to the extent where the context clearly  
22 renders such provisions applicable ~~inapplicable~~, the  
23 ratemaking provisions of Article IX of this Act relating to  
24 public utilities are not ~~fully-and-equally~~ applicable to the  
25 rates, charges, tariffs and classifications for the offer or  
26 provision of ~~noncompetitive~~ telecommunications services.  
27 Further ~~However~~, the ratemaking provisions do not apply to  
28 any proposed change in rates or charges, any proposed change  
29 in any ~~classification-or~~ tariff resulting in a change in  
30 rates or charges, or the establishment of new services and  
31 rates therefor for a ~~noncompetitive~~ local exchange  
32 telecommunications service offered or provided by an

1 incumbent a local exchange telecommunications carrier, as  
2 defined in Section 251(h) of the federal Telecommunications  
3 Act of 1996, with no more than 35,000 subscriber access  
4 lines. Proposed changes in rates, charges, classifications,  
5 or tariffs meeting these criteria shall be permitted upon the  
6 filing of the proposed tariff and 30 days notice to the  
7 Commission and all potentially affected customers. The  
8 proposed changes shall not be subject to suspension. The  
9 Commission shall investigate whether any proposed change is  
10 just and reasonable only if a telecommunications carrier that  
11 is a customer of the incumbent local exchange  
12 telecommunications carrier or 10% of the potentially affected  
13 access line subscribers of the incumbent local exchange  
14 telecommunications carrier shall file a petition or complaint  
15 requesting an investigation of the proposed changes. When  
16 the telecommunications carrier or 10% of the potentially  
17 affected access line subscribers of an incumbent a local  
18 exchange telecommunications carrier file a complaint, the  
19 Commission shall, after notice and hearing, have the power  
20 and duty to establish the rates, charges, classifications, or  
21 tariffs it finds to be just and reasonable.

22 (b) Subsection ~~(e)~~ of Section ~~13-502~~ and Sections  
23 ~~13-505.1~~, 13-505.4, and 13-505.6, ~~and 13-507~~ of this Article  
24 do not apply to rates or charges or proposed changes in rates  
25 or charges for applicable telecommunications competitive ~~or~~  
26 interexchange services when offered or provided by an  
27 incumbent a local exchange telecommunications carrier, as  
28 defined in Section 251(h) of the federal Telecommunications  
29 Act of 1996, with no more than 35,000 subscriber access  
30 lines. In addition, Sections 13-514, 13-515, and 13-516 do  
31 not apply to incumbent local exchange telecommunications  
32 carriers, as defined herein, with no more than 35,000  
33 subscriber access lines. ~~The Commission may require~~  
34 ~~telecommunications carriers with no more than 35,000~~



1 subscriber--access--lines--to--furnish--information--that--the  
2 Commission--deems--necessary--for--a--determination--that--rates--and  
3 charges--for--any--competitive--telecommunications--service--are  
4 just--and--reasonable.

5 (c) (Blank) For--a--local--exchange--telecommunications  
6 carrier--with--no--more--than--35,000--access--lines,--the--Commission  
7 shall--consider--and--adjust,--as--appropriate,--a--local--exchange  
8 telecommunications--carrier's--depreciation--rates--only---in  
9 ratemaking--proceedings.

10 (d) (Blank) Article--VI--and--Sections--7-101--and--7-102--of  
11 Article--VII--of--this--Act--pertaining--to--public--utilities,  
12 public-utility-rates--and--services,--and--the--regulation--thereof  
13 are---not---applicable--to--local--exchange--telecommunication  
14 carriers--with--no--more--than--35,000--subscriber--access--lines.

15 (Source: P.A. 89-139, eff. 1-1-96; 90-185, eff. 7-23-97.)

16 (220 ILCS 5/13-505.2) (from Ch. 111 2/3, par. 13-505.2)

17 (Section scheduled to be repealed on July 1, 2001)

18 Sec. 13-505.2. Nondiscrimination in the provision of  
19 telecommunications nonecompetitive services. A  
20 telecommunications carrier that--offers--both--nonecompetitive  
21 and--competitive--services shall offer telecommunications the  
22 nonecompetitive services under the same rates, terms, and  
23 conditions without unreasonable discrimination to all  
24 similarly situated persons, including all telecommunications  
25 carriers and competitors. Unreasonable discrimination shall  
26 not be deemed to include differing terms and conditions that  
27 are in response to competition in the telecommunications  
28 marketplace. A--telecommunications--carrier--that--offers--a  
29 noncompetitive--service--together--with--any--optional--feature--or  
30 functionality--shall--offer--the--noncompetitive--service--together  
31 with--each--optional--feature--or--functionality--under--the--same  
32 rates,---terms,---and---conditions---without---unreasonable  
33 discrimination---to---all---persons,-----including-----all

1 telecommunications-carriers-and-competitors.

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

3 (220 ILCS 5/13-505.3) (from Ch. 111 2/3, par. 13-505.3)

4 (Section scheduled to be repealed on July 1, 2001)

5 Sec. 13-505.3. Services for resale. A

6 telecommunications carrier that--offers--both--noncompetitive

7 and--competitive--services shall offer all telecommunications

8 noncompetitive services,--together--with---each---applicable

9 optional-feature-or-functionality, subject to resale pursuant

10 to the same terms and conditions that incumbent local

11 exchange carriers are required to offer services for resale;

12 however, the Commission may determine under--Article--IX--of

13 this---Act that certain telecommunications noncompetitive

14 services,--together-with-each-applicable-optional--feature--or

15 functionality, that are offered to residence customers under

16 different rates, charges, terms, or conditions than to other

17 customers should not be subject to resale under the rates,

18 charges, terms, or conditions available only to residence

19 customers.

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

21 (220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4)

22 (Section scheduled to be repealed on July 1, 2001)

23 Sec. 13-505.4. Provision of telecommunications

24 noncompetitive services. (a) A telecommunications carrier

25 that offers or provides a telecommunications noncompetitive

26 service, service element, feature, or functionality ("covered

27 service") on a separate, stand-alone basis to any customer

28 shall provide that covered service,--service-element,--feature,

29 or-functionality pursuant to tariff to all persons, including

30 all telecommunications carriers and competitors, in

31 accordance with the provisions of this Article, except that

32 when the covered service is requested by or on behalf of a

1 carrier or competitor, the covered service must be  
 2 necessary, and its failure to be provided must substantially  
 3 impair the ability of the requestor to provide a  
 4 telecommunications service.

5 (b)--A-telecommunications-carrier-that-offers-or-provides  
 6 a--noncompetitive--service,--service--element,--feature,--or  
 7 functionality--to--any--customer--as--part--of--an--offering--of  
 8 competitive-services-pursuant-to--tariff--or--contract--shall  
 9 publicly--disclose--the--offering--or--provisioning--of--the  
 10 noncompetitive--service,--service--element,--feature,--or  
 11 functionality--by-filing-with-the-Commission-information-that  
 12 generally-describes-the-offering--or--provisioning--and--that  
 13 shows--the-rates,--terms,--and-conditions-of-the-noncompetitive  
 14 service,--service-element,--feature,--or--functionality.---The  
 15 information--shall--be-filed-with-the-Commission-concurrently  
 16 with-the-filing-of-the--tariff--or--not--more--than--10--days  
 17 following--the--customer's--acceptance--of--the-offering-in-a  
 18 contract.

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

20 (220 ILCS 5/13-505.6) (from Ch. 111 2/3, par. 13-505.6)

21 (Section scheduled to be repealed on July 1, 2001)

22 Sec. 13-505.6. Unbundling of noncompetitive services. A  
 23 telecommunications carrier that provides both--noncompetitive  
 24 and-competitive telecommunications services shall provide all  
 25 noncompetitive telecommunications services on an unbundled  
 26 basis to the same extent the Federal Communications  
 27 Commission requires any that carrier to unbundle the same  
 28 services provided under its jurisdiction. In an exchange,  
 29 rates for elements of the unbundled services shall not exceed  
 30 the rates of the incumbent local exchange carrier, as defined  
 31 in Section 251(h) of the Telecommunications Act of 1996, for  
 32 those elements. The-Illinois-Commerce-Commission-may--require  
 33 additional--unbundling--of--noncompetitive-telecommunications

1 services--over--which--it--has--jurisdiction---based---on---a  
2 determination,--after--notice--and--hearing,--that--additional  
3 unbundling-is-in-the-public-interest-and-is--consistent--with  
4 the-policy-goals-and-other-provisions-of-this-Act.

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

6 (220 ILCS 5/13-505.7)

7 (Section scheduled to be repealed on July 1, 2001)

8 Sec. 13-505.7. Interactive video learning tariffs. The  
9 Commission shall permit telecommunications carriers to offer  
10 special interactive video learning tariffs for the exclusive  
11 use of qualified educational institutions. Except for  
12 carriers subject to Section 13-504, the rates in such tariffs  
13 shall not be less than the long run service incremental costs  
14 of providing interactive video learning services. Qualified  
15 educational institutions shall be limited to school  
16 districts; public or private not-for-profit schools enrolling  
17 more than 20 pupils for kindergarten grade or over up through  
18 grade 12; public or private degree granting, not-for-profit  
19 colleges or universities; public libraries organized under  
20 the Public Library District Act of 1991 or the Illinois Local  
21 Library Act; and regional library systems organized under the  
22 Illinois Library System Act. Interactive video learning  
23 consists of video, data, voice, and electronic information  
24 used by a qualified educational institution for instruction,  
25 learning, and training. These special telecommunications  
26 carrier interactive video learning tariffs shall be exempt  
27 from the provisions of Section ~~Sections-9-241, 9-250, 13-502,~~  
28 ~~13-505.1,~~ and 13-505.2 of this Act. Provided, however,  
29 telecommunications carriers may also file such special  
30 tariffs pursuant to this Section and in accordance with  
31 Section 13-502.

32 (Source: P.A. 89-141, eff. 7-14-95; 90-279, eff. 7-31-97;  
33 90-655, eff. 7-30-98.)

(220 ILCS 5/13-506.1) (from Ch. 111 2/3, par. 13-506.1)

(Section scheduled to be repealed on July 1, 2001)

Sec. 13-506.1. Alternative forms of regulation for noncompetitive-services. Notwithstanding any other provision of this Act, a carrier may elect for its local exchange telecommunications service rates and charges to be governed by an alternative form of regulation. Under this form of regulation, the carrier must agree that its rates and charges for local exchange telecommunications services will not exceed those in effect on the date of this amendatory Act of the 92nd General Assembly for a period of 2 years. At the end of the 2-year period and at the end of each subsequent annual period, prices for services subject to the plan may be altered by an amount that does not exceed 75% of the percentage change in Gross Domestic Product Index (GDPPI) from the prior one year period. The GDPPI measure shall be that determined and published by the United States Department of Commerce.

To elect to be governed under an alternative form of regulation, the carrier need only notify the Commission of its intent and attach relevant tariff pages demonstrating that the rates and charges that are subject to the cap were those in effect on the date of this amendatory Act of the 92nd General Assembly.

A carrier not electing an alternative form of regulation for its local exchange telecommunications service shall be subject to the rate-making provisions of Article IX or the small carrier provision set forth in Section 13-504 of this Act, as applicable.

~~(a) -- Notwithstanding -- any -- of -- the -- ratemaking -- provisions -- of -- this -- Article -- or -- Article -- IX -- that -- are -- deemed -- to -- require -- rate -- of -- return -- regulation --, -- the -- Commission -- may -- implement -- alternative forms -- of -- regulation -- in -- order -- to -- establish -- just -- and -- reasonable rates -- for -- noncompetitive -- telecommunications -- services~~

1 including, but not limited to, price regulation, earnings  
 2 sharing, rate moratoria, or a network modernization plan.  
 3 The Commission is authorized to adopt different forms of  
 4 regulation to fit the particular characteristics of different  
 5 telecommunications carriers and their service areas.

6 In addition to the public policy goals declared in  
 7 Section 13-103, the Commission shall consider, in determining  
 8 the appropriateness of any alternative form of regulation,  
 9 whether it will:

- 10 (1) reduce regulatory delay and costs over time;
- 11 (2) encourage innovation in services;
- 12 (3) promote efficiency;
- 13 (4) facilitate the broad dissemination of technical  
 14 improvements to all classes of ratepayers;
- 15 (5) enhance economic development of the State; and
- 16 (6) provide for fair, just, and reasonable rates.

17 (b) A telecommunications carrier providing  
 18 noncompetitive telecommunications services may petition the  
 19 Commission to regulate the rates or charges of its  
 20 noncompetitive services under an alternative form of  
 21 regulation. The telecommunications carrier shall submit with  
 22 its petition its plan for an alternative form of regulation.  
 23 The Commission shall review and may modify or reject the  
 24 carrier's proposed plan. The Commission also may initiate  
 25 consideration of alternative forms of regulation for a  
 26 telecommunications carrier on its own motion. The Commission  
 27 may approve the plan or modified plan and authorize its  
 28 implementation only if it finds, after notice and hearing,  
 29 that the plan or modified plan at a minimum:

- 30 (1) is in the public interest;
- 31 (2) will produce fair, just, and reasonable rates  
 32 for telecommunications services;
- 33 (3) responds to changes in technology and the  
 34 structure of the telecommunications industry that are, in

1 fact, occurring;

2 (4) constitutes a more appropriate form of  
3 regulation based on the Commission's overall  
4 consideration of the policy goals set forth in Section  
5 13-103 and this Section;

6 (5) specifically identifies how ratepayers will  
7 benefit from any efficiency gains, cost savings arising  
8 out of the regulatory change, and improvements in  
9 productivity due to technological change;

10 (6) will maintain the quality and availability of  
11 telecommunications services; and

12 (7) will not unduly or unreasonably prejudice or  
13 disadvantage any particular customer class, including  
14 telecommunications carriers.

15 (c) An alternative regulation plan approved under this  
16 Section shall provide, as a condition for Commission approval  
17 of the plan, that for the first 3 years the plan is in  
18 effect, basic residence service rates shall be no higher than  
19 those rates in effect 180 days before the filing of the plan.  
20 This provision shall not be used as a justification or  
21 rationale for an increase in basic service rates for any  
22 other customer class. For purposes of this Section, "basic  
23 residence service rates" shall mean monthly recurring charges  
24 for the telecommunications carrier's lowest-priced primary  
25 residence network access lines, along with any associated  
26 untimed or flat rate local usage charges. Nothing in this  
27 subsection (c) shall preclude the Commission from approving  
28 an alternative regulation plan that results in rate  
29 reductions provided all the requirements of subsection (b)  
30 are satisfied by the plan.

31 (d) Any alternative form of regulation granted for a  
32 multi-year period under this Section shall provide for annual  
33 or more frequent reporting to the Commission to document that  
34 the requirements of the plan are being properly implemented.

1           (e) Upon petition by the telecommunications carrier or  
 2 any other person or upon its own motion, the Commission may  
 3 rescind its approval of an alternative form of regulation if,  
 4 after notice and hearing, it finds that the conditions set  
 5 forth in subsection (b) of this Section can no longer be  
 6 satisfied. Any person may file a complaint alleging that the  
 7 rates charged by a telecommunications carrier under an  
 8 alternative form of regulation are unfair, unjust,  
 9 unreasonable, unduly discriminatory, or are otherwise not  
 10 consistent with the requirements of this Article; provided,  
 11 that the complainant shall bear the burden of proving the  
 12 allegations in the complaint.

13           (f) Nothing in this Section shall be construed to  
 14 authorize the Commission to render Sections 9-241, 9-250, and  
 15 13-505.2 inapplicable to noncompetitive services.

16           (Source: P.A. 87-856.)

17           (220 ILCS 5/13-508) (from Ch. 111 2/3, par. 13-508)

18           (Section scheduled to be repealed on July 1, 2001)

19           Sec. 13-508. Joint marketing by affiliated interests.  
 20 No provision of this Act or any Commission order shall  
 21 prohibit the joint marketing of telecommunications services  
 22 by "affiliated interests" as that term is defined in items  
 23 (a) through (h) of subparagraph (ii) of subsection (2) of  
 24 Section 7-101 of this Act. The Commission is authorized,  
 25 after notice and hearing, to order a telecommunications  
 26 carrier which offers or provides both competitive and  
 27 noncompetitive telecommunications service to establish a  
 28 fully separated subsidiary to provide all or part of such  
 29 competitive service where:

30           (a) no less costly means is available and effective in  
 31 fully and properly identifying and allocating costs between  
 32 such carrier's competitive and noncompetitive  
 33 telecommunications services; and



1           ~~(b) the incremental cost of establishing and maintaining~~  
 2 ~~such subsidiary would not require increases in rates or~~  
 3 ~~charges to levels which would effectively preclude the offer~~  
 4 ~~or provision of the affected competitive telecommunications~~  
 5 ~~service.~~

6           (Source: P.A. 84-1063.)

7           (220 ILCS 5/13-512)

8           (Section scheduled to be repealed on July 1, 2001)

9           Sec. 13-512. Rules; review. The Commission shall have  
 10 general rulemaking authority to make rules necessary to  
 11 enforce this Article. However, not later than 270 days after  
 12 the effective date of this amendatory Act of 1997, and every  
 13 2 years thereafter, the Commission shall review all rules  
 14 issued under this Article that apply to the operations or  
 15 activities of any telecommunications carriers carrier. The  
 16 Commission shall, after notice and hearing, repeal or modify  
 17 any rule it determines to be no longer in the public interest  
 18 as the result of ~~the reasonable availability~~ of competition  
 19 ~~competitive telecommunications services.~~ As part of the  
 20 review, the Commission shall ensure that all rules not  
 21 repealed, including but not limited to rules addressing  
 22 service quality, are equally applicable to all  
 23 telecommunications carriers and that any waiver of a rule as  
 24 to any carrier shall apply equally to all other carriers.  
 25 The Commission shall provide a report to the Legislature  
 26 after each 2-year review period summarizing the review  
 27 process undertaken and certifying the equal application of  
 28 its rules to telecommunications carriers.

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

30           (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

31           (Section scheduled to be repealed on July 1, 2001)

32           Sec. 13-703. Devices for persons with speech or hearing

1 disabilities.

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

15 (b) The Commission shall design and implement a program,  
16 whereby each telecommunications carrier ~~providing--local~~  
17 ~~exchange-service~~ shall provide a telecommunications relay  
18 system, using third party intervention to connect those  
19 persons having a hearing or speech disability with persons of  
20 normal hearing by way of intercommunications devices and the  
21 telephone system, making available reasonable access to all  
22 phases of public telephone service to persons who have a  
23 hearing or speech disability. In order to design a  
24 telecommunications relay system which will meet the  
25 requirements of those persons with a hearing or speech  
26 disability available at a reasonable cost, the Commission  
27 shall initiate an investigation and conduct public hearings  
28 to determine the most cost-effective method of providing  
29 telecommunications relay service to those persons who have a  
30 hearing or speech disability when using telecommunications  
31 devices and therein solicit the advice, counsel, and physical  
32 assistance of Statewide nonprofit consumer organizations that  
33 serve persons with hearing or speech disabilities in such  
34 hearings and during the development and implementation of the

1 system. The Commission shall phase in this program, on a  
2 geographical basis, as soon as is practicable, but no later  
3 than June 30, 1990.

4 (c) The Commission shall establish a rate recovery  
5 mechanism, authorizing charges in an amount to be determined  
6 by the Commission for each line of a subscriber to allow  
7 telecommunications carriers ~~providing-local-exchange--service~~  
8 to recover costs as they are incurred under this Section.

9 (d) The Commission shall determine and specify those  
10 organizations serving the needs of those persons having a  
11 hearing or speech disability that shall receive a  
12 telecommunications device and in which offices the equipment  
13 shall be installed in the case of an organization having more  
14 than one office. For the purposes of this Section,  
15 "organizations serving the needs of those persons with  
16 hearing or speech disabilities" means centers for independent  
17 living as described in Section 12a of the Disabled Persons  
18 Rehabilitation Act and not-for-profit organizations whose  
19 primary purpose is serving the needs of those persons with  
20 hearing or speech disabilities. The Commission shall direct  
21 the telecommunications carriers subject to its jurisdiction  
22 and this Section to comply with its determinations and  
23 specifications in this regard.

24 (e) As used in this Section, the phrase  
25 "telecommunications carrier ~~providing-local-exchange-service~~"  
26 includes, without otherwise limiting the meaning of the term,  
27 telecommunications carriers which are purely mutual concerns,  
28 having no rates or charges for services, but paying the  
29 operating expenses by assessment upon the members of such a  
30 company and no other person.

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

32 (220 ILCS 5/13-803) (from Ch. 111 2/3, par. 13-803)

33 (Section scheduled to be repealed on July 1, 2001)

1           Sec. 13-803. Repealer. The provisions of this Article  
 2   XIII are repealed effective July 1, 2006 ~~2001~~.  
 3   (Source: P.A. 90-185, eff. 7-23-97.)

4           (220 ILCS 5/13-901) (from Ch. 111 2/3, par. 13-901)  
 5   (Section scheduled to be repealed on July 1, 2001)

6   Sec. 13-901. Operator Service Provider.

7   (a) For the purposes of this Section:

8           (1) "Operator service provider" means every  
 9   telecommunications carrier that provides operator  
 10   services or any other person or entity that the  
 11   Commission determines is providing operator services.

12           (2) "Aggregator" means any person or entity that is  
 13   not an operator service provider and that in the ordinary  
 14   course of its operations makes telephones available to  
 15   the public or to transient users of its premises  
 16   including, but not limited to, a hotel, motel, hospital,  
 17   or university for telephone calls between points within  
 18   this State that are specified by the user using an  
 19   operator service provider.

20           (3) "Operator services" means any  
 21   telecommunications service that includes, as a component,  
 22   any automatic or live assistance to a consumer to arrange  
 23   for billing or completion, or both, of a telephone call  
 24   between points within this State that are specified by  
 25   the user through a method other than:

26           (A) automatic completion with billing to the  
 27   telephone from which the call originated;

28           (B) completion through an access code or a  
 29   proprietary account number used by the consumer,  
 30   with billing to an account previously established  
 31   with the carrier by the consumer; or

32           (C) completion in association with directory  
 33   assistance services.

1           (b) Notwithstanding any other provision of this Act,  
2 this Section applies to operator services providers. The  
3 Commission shall, by rule or order, adopt and enforce  
4 operating requirements for the provision of operator-assisted  
5 services. The rules shall apply to operator service providers  
6 and to aggregators. The rules shall be compatible with the  
7 rules adopted by the Federal Communications Commission under  
8 the federal Telephone Operator Consumer Services Improvement  
9 Act of 1990. These requirements shall address, but not  
10 necessarily be limited to, the following:

11           (1) oral and written notification of the identity  
12 of the operator service provider and the availability of  
13 information regarding operator service provider rates,  
14 collection methods, and complaint resolution methods;

15           (2) restrictions on billing and charges for  
16 operator services;

17           (3) restrictions on "call splashing" as that term  
18 is defined in 47 C.F.R. Section 64.708;

19           (4) access to other telecommunications carriers by  
20 the use of access codes including, but not limited to  
21 800, 888, 950, and 10XXX numbers;

22           (5) the appropriate routing and handling of  
23 emergency calls;

24           (6) the enforcement of these rules through tariffs  
25 for operator services and by a requirement that operator  
26 service providers withhold payment of compensation to  
27 aggregators that have been found to be noncomplying by  
28 the Commission.

29           (c) The Commission shall adopt any rule necessary to  
30 make rules previously adopted under this Section compatible  
31 with the rules of the Federal Communications Commission no  
32 later than one year after the effective date of this  
33 amendatory Act of 1993.

34           (d) A violation of any rule adopted by the Commission

1 under subsection (b) is a business offense subject to a fine  
 2 of not less than \$1,000 nor more than \$5,000. In addition,  
 3 the Commission may, after notice and hearing, order any  
 4 telecommunications carrier to terminate service to any  
 5 aggregator found to have violated any rule.

6 (Source: P.A. 90-38, eff. 6-27-97; 91-49, eff. 6-30-99.)

7 (220 ILCS 5/9-222.3 rep.)

8 (220 ILCS 5/13-205 rep.)

9 (220 ILCS 5/13-209 rep.)

10 (220 ILCS 5/13-210 rep.)

11 (220 ILCS 5/13-402.1 rep.)

12 (220 ILCS 5/13-403 rep.)

13 (220 ILCS 5/13-405.1 rep.)

14 (220 ILCS 5/13-407 rep.)

15 (220 ILCS 5/13-502 rep.)

16 (220 ILCS 5/13-503 rep.)

17 (220 ILCS 5/13-505 rep.)

18 (220 ILCS 5/13-505.1 rep.)

19 (220 ILCS 5/13-505.5 rep.)

20 (220 ILCS 5/13-506 rep.)

21 (220 ILCS 5/13-507 rep.)

22 (220 ILCS 5/13-508.1 rep.)

23 (220 ILCS 5/13-509 rep.)

24 (220 ILCS 5/13-601 rep.)

25 (220 ILCS 5/13-802 rep.)

26 Section 90. The Public Utilities Act is amended by  
 27 repealing Sections 9-222.3, 13-205, 13-209, 13-210, 13-402.1,  
 28 13-403, 13-405.1, 13-407, 13-502, 13-503, 13-505, 13-505.1,  
 29 13-505.5, 13-506, 13-507, 13-508.1, 13-509, 13-601, and  
 30 13-802.

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

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- 220 ILCS 5/5-104 from Ch. 111 2/3, par. 5-104
- 220 ILCS 5/5-109 from Ch. 111 2/3, par. 5-109
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- 3 220 ILCS 5/13-505.4 from Ch. 111 2/3, par. 13-505.4
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