

AN ACT concerning regulation.

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

Section 5. The Public Utilities Act is amended by changing Section 13-406.1 as follows:

(220 ILCS 5/13-406.1)

(Section scheduled to be repealed on December 31, 2020)

Sec. 13-406.1. Large Electing Provider transition to IP-based networks and service.

(a) As used in this Section:

"Alternative voice service" means service that includes all of the applicable functionalities for voice telephony services described in 47 CFR 54.101(a).

"Existing customer" means a residential customer of the Large Electing Provider who is subscribing to a telecommunications service on the date the Large Electing Provider sends its notice under paragraph (1) of subsection (c) of this Section of its intent to cease offering and providing service. For purposes of this Section, a residential customer of the Large Electing Provider whose service has been temporarily suspended, but not finally terminated as of the date that the Large Electing Provider sends that notice, shall be deemed to be an "existing customer".

"Large Electing Provider" means an Electing Provider, as defined in Section 13-506.2 of this Act, that (i) reported in its annual competition report for the year 2016 filed with the Commission under Section 13-407 of this Act and 83 Ill. Adm. Code 793 that it provided at least 700,000 access lines to end users; and (ii) is affiliated with a provider of commercial mobile radio service, as defined in 47 CFR 20.3, as of January 1, 2017.

"New customer" means a residential customer who is not subscribing to a telecommunications service provided by the Large Electing Provider on the date the Large Electing Provider sends its notice under paragraph (1) of subsection (c) of this Section of its intent to cease offering and providing that service.

"Provider" includes every corporation, company, association, firm, partnership, and individual and their lessees, trustees, or receivers appointed by a court that sell or offer to sell an alternative voice service.

"Reliable access to 9-1-1" means access to 9-1-1 that complies with the applicable rules, regulations, and guidelines established by the Federal Communications Commission and the applicable provisions of the Emergency Telephone System Act and implementing rules.

"Willing provider" means a provider that voluntarily participates in the request for service process.

(b) Beginning June 30, 2017, a Large Electing Provider may,

to the extent permitted by and consistent with federal law, including, as applicable, approval by the Federal Communications Commission of the discontinuance of the interstate-access component of a telecommunications service, cease to offer and provide a telecommunications service to an identifiable class or group of customers, other than voice telecommunications service to residential customers or a telecommunications service to a class of customers under subsection (b-5) of this Section, upon 60 days' notice to the Commission and affected customers.

(b-5) Notwithstanding any provision to the contrary in this Section 13-406.1, beginning December 31, 2021, a Large Electing Provider may, to the extent permitted by and consistent with federal law, including, if applicable, approval by the Federal Communications Commission of the discontinuance of the interstate-access component of a telecommunication service, cease to offer and provide a telecommunications service to one or more of the following classes or groups of customers upon 60 days' notice to the Commission and affected customers: (1) electric utilities, as defined in Section 16-102 of this Act; (2) public utilities, as defined in Section 3-105 of this Act, that offers natural gas or water services; (3) electric, gas, and water utilities that are excluded from the definition of public utility under paragraph (1) of subsection (b) of Section 3-105 of this Act; (4) water companies as described in paragraph (2) of subsection (b) of Section 3-105 of this Act;

(5) natural gas cooperatives as described in paragraph (4) of subsection (b) of Section 3-105 of this Act; (6) electric cooperatives as defined in Section 3-119 of this Act; (7) entities engaged in the commercial generation of electric power and energy; (8) the functional divisions of public agencies, as defined in Section 2 of the Emergency Telephone System Act, that provide police or firefighting services; and (9) 9-1-1 Authorities, as defined in Section 2 of the Emergency Telephone System Act; provided that the date shall be extended to December 21, 2022, for (i) an electric utility, as defined in Section 16-102 of this Act, that serves more than 3 million customers in the State; and (ii) an entity engaged in the commercial generation of electric power and energy that operates one or more nuclear power plants in the State.

(c) Beginning June 30, 2017, a Large Electing Provider may, to the extent permitted by and consistent with federal law, cease to offer and provide voice telecommunications service to an identifiable class or group of residential customers, which, for the purposes of this subsection (c), shall be referred to as "requested service", subject to compliance with the following requirements:

(1) No less than 255 days prior to providing notice to the Federal Communications Commission of its intent to discontinue the interstate-access component of the requested service, the Large Electing Provider shall:

(A) file a notice of the proposed cessation of the

requested service with the Commission, which shall include a statement that the Large Electing Provider will comply with any service discontinuance rules and regulations of the Federal Communications Commission pertaining to compatibility of alternative voice services with medical monitoring devices; and

(B) provide notice of the proposed cessation of the requested service to each of the Large Electing Provider's existing customers within the affected geographic area by first-class mail separate from customer bills. If the customer has elected to receive electronic billing, the notice shall be sent electronically and by first-class mail separate from customer bills. The notice provided under this subparagraph (B) shall describe the requested service, identify the earliest date on which the Large Electing Provider intends to cease offering or providing the telecommunications service, provide a telephone number by which the existing customer may contact a service representative of the Large Electing Provider, and provide a telephone number by which the existing customer may contact the Commission's Consumer Services Division. The notice shall also include the following statement in English and in Spanish:

"If you do not believe that an alternative voice service including reliable access to 9-1-1

is available to you, from either [name of Large Electing Provider] or another provider of wired or wireless voice service where you live, you have the right to request the Illinois Commerce Commission to investigate the availability of alternative voice service including reliable access to 9-1-1. To do so, you must submit such a request either in writing or by signing and returning a copy of this notice, no later than (insert date), 60 days after the date of the notice to the following address:

Chief Clerk of the Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

You must include in your request a reference to the notice you received from [Large Electing Provider's name] and the date of notice."

Thirty days following the date of notice, the Large Electing Provider shall provide each customer to which the notice was sent a follow-up notice containing the same information and reminding customers of the deadline for requesting the Commission to investigate alternative voice service with access to 9-1-1.

(2) After June 30, 2017, and only in a geographic area for which a Large Electing Provider has provided notice of proposed cessation of the requested service to existing customers under paragraph (1) of this subsection (c), an

existing customer of that provider may, within 60 days after issuance of such notice, request the Commission to investigate the availability of alternative voice service including reliable access to 9-1-1 to that customer. For the purposes of this paragraph (2), existing customers who make such a request are referred to as "requesting existing customers". The Large Electing Provider may cease to offer or provide the requested service to existing customers who do not make a request for investigation beginning 30 days after issuance of the notice required by paragraph (5) of this subsection (c).

(A) In response to all requests and investigations under this paragraph (2), the Commission shall conduct a single investigation to be commenced 75 days after the receipt of notice under paragraph (1) of this subsection (c), and completed within 135 days after commencement. The Commission shall, within 135 days after commencement of the investigation, make one of the findings described in subdivisions (i) and (ii) of this subparagraph (A) for each requesting existing customer.

(i) If, as a result of the investigation, the Commission finds that service from at least one provider offering alternative voice service including reliable access to 9-1-1 through any technology or medium is available to one or more

requesting existing customers, the Commission shall declare by order that, with respect to each requesting existing customer for which such a finding is made, the Large Electing Provider may cease to offer or provide the requested service beginning 30 days after the issuance of the notice required by paragraph (5) of this subsection (c).

(ii) If, as a result of the investigation, the Commission finds that service from at least one provider offering alternative voice service, including reliable access to 9-1-1, through any technology or medium is not available to one or more requesting existing customers, the Commission shall declare by order that an emergency exists with respect to each requesting existing customer for which such a finding is made.

(B) If the Commission declares an emergency under subdivision (ii) of subparagraph (A) of this paragraph (2) with respect to one or more requesting existing customers, the Commission shall conduct a request for service process to identify a willing provider of alternative voice service including reliable access to 9-1-1. A provider shall not be required to participate in the request for service process. The willing provider may utilize any form of technology that is capable of providing alternative voice service

including reliable access to 9-1-1, including, without limitation, Voice over Internet Protocol services and wireless services. The Commission shall, within 45 days after the issuance of an order finding that an emergency exists, make one of the determinations described in subdivisions (i) and (ii) of this subparagraph (B) for each requesting existing customer for which an emergency has been declared.

(i) If the Commission determines that another provider is willing and capable of providing alternative voice service including reliable access to 9-1-1 to one or more requesting existing customers for which an emergency has been declared, the Commission shall declare by order that, with respect to each requesting existing customer for which such a determination is made, the Large Electing Provider may cease to offer or provide the requested service beginning 30 days after the issuance of the notice required by paragraph (5) of this Section.

(ii) If the Commission determines that for one or more of the requesting existing customers for which an emergency has been declared there is no other provider willing and capable of providing alternative voice service including reliable access to 9-1-1, the Commission shall issue an

order requiring the Large Electing Provider to provide alternative voice service including reliable access to 9-1-1 to each requesting existing customer utilizing any form of technology capable of providing alternative voice service including reliable access to 9-1-1, including, without limitation, continuation of the requested service, Voice over Internet Protocol services, and wireless services, until another willing provider is available. A Large Electing Provider may fulfill the requirement through an affiliate or another provider. The Large Electing Provider may request that such an order be rescinded upon a showing that an alternative voice service including reliable access to 9-1-1 has become available to the requesting existing customer from another provider.

(3) If the Commission receives no requests for investigation from any existing customer under paragraph (2) of this subsection (c) within 60 days after issuance of the notice under paragraph (1) of this subsection (c), the Commission shall provide written notice to the Large Electing Provider of that fact no later than 75 days after receipt of notice under paragraph (1) of this subsection (c). Notwithstanding any provision of this subsection (c) to the contrary, if no existing customer requests an

investigation under paragraph (2) of this subsection (c), the Large Electing Provider may immediately provide the notice to the Federal Communications Commission as described in paragraph (4) of this subsection (c).

(4) At the same time that it provides notice to the Federal Communications Commission of its intent to discontinue the interstate-access component of the requested service, the Large Electing Provider shall:

(A) file a notice of proposal to cease to offer and provide the requested service with the Commission; and

(B) provide a notice of proposal to cease to offer and provide the requested service to existing customers and new customers receiving the service at the time of the notice within each affected geographic area, with the notice made by first-class mail or within customer bills delivered by mail or equivalent means of notice, including electronic means if the customer has elected to receive electronic billing. The notice provided under this subparagraph (B) shall include a brief description of the requested service, the date on which the Large Electing Provider intends to cease offering or providing the telecommunications service, and a statement as required by 47 CFR 63.71 that describes the process by which the customer may submit comments to the Federal Communications Commission.

(5) Upon approval by the Federal Communications Commission of its request to discontinue the interstate-access component of the requested service and subject to the requirements of any order issued by the Commission under subdivision (ii) of subparagraph (B) of paragraph (2) of this subsection (c), the Large Electing Provider may immediately cease to offer the requested service to all customers not receiving the service on the date of the Federal Communications Commission's approval and may cease to offer and provide the requested service to all customers receiving the service at the time of the Federal Communications Commission's approval upon 30 days' notice to the Commission and affected customers. Notice to affected customers under this paragraph (5) shall be provided by first-class mail separate from customer bills. The notice provided under this paragraph (5) shall describe the requested service, identify the date on which the Large Electing Provider intends to cease offering or providing the telecommunications service, and provide a telephone number by which the existing customer may contact a service representative of the Large Electing Provider.

(6) The notices provided for in paragraph (1) of this subsection (c) are not required as a prerequisite for the Large Electing Provider to cease to offer or provide a telecommunications service in a geographic area where there are no residential customers taking service from the

Large Electing Provider on the date that the Large Electing Provider files notice to the Federal Communications Commission of its intent to discontinue the interstate-access component of the requested service in that geographic area.

(7) For a period of 45 days following the date of a notice issued under paragraph (5) of this Section, an existing customer (i) who is located in the affected geographic area subject to that notice; (ii) who was receiving the requested service as of the date of the Federal Communications Commission's approval of the Large Electing Provider's request to discontinue the interstate-access component of the requested service; (iii) who did not make a timely request for investigation under paragraph (2) of this subsection (c); and (iv) whose service will be or has been discontinued under paragraph (5), may request assistance from the Large Electing Provider in identifying providers of alternative voice service including reliable access to 9-1-1. Within 15 days of the request, the Large Electing Provider shall provide the customer with a list of alternative voice service providers.

(8) Notwithstanding any other provision of this Act, except as expressly authorized by this subsection (c), the Commission may not, upon its own motion or upon complaint, investigate, suspend, disapprove, condition, or otherwise

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regulate the cessation of a telecommunications service to an identifiable class or group of customers once initiated by a Large Electing Provider under subsection (b) or (b-5) of this Section or this subsection (c).

(Source: P.A. 100-20, eff. 7-1-17.)

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