



Rep. Michael J. Zalewski

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10000HB1187ham001

LRB100 02348 AWJ 37766 a

1 AMENDMENT TO HOUSE BILL 1187

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1187 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. If and only if Senate Bill 1451 of the 100th  
5 General Assembly becomes law, then the Small Wireless  
6 Facilities Deployment Act is amended by changing Section 7 as  
7 follows:

8 (10000SB1451enr, Sec. 7)

9 Sec. 7. Applicability. This Act does not apply to a  
10 municipality with a population of 1,000,000 or more or a  
11 municipality that has adopted an ordinance that regulates the  
12 collocation, siting, or placement of small wireless facilities  
13 on or before the effective date of this Act.

14 (Source: 10000SB1451enr.)

15 Section 10. The Public Utilities Act is amended by changing

1 Section 13-406.1 as follows:

2 (220 ILCS 5/13-406.1)

3 (Section scheduled to be repealed on December 31, 2020)

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

6 (a) As used in this Section:

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

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

20 "Large Electing Provider" means an Electing Provider, as  
21 defined in Section 13-506.2 ~~of this Act~~, that ~~(i)~~ reported in  
22 its annual competition report for the year 2016 filed with the  
23 Commission under Section 13-407 ~~of this Act~~ and 83 Ill. Adm.  
24 Code 793 that it provided at least 25,000 ~~700,000~~ access lines  
25 to end users~~+~~ and that did not itself, or by an affiliate,

1 receive funding from the universal service support fund  
2 established by the Commission under item (d) of subsection (1)  
3 of Section 13-301 (ii) is affiliated with a provider of  
4 commercial mobile radio service, as defined in 47 CFR 20.3, as  
5 of January 1, 2017.

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

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

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

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

23 (b) Beginning June 30, 2017, a Large Electing Provider may,  
24 to the extent permitted by and consistent with federal law,  
25 including, as applicable, approval by the Federal  
26 Communications Commission of the discontinuance of the

1 interstate-access component of a telecommunications service,  
2 cease to offer and provide a telecommunications service to an  
3 identifiable class or group of customers, other than voice  
4 telecommunications service to residential customers or a  
5 telecommunications service to a class of customers under  
6 subsection (b-5) of this Section, upon 60 days' notice to the  
7 Commission and affected customers.

8 (b-5) Notwithstanding any provision to the contrary in this  
9 Section 13-406.1, beginning December 31, 2021, a Large Electing  
10 Provider may, to the extent permitted by and consistent with  
11 federal law, including, if applicable, approval by the Federal  
12 Communications Commission of the discontinuance of the  
13 interstate-access component of a telecommunication service,  
14 cease to offer and provide a telecommunications service to one  
15 or more of the following classes or groups of customers upon 60  
16 days' notice to the Commission and affected customers: (1)  
17 electric utilities, as defined in Section 16-102 of this Act;  
18 (2) public utilities, as defined in Section 3-105 of this Act,  
19 that offers natural gas or water services; (3) electric, gas,  
20 and water utilities that are excluded from the definition of  
21 public utility under paragraph (1) of subsection (b) of Section  
22 3-105 of this Act; (4) water companies as described in  
23 paragraph (2) of subsection (b) of Section 3-105 of this Act;  
24 (5) natural gas cooperatives as described in paragraph (4) of  
25 subsection (b) of Section 3-105 of this Act; (6) electric  
26 cooperatives as defined in Section 3-119 of this Act; (7)

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

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

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

23 (A) file a notice of the proposed cessation of the  
24 requested service with the Commission, which shall  
25 include a statement that the Large Electing Provider  
26 will comply with any service discontinuance rules and

1 regulations of the Federal Communications Commission  
2 pertaining to compatibility of alternative voice  
3 services with medical monitoring devices; and

4 (B) provide notice of the proposed cessation of the  
5 requested service to each of the Large Electing  
6 Provider's existing customers within the affected  
7 geographic area by first-class mail separate from  
8 customer bills. If the customer has elected to receive  
9 electronic billing, the notice shall be sent  
10 electronically and by first-class mail separate from  
11 customer bills. The notice provided under this  
12 subparagraph (B) shall describe the requested service,  
13 identify the earliest date on which the Large Electing  
14 Provider intends to cease offering or providing the  
15 telecommunications service, provide a telephone number  
16 by which the existing customer may contact a service  
17 representative of the Large Electing Provider, and  
18 provide a telephone number by which the existing  
19 customer may contact the Commission's Consumer  
20 Services Division. The notice shall also include the  
21 following statement:

22 "If you do not believe that an alternative  
23 voice service including reliable access to 9-1-1  
24 is available to you, from either [name of Large  
25 Electing Provider] or another provider of wired or  
26 wireless voice service where you live, you have the

1 right to request the Illinois Commerce Commission  
2 to investigate the availability of alternative  
3 voice service including reliable access to 9-1-1.  
4 To do so, you must submit such a request either in  
5 writing or by signing and returning a copy of this  
6 notice, no later than (insert date), 60 days after  
7 the date of the notice to the following address:  
8 Chief Clerk of the Illinois Commerce Commission  
9 527 East Capitol Avenue  
10 Springfield, Illinois 62706

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

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

20 (2) After June 30, 2017, and only in a geographic area  
21 for which a Large Electing Provider has provided notice of  
22 proposed cessation of the requested service to existing  
23 customers under paragraph (1) of this subsection (c), an  
24 existing customer of that provider may, within 60 days  
25 after issuance of such notice, request the Commission to  
26 investigate the availability of alternative voice service

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

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

19 (i) If, as a result of the investigation, the  
20 Commission finds that service from at least one  
21 provider offering alternative voice service  
22 including reliable access to 9-1-1 through any  
23 technology or medium is available to one or more  
24 requesting existing customers, the Commission  
25 shall declare by order that, with respect to each  
26 requesting existing customer for which such a



1 finding is made, the Large Electing Provider may  
2 cease to offer or provide the requested service  
3 beginning 30 days after the issuance of the notice  
4 required by paragraph (5) of this subsection (c).

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

14 (B) If the Commission declares an emergency under  
15 subdivision (ii) of subparagraph (A) of this paragraph  
16 (2) with respect to one or more requesting existing  
17 customers, the Commission shall conduct a request for  
18 service process to identify a willing provider of  
19 alternative voice service including reliable access to  
20 9-1-1. A provider shall not be required to participate  
21 in the request for service process. The willing  
22 provider may utilize any form of technology that is  
23 capable of providing alternative voice service  
24 including reliable access to 9-1-1, including, without  
25 limitation, Voice over Internet Protocol services and  
26 wireless services. The Commission shall, within 45

1 days after the issuance of an order finding that an  
2 emergency exists, make one of the determinations  
3 described in subdivisions (i) and (ii) of this  
4 subparagraph (B) for each requesting existing customer  
5 for which an emergency has been declared.

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

18 (ii) If the Commission determines that for one  
19 or more of the requesting existing customers for  
20 which an emergency has been declared there is no  
21 other provider willing and capable of providing  
22 alternative voice service including reliable  
23 access to 9-1-1, the Commission shall issue an  
24 order requiring the Large Electing Provider to  
25 provide alternative voice service including  
26 reliable access to 9-1-1 to each requesting

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

15 (3) If the Commission receives no requests for  
16 investigation from any existing customer under paragraph  
17 (2) of this subsection (c) within 60 days after issuance of  
18 the notice under paragraph (1) of this subsection (c), the  
19 Commission shall provide written notice to the Large  
20 Electing Provider of that fact no later than 75 days after  
21 receipt of notice under paragraph (1) of this subsection  
22 (c). Notwithstanding any provision of this subsection (c)  
23 to the contrary, if no existing customer requests an  
24 investigation under paragraph (2) of this subsection (c),  
25 the Large Electing Provider may immediately provide the  
26 notice to the Federal Communications Commission as

1 described in paragraph (4) of this subsection (c).

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

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

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

24 (5) Upon approval by the Federal Communications  
25 Commission of its request to discontinue the  
26 interstate-access component of the requested service and

1 subject to the requirements of any order issued by the  
2 Commission under subdivision (ii) of subparagraph (B) of  
3 paragraph (2) of this subsection (c), the Large Electing  
4 Provider may immediately cease to offer the requested  
5 service to all customers not receiving the service on the  
6 date of the Federal Communications Commission's approval  
7 and may cease to offer and provide the requested service to  
8 all customers receiving the service at the time of the  
9 Federal Communications Commission's approval upon 30 days'  
10 notice to the Commission and affected customers. Notice to  
11 affected customers under this paragraph (5) shall be  
12 provided by first-class mail separate from customer bills.  
13 The notice provided under this paragraph (5) shall describe  
14 the requested service, identify the date on which the Large  
15 Electing Provider intends to cease offering or providing  
16 the telecommunications service, and provide a telephone  
17 number by which the existing customer may contact a service  
18 representative of the Large Electing Provider.

19 (6) The notices provided for in paragraph (1) of this  
20 subsection (c) are not required as a prerequisite for the  
21 Large Electing Provider to cease to offer or provide a  
22 telecommunications service in a geographic area where  
23 there are no residential customers taking service from the  
24 Large Electing Provider on the date that the Large Electing  
25 Provider files notice to the Federal Communications  
26 Commission of its intent to discontinue the

1 interstate-access component of the requested service in  
2 that geographic area.

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

20 (8) Notwithstanding any other provision of this Act,  
21 except as expressly authorized by this subsection (c), the  
22 Commission may not, upon its own motion or upon complaint,  
23 investigate, suspend, disapprove, condition, or otherwise  
24 regulate the cessation of a telecommunications service to  
25 an identifiable class or group of customers once initiated  
26 by a Large Electing Provider under subsection (b) or (b-5)

1           of this Section or this subsection (c).

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

3           Section 99. Effective date. This Act takes effect upon  
4 becoming law, except that Section 5 takes effect upon becoming  
5 law or on the date Senate Bill 1451 of the 100th General  
6 Assembly takes effect, whichever is later."